



FINAL MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, February 8, 2017
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

Chair McGregor 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
- Policy Analyst Gavin Centeno
- Commission Clerk Cheryl Carter-Benjamin
- Legal Counsel Scott Smith

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

None

5. APPROVAL OF MINUTES

January 11, 2017 - Regular Commission Meeting Minutes

The minutes were approved with revisions.

MOTION: Approve the January 11, 2017 Regular Commission Meeting Minutes with revisions. (Allan Bernstein)

SECOND: Lisa Bartlett

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

AGAINST: None

ABSTAIN: Cheryl Brothers

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

Chair McGregor called for the approval of the consent calendar.

7a. - Comprehensive Quarterly Report

7b. - LAFCO Fee Schedule

MOTION: Approve the Consent Calendar. (Charley Wilson)

SECOND: Allan Bernstein

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

None

9. COMMISSION DISCUSSION AND ACTION

9a. - Amendments to the LAFCO Guidelines for Evaluating Proposals and Policy on Conflicting Proposals (Continued from January 11, 2017)

Executive Officer Carolyn Emery presented the staff report on this item, noting that this item had been discussed and continued at two previous meetings. She explained that the purpose of the continuance at the January meeting was to allow LAFCO's general counsel the opportunity to review and prepare a response to the correspondence received by Mesa Water District's legal counsel. Ms. Emery further noted that the Commission also asked staff to incorporate changes to the section of the guidelines that discusses the demonstration of community support for an application. Ms. Emery summarized the proposed amendments and reiterated that the intent of the policy is to provide a structure for the Commission in its processing and evaluating applications. Ms. Emery stated that the recommended revised guidelines contain a minor change in the provision regarding public records requests as a result of an issue raised in the letter from Mesa Water. Ms. Emery then asked Legal Counsel to summarize the information provided in response to the correspondence from the Mesa Water District.

Legal Counsel Scott Smith provided a brief overview of the legal issues contained in the comment letters of East Orange County Water District, Costa Mesa Sanitation District, and the Mesa Water District. Mr. Smith stated that after reviewing the comments he has concluded that the proposed revised policy and guidelines, as presented, are consistent with State law. Mr. Smith emphasized three key points:

- LAFCO has broad legislative authority to approve, deny, or modify proposals;
- LAFCO has the authority, but not the mandate, to establish standards for its review of proposals, including the interpretation of statutory and local criteria for approval; and
- LAFCO has the authority, but not the mandate, to require that information relating to those standards for approval be submitted with applications, rather than later in the process.

Commissioner Fisler asked how often the Policies and Procedures are updated and mentioned that not all the dates on the bottom of the policies seem to reflect an annual review. Ms. Emery replied that, in past, the policy manual was reviewed and updated annually. However, based on the direction of the Commission, the 2016-17 Work Plan identified specific policies for the Commission to review in depth. She pointed out that the dates shown at the base of each policy identify when the policy was first adopted, the date of the last review and the date of the last time it was revised.

After deliberation by the Board, **Chair McGregor** summarized the Commission's discussions of the policies during the past few meetings, noted that the Ad-Hoc Committee and staff reviewed the policies to address public comments and the issues identified by the Commission; acknowledged that legal counsel addressed the questions raised about the authority of the Commission to define the requirements of the process; and reiterated that the policies provide a guideline to applicants, noting that the Commission can make adjustments depending upon the complexity or uniqueness of an application.

Chair McGregor asked if there were any speakers from the public on this item.

Paul Shoenberger, General Manager of Mesa Water District spoke to the process of the guidelines and asked the Commission to consider conducting a workshop for a more in-depth discussion on the proposed policy and guidelines.

Chair McGregor closed the public comments on this item.

Commissioner Bucknum voiced her support for moving forward with the guidelines so that the Commission may provide appropriate oversight on the projects that come before it and focus on other projects in the Work Plan.

MOTION: Adopt the Commission's Guidelines for Processing Applications and Evaluating Proposals and the Commission's Policy for Processing Conflicting Proposals. (Cheryl Brothers)

SECOND: Todd Spitzer

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

AGAINST: John Withers

ABSTAIN: None

MOTION PASSED

9b. – Orange County Leadership Symposium Update (Continued from January 11, 2017)

Executive Officer Carolyn Emery presented a brief overview on the continued agenda item. She provided additional details on the event including the objectives for the program, the structure, program content, and costs. Ms. Emery informed the Commission that an invitation letter to the Symposium, the program and the registration information were provided with the agenda item for their review. Ms. Emery concluded by recommending that the Commission discuss their interest in participating in the Leadership Symposium.

Commissioner Bartlett asked whether LAFCO paid a sponsorship fee to ACC-OC for this program. Ms. Emery replied that LAFCO has not contributed financially to the OCLS program and has only provided support through staff participation in planning of the program. However, if LAFCO Commissioners attend OCLS, the costs of the Symposium would be sponsored by LAFCO and other boards, councils as appropriate.

Chair McGregor noted the lack of interest from the Commission and called for the motion to receive and file the update on the Orange County Leadership Symposium.

Commissioner Withers left at 9:20 a.m.

- MOTION:** Receive and file the Orange County Leadership Symposium update. (Allan Bernstein)
SECOND: Charley Wilson
FOR: Derek J. McGregor, Allan Bernstein, Lisa Bartlett, Cheryl Brothers, Todd Spitzer, Charley Wilson
AGAINST: None
ABSTAIN: None

MOTION PASSED

10. COMMISSIONER COMMENTS

None

11. EXECUTIVE OFFICER'S REPORT

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

- LAFCO staff has begun meeting with Orange County's legislators to provide background and information on LAFCO and any projects within their district.

- **RDA Oversight Committee:** Effective July 1, 2018, the redevelopment successor agency oversight boards will be consolidated into a countywide oversight board. In addition to cities and county representatives, the board will include a special district member. In Orange County, that representative will be appointed by the Independent Special District Selection Committee (ISDOC), which is comprised of 27 special district board presidents. The State law provides that this process be coordinated by the LAFCO Executive Officer. Additional details will be outlined by CALAFCO who worked with CSDA on the appointment process.
- **SB 1266:** This legislation requires that JPAs providing municipal services, such as fire, police, water, sewer, submit their agreements and any amendments to agreements to LAFCOs by July 1 of this year. Staff will send letters to the agencies informing them of the new requirement and create a database to post these agreements on the LAFCO website.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

12a. - Annual Filing of Form 700

Commission Clerk Cheryl Carter-Benjamin reminded the Commission that their completed Form 700 documents are due to the LAFCO office no later than April 1, 2017.

12b. - CALAFCO Southern Region Annual Meeting Update

Commissioner Brothers provided an update on the Southern Region's recent meeting. She noted that during the meeting there was a discussion of the structural change to the annual conferences, whereby CALAFCO will take on the responsibilities of the conference programming. She mentioned that the Southern Region members are being asked to participate in the process of planning for the 2018 annual conference, which will be held in San Diego. **Commissioner Brothers** concluded by announcing that CALAFCO is looking for sponsors and if any Commissioner's agency is aware of a logical sponsor, please provide contact information to the Executive Director Pamela Miller who will do the outreach.

12c. - 2017 LAFCO Strategic Planning Session

Chair McGregor reminded the Commission of the Strategic Planning Session schedule for Friday, March 31, 2017 at the Santa Ana Police Department from 9:00 a.m. to 1:00 p.m.

13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Commission meeting was adjourned at 9:30 a.m.

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

By: Cheryl Carter-Benjamin
Cheryl Carter-Benjamin
Commission Clerk