



## FINAL MINUTES

### LAFCO REGULAR MEETING AGENDA

Wednesday, October 12, 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 8:05 a.m.

#### 2. PLEDGE OF ALLEGIANCE

Commissioner **Bucknum** led the Pledge of Allegiance.

#### 3. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Derek J. McGregor**
- **Commissioner Charley Wilson**
- **Alternate Commissioner Wendy Bucknum**
- **Alternate Commissioner James Fisler**
- **Alternate Commissioner Kathryn Freshley**

The following Commissioners were delayed:

- **Commissioner Lisa Bartlett** (arrived at 8:09 a.m.)
- **Commissioner Todd Spitzer** (arrived at 8:09 a.m.)
- **Commissioner Cheryl Brothers** (arrived at 8:20 a.m.)

The following Commissioners were absent:

- **Vice Chair Allan Bernstein**
- **Commissioner John Withers**

- **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

**Chair McGregor** made a motion to commence the agenda in reverse order starting with Agenda Item 12 (Informational Items) as many Commissioners were delayed. Motion moved by **Commissioner Wilson** and seconded by **Commissioner Bucknum**.

## **12. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

**12a. - Meeting Room Change**

**12b. - LAFCO Ethics Training**

**12c. - CALAFCO Annual Conference**

Executive Officer Carolyn Emery provided an overview on the informational items noting the meeting room change as of November 9, 2016 for all regular Commission Meetings. She reminded the Commission of the requirement to complete the mandatory ethics training prior to December 31, 2016 and to submit the certification of completion to the Commission Clerk. Ms. Emery also informed the Commission and public of the closure of the office due to the annual CALAFCO conference from October 27-28 in Santa Barbara.

**Commissioners Bartlett and Spitzer** arrived at 8:09 a.m.

## **11. EXECUTIVE OFFICER'S REPORT**

Executive Officer Carolyn Emery informed the Commission of the following items:

- An application from the City of San Juan Capistrano was received on August 22, 2016 requesting a MSR focusing on the potential transfer of the City's water and wastewater facilities and operations. Ms. Emery noted that the process will be approximately 6 to 12-months. In addition to the city, she stated that four agencies of interest will be included in this process: Irvine Ranch Water District, Moulton Niguel Water District, Santa Margarita Water District, and South Coast Water District.
- Ms. Emery announced that she had been recruited to be the Deputy Executive Officer of CALAFCO representing the Southern Region. The appointment

will afford her the opportunity to work directly with CALAFCO's Executive Officer, Pamela Miller, in the planning of the upcoming annual conferences, staff workshops, and proposed legislation of LAFCO interest. She informed the Commission that CALAFCO reimburses the agency for all travel and staff time through a \$4,000 stipend. The stipend will be pro-rated based on Ms. Emery assuming office at the end of October 2016 during the CALAFCO Annual Conference.

## 9. COMMISSION DISCUSSION AND ACTION

### 9a. - OCERS FY 2017-2018 Retirement Contribution Rates and Prepayment Program

Executive Officer Carolyn Emery presented the staff report to the Commission to consider the adoption of the retirement contribution rates approved by Orange County Employees Retirement System (OCERS) for FY 2017-2018. She also reminded the Commission of its participation in the OCERS prepayment program which provides a discount to the agency for paying retirement contributions in advance.

**Commissioner Fisler** asked for clarification on how the discount rate of 4.50% for early payment is applied. Ms. Emery stated that OC LAFCO staff provides OCERS with annual salary projections, which OCERS staff uses to calculate the estimated total pension cost for the agency. If LAFCO participates in the prepayment program there is a discount of 4.50% applied to that total pension cost when the agency submits its payment to OCERS by January 15, 2017.

**Commissioner Brothers** arrived at 8:20 a.m.

**MOTION:** Adopt the form of resolution approving the retirement rates for FY 2017-2018 as adopted by OCERS. (Lisa Bartlett)

**SECOND:** Todd Spitzer

**FOR:** Derek J. McGregor, Lisa Bartlett, Cheryl Brothers  
Wendy Bucknum, James Fisler, Todd Spitzer, Charley Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

### 9b. - Amendment to Sharon Browning & Associates Contract

Assistant Executive Officer Debra Kurita presented the staff report to the Commission to consider a proposed second amendment to the professional services contract with Sharon Browning & Associates.

**Commissioner Spitzer** commended Sharon Browning on the work she performed for LAFCO and other agencies and asked if Ms. Browning is currently under a sole source contract and if so, if there is a justification form. Ms. Emery noted that Sharon Browning's current contract is an ongoing one that is on an as-needed basis and was approved by the Commission prior to the implementation of the sole-source justification form. **Commissioner Spitzer** recommended that staff review contracts that are currently "Evergreen Contracts" to ensure the Commission has an opportunity to review them on a systematic basis and to continue to make the process of awarding contracts transparent.

**Commissioner Bartlett** noted that the Board of Supervisors has a policy that all contracts go out to bid every five years to ensure the process remains open and transparent.

**MOTION: Approve Amendment No. 2 to the Agreement for Services between LAFCO and Sharon Browning & Associates, and authorize the Executive Officer to execute the amendment. (Todd Spitzer)**

**SECOND: Lisa Bartlett**

**FOR: Derek J. McGregor, Lisa Bartlett, Cheryl Brothers  
Wendy Bucknum, James Fisler, Todd Spitzer, Charley Wilson**

**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) (continued from August 10, 2016)**

Policy Analyst Luis Tapia presented the staff report to the Commission to consider the proposed annexation of 1.7 acres of uninhabited territory to the City of Rancho Santa Margarita and to approve the filing of the CEQA documents.

**Chair McGregor** opened the public hearing and requested comments from the public on the Plano Trabuco/Dove Canyon Annexation to the City of Rancho Santa Margarita (CA 13-11). There were none.

**Chair McGregor** closed the public hearing and called for the motion.

**MOTION: Adopt the form of resolution approving the proposed annexation; Certify that the Commission has reviewed and considered the CEQA documents prepared by the City of Rancho Santa Margarita; Approve the Notice of Determination; and Set a 21-day protest period and direct the**

Executive Officer to conduct protest proceedings. (Lisa Bartlett)

**SECOND:** Todd Spitzer

**FOR:** Derek J. McGregor, Lisa Bartlett, Cheryl Brothers  
Wendy Bucknum, James Fisler, Todd Spitzer, Charley Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

**7. CONSENT CALENDAR**

None

**6. PUBLIC COMMENT**

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

Chair McGregor closed public comments.

**5. APPROVAL OF MINUTES**

**October 12, 2016 - Regular Commission Meeting Minutes**

The minutes were approved with no revisions.

**MOTION:** Approve the October 12, 2016 Regular Commission Meeting Minutes. (James Fisler)

**SECOND:** Wendy Bucknum

**FOR:** Derek J. McGregor, Lisa Bartlett, Cheryl Brothers  
Wendy Bucknum, James Fisler, Todd Spitzer, Charley Wilson

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED**

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

There was no supplemental communications submitted.

## 10. COMMISSIONER COMMENTS

**Commissioner Fisler** thanked Assistant Executive Officer Debra Kurita on her presentation to the Water Advisory Committee of Orange County (WACO). He added that Ms. Kurita's and Policy Analyst Luis Tapia's presentation and attendance at both WACO and ISDOC Executive Committee meetings reflected well of Orange County LAFCO.

**Commissioner Bucknum** noted that the City of Mission Viejo will host a community event, *Walk Against Drugs* at the high school.

**Commissioner Wilson** informed the Commission about an event held on Monday, October 10, 2016 celebrating the conversion of the Mission Viejo Lake, from portable drinking water to highly treated recycled water.

**Commissioner Spitzer** recommended that the Commission review the 2017 LAFCO calendar prior to its approval for any unforeseen events.


**Commissioner Bartlett** congratulated Executive Officer Carolyn Emery on the new leadership role at CALAFCO. She noted that the representation of OC LAFCO at the state level will provide a voice on behalf of Orange County.

**Chair McGregor** extended well wishes to the Commissioners running in the November 2016 election and reminded the Commission of the upcoming CALAFCO conference in Santa Barbara.

## 13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The meeting adjourned at 8:41 a.m.

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

By:   
Cheryl Carter-Benjamin  
Commission Clerk