



FINAL MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, August 10, 2016
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 8:03 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Wilson led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners and Alternates were present:

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

The following Commissioner was absent:

- **Alternate Commissioner Andrew Do**

The following LAFCO staff members were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Debra Kurita
- Policy Analyst Luis Tapia
- Commission Clerk Cheryl Carter-Benjamin
- Legal Counsel Scott Smith

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS
(Received After Agenda Distribution)**

There was no supplemental communications submitted.

5. APPROVAL OF MINUTES

July 13, 2016 – Regular Commission Meeting Minutes

The minutes were approved with no revisions.

MOTION: Approve the July 13, 2016 Regular Commission Meeting Minutes. (Allan Bernstein)

SECOND: Charley Wilson

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

6. PUBLIC COMMENT

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

Chair McGregor closed public comments.

7. CONSENT CALENDAR

7a. – Comprehensive Quarterly Report

Chair McGregor called for the approval of the consent calendar. Commissioner Withers motioned for approval of the consent calendar and Commissioner Wilson seconded. Commissioner Spitzer requested Agenda Item 7a be pulled for further discussion.

Commissioner Spitzer commented briefly on the issue that the Board of Supervisors considered at its last meeting involving the potential consolidation of Mesa Water District and Costa Mesa Sanitary District, which is discussed in the comprehensive quarterly report. He suggested that protocol be developed to provide the Commission with an update on potential projects.

Executive Officer Carolyn Emery responded that she encourages agencies to work with LAFCO staff in advance of filing applications. Ms. Emery added that there is a balance regarding how much LAFCO gets involved prior to an application being formally filed.

MOTION: Receive and file the fourth quarter comprehensive report for FY 2015-2016. (John Withers)

SECOND: Charley Wilson

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

8. PUBLIC HEARING

8a. - Plano Trabuco/Dove Canyon Annexation to the City of Rancho Santa Margarita (CA 13-11)

Executive Officer Emery recommended that the Commission continue this item to the next regular Commission meeting to allow the County and City more time to finalize the terms and conditions of the annexation.

MOTION: Continue Plano Trabuco/Dove Canyon Annexation to the City of Rancho Santa Margarita (CA 13-11) to the next Regular Commission Meeting. (Charley Wilson)

SECOND: Lisa Bartlett

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

9. COMMISSION DISCUSSION AND ACTION

9a. - Adoption of a Resolution Approving the Performance Bonus and Memorandum of Agreement for the Position of Executive Officer with Carolyn Emery

Chair McGregor presented the report and recommendations to the Commission to adopt the resolution approving the performance bonus and Memorandum of Agreement for Executive Officer Carolyn Emery.

MOTION: Adopt resolution approving the performance bonus and memorandum of agreement for the position of Executive Officer with Carolyn Emery; authorize the Chair to execute the appropriate documents. (Allan Bernstein)

SECOND: John Withers

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

9b. - Quarterly Legislation Report

Policy Analyst Luis Tapia presented the final update on legislation of LAFCO interest introduced during this legislative session.

Commissioners Spitzer and Bartlett requested staff to review the consistency of positions adopted by the Commission with those adopted by the County involving unfunded liability if an entity disincorporates and/or dissolves.

Staff will continue to monitor legislation through its participation with CALAFCO and contact with the County Legislative Affairs staff.

MOTION: Receive and file the Legislative Quarterly Report. (Allan Bernstein)

SECOND: John Withers

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

10. COMMISSIONER COMMENTS

Commissioner Brothers gave a brief oral report on the quarterly meeting of the Southern Region LAFCOs which took place on Monday, August 8, 2016 at the Santa Ana train station and the upcoming CALAFCO Annual Conference.

Chair McGregor restated that Executive Officer should report to the Commission on any potential projects during future regular meetings.

11. EXECUTIVE OFFICER'S REPORT

Executive Officer Carolyn Emery gave brief updates on each of the following:

- An upcoming meeting with the State Water Resources Control Board and County Environmental Health to discuss the sixteen small water public systems that exist in Orange County. An update on this discussion will be provided at a future meeting.
- The potential consolidation of Mesa Water District/Costa Mesa Sanitation District.
- An application expected by end of the month from the City of San Juan Capistrano for a focused MSR to review transfer of the City's water and wastewater operations and facilities. An update on the MSR process will be provided at a future meeting.
- The Little Hoover Commission will conduct a public hearing on August 25 to discuss special districts and LAFCO's role in consolidations. CALAFCO will testify at the hearing. A report published in 2000 by the Commission is available on the OCLAFCO website.
- A protest hearing was held for the approved EOCWD reorganization and no petitions were filed. OCSD provided a copy of letter to Commission and staff that includes an update on how the District will assist EOCWD to address additional infrastructure deficiencies within Area 7 recently identified. Prior to staff recording the reorganization final documents, Executive Officer consulted with legal counsel who confirmed it was appropriate to move forward with recordation.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

12a. - East Orange County Water District Reorganization for Local Sewer Service (RO 14-01) - Protest Hearing

Lisa Ohlund, General Manager of EOCWD provided brief comments on concluding the process and the OCSD letter.

12b. - CALAFCO Annual Conference

The 2016 conference is scheduled for October 26-28, in Santa Barbara.

13. OPENED SESSION

Chair McGregor informed the Commission that there is no open session.

14. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Commission meeting was adjourned to October 12, 2016 at 9:05 a.m.

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

By: 
Cheryl Carter-Benjamin
Commission Clerk