



FINAL MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, June 17, 2015
8:00 a.m.

Orange County Transportation Authority
First Floor - Boardroom
600 South Main Street, Orange, CA 92868

1. CALL TO ORDER

Chair **McGregor** called the regular meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:02 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner **Lisa Bartlett** led the Pledge of Allegiance.

3. OATH OF OFFICE - COMMISSIONER BUCKNUM

Commission Clerk **Cheryl Carter-Benjamin** administered the Oath of Office to **Commissioner Bucknum**.

4. ROLL CALL

The following Commissioners and Alternates were present:

- Chair **Derek J. McGregor**
- Vice Chair **John Withers**
- Commissioner **Lisa Bartlett**
- Commissioner **Dr. Allan Bernstein**
- Commissioner **Cheryl Brothers**
- Commissioner **Todd Spitzer**
- Commissioner **Charley Wilson**
- Alternate Commissioner **Wendy Bucknum**
- Alternate Commissioner **James Fisler**
- Alternate Commissioner **Kathryn Freshley**

The following Commissioner was absent:

- **Commissioner Andrew Do**

The following LAFCO staff members were present:

- Executive Officer Carolyn Emery
- Project Manager Benjamin Legbandt
- Policy Analyst Carolyn Jones
- Commission Clerk Cheryl Carter-Benjamin
- Legal Counsel Clark Alsop

5. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS

None

6. APPROVAL OF MINUTES

May 13, 2015 – Regular Commission Meeting Minutes

The minutes were approved with no revisions.

MOTION: Approve the May 13, 2015 Regular Commission Meeting Minutes. (Charley Wilson)

SECOND: John Withers

FOR: Derek J. McGregor, John Withers, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: None

ABSTAIN: Lisa Bartlett

MOTION PASSED

7. PUBLIC COMMENT

Chair McGregor requested public comments on any non-agenda items. There were none.

Chair McGregor closed public comments.

8. CONSENT CALENDAR

None

9. PUBLIC HEARING

None

10. COMMISSION DISCUSSION AND ACTION

10a. - California Association of Local Agency Formation Commissions (CALAFCO)

CALAFCO Executive Director Pamela Miller provided an overview to the Commission on CALAFCO's organizational structure, budget, ongoing member activities, and a briefing on current legislation impacting LAFCOs. Ms. Miller thanked Orange County LAFCO for their continued support of CALAFCO.

Commissioner Bucknum asked how Ms. Miller accommodates surges of legislative activities given the limitations placed on CALAFCO as a non-profit organization. Ms. Miller replied that she relies heavily on the members of CALAFCO's legislative committee and other LAFCO staff for assistance.

Commissioner Freshley asked if the CALAFCO University courses are available to the public. Ms. Miller replied that the courses are topic-specific and open, but they are usually not of interest and content specific to LAFCO.

10b. - History of Municipal Service Reviews (MSRs)

The presentation on the History of Municipal Service Review (Agenda Item 10b) was moved and presented after the overview of Orange County LAFCO's participation in the County's Retiree Medical Plan (Agenda Item 10e).

10c. - Revisions to Orange County LAFCO Personnel Policies and Procedures

Policy Analyst Carolyn Jones presented the proposed revisions to LAFCO's Personnel Policies & Procedures to comply with recent changes to the Healthy Workplace, Healthy Families Act of 2014, corrections to typographical errors and clarity regarding employment categories, sick leave benefits, and other time off.

Commissioner Spitzer recommended additional changes to the policy that would allow domestic violence victims to use leave other than sick leave for related matters, such as court appearances. Staff and legal counsel recommended that the Commission continue this item to allow staff to review and discuss further with legal counsel.

Commissioner Bartlett commented that she has empathy for domestic violence victims and understands **Commissioner Spritzer's** thoughts. However, she believes that by creating a standalone category it may be problematic for other leaves involving federal, state, and Commission laws and policies.

MOTION: Continue the revisions to the LAFCO Personnel Policies and Procedures to allow staff to review and discuss with legal counsel revisions recommended by Commissioner Spitzer at a future LAFCO Regular Meeting. (Allan Bernstein)

SECOND: Charley Wilson

FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: None

ABSTAIN: None

MOTION PASSED

10d. - Orange County LAFCO Consultant Contracts

Policy Analyst Carolyn Jones presented the staff report on LAFCO's current consultants and services provided. Ms. Jones also provided an overview on two new contracts: (1) Platinum Consulting, which provides accounting and budget preparation services, and (2) Davis Farr LLP, which provides bookkeeping services.

MOTION: Receive and file the annual update on consultant contracts; Ratify the proposed contract with Davis Farr LLP. (Todd Spitzer)

SECOND: Lisa Bartlett

FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: None

ABSTAIN: None

MOTION PASSED

10e. - Orange County LAFCO Participation in the County's Retiree Medical Plan

Project Manager Benjamin Legbandt presented the staff report to the Commission to approve an amendment that would allow the Commission to continue participating in the County of Orange Retiree Medical Plan.

Commissioner Freshley asked if the Retiree Medical Plan was fully funded or if it had any unfunded liabilities. Mr. Legbandt replied that the County recently restructured the Plan to ensure its long-term financial solvency.

MOTION: Adopt the form of resolution (CP 15-05) continuing participation in the County of Orange Retiree Medical Plan and County of Orange Retiree Medical Trust; Direct Chair to execute Amendment Number One to Participation Agreement

for County of Orange Retiree Medical Plan and County of Orange Retiree Medical Trust. (Allan Bernstein)

SECOND: John Withers

FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Todd Spitzer, Charley Wilson

AGAINST: None

ABSTAIN: None

MOTION PASSED

Commissioner Spitzer left at 9:10 a.m.

10b. - History of Municipal Service Reviews (MSRs)

Executive Officer Carolyn Emery provided the historical background and requirements of MSRs and summarized Orange County LAFCO's past efforts to meet the State mandate for the past three MSR cycles.

Commissioner Bucknum thanked Ms. Emery for the informative overview of MSRs.

MOTION: Receive and file the History of MSRs report. (John Withers)

SECOND: Allan Bernstein

FOR: Derek J. McGregor, John Withers, Lisa Bartlett, Allan Bernstein, Cheryl Brothers, Charley Wilson

AGAINST: None

ABSTAIN: None

MOTION PASSED

11. COMMISSIONER COMMENTS

Commissioner Bartlett welcomed **Commissioner Bucknum** and added that she looked forward to working with her.

Commissioner Bernstein also welcomed **Commissioner Bucknum** to LAFCO.

Commissioner Withers thanked Executive Director of CALAFCO Pamela Miller for her very informative presentation.

Commissioner Fisler asked if there was a map showing the relationship of the Orange County Sanitation District (OCSD) Service Area 7 boundary to the boundaries of Irvine Ranch Water District (IRWD) and East Orange County Water District (EOCWD). He further inquired about the activation of Latent Powers for water and sewer agencies. Mr. Legbandt replied that the draft documents were still being edited and that the maps of the EOCWD's and IRWD's service boundary

would be included in the final report. Legal Counsel Clark Alsop responded to the second question regarding the latent powers by providing background on LAFCO's role in the review of activation of latent powers and the powers authorized under different sections of state law related to water and sewer districts.

Commissioner Bucknum also thanked Executive Director of CALAFCO Pamela Miller for her very informative presentation and expressed eagerness to serve, learn, and contribute as a Commissioner.

Commissioner Freshley thanked the Executive Director of CALAFCO for her service and the Executive Officer for the report on the history of MSRs.

Chair McGregor reminded the Commissioners of the Community Workshop on the Focused Municipal Service Review for Orange County Sanitary District Service Area 7 (MSR 15-03). The **Chair** added that the Focused MSR report is in draft form and will go through significant changes before coming to the Commission in July.

12. EXECUTIVE OFFICER'S REPORT

Executive Officer updated the Commission on the following:

- **IT Consultant.** Ms. Emery informed the Commission that over the next few weeks, staff will be working with the IT consultant to explore the replacement of the current LAFCO iPads.
- **CALAFCO Annual Conference.** Ms. Emery noted that the annual conference will take place in Sacramento, September 2-4, at the Hyatt Regency Downtown and Commissioners should notify staff if planning to attend so that we can take advantage of early-bird discounts.
- **Incompatible Offices and FPPC.** Ms. Emery informed the Commissioners that LAFCO will begin planning for the next round of comprehensive MSRs and that because the reviews will include the Commissioners' home agencies, legal counsel was asked to provide a brief overview of incompatibility of office and the provisions of the Political Reform Act that affect LAFCO Commissioners. Ms. Emery added that both Clark and Scott were available to meet with Commissioners to provide additional details.

Legal Counsel Alsop gave a brief overview of incompatible office and how it does/does not affect LAFCO Commissioners. He also described briefly the reporting requirements for campaign contributions.

13. INFORMATIONAL ITEMS AND ANNOUNCEMENTS

13a. - Focused Municipal Service Review for Orange County Sanitary District Service Area 7 (MSR 15-03)

The Focused MSR for Orange County Sanitary District Service Area 7 will be considered by the Commission at the July 8, 2015 regular meeting.

14. CLOSED SESSION

None

15. ADJOURNMENT OF REGULAR COMMISSION MEETING

The meeting adjourned at 9:33 a.m.

Derek J. McGregor, Chairman
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk