



FINAL MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, November 8, 2017
8:00 a.m.

Planning Commission Hearing Room
Hall of Administration
333 W. Santa Ana Blvd.
10 Civic Center Plaza, Santa Ana, CA 92701

1. CALL TO ORDER

Chair McGregor called the regular meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:06 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Withers led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Derek J. McGregor**
- **Commissioner Lisa Bartlett**
- **Commissioner Cheryl Brothers**
- **Commissioner Charley Wilson**
- **Commissioner John Withers**
- **Alternate Commissioner James Fisler**

The following Commissioner was delayed:

- **Vice Chair Allan Bernstein** (arrived at 8:13 a.m.)

The following Commissioners were absent:

- **Commissioner Todd Spitzer**
- **Alternate Commissioner Wendy Bucknum**

- **Alternate Commissioner Lou Penrose**
- **Alternate Commissioner Michelle Steel**

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 COMMUNICATION
(Received After Agenda Distribution)**

Commission Clerk Cheryl Carter-Benjamin noted supplemental correspondence from Costa Mesa Sanitary District received after the agenda distribution.

5. APPROVAL OF MINUTES

5a. - October 11, 2017 - Regular Commission Meeting Minutes

The regular minutes were approved with no revisions.

MOTION: Approve the October 11, 2017 Regular Commission Meeting Minutes. (John Withers)

SECOND: Lisa Bartlett

FOR: Derek J. McGregor, Lisa Bartlett, Cheryl Brothers,
John Withers

AGAINST: None

ABSTAIN: Charley Wilson

MOTION PASSED

6. PUBLIC COMMENT

Chair McGregor requested public comments on any non-agenda items.

Bob Ooten, Board Member for the Costa Mesa Sanitary District commented on the supplemental correspondence provided to the Commission. He noted that the document identifies concerns about information provided by Commission Fidler to the Commission regarding a study that supports the consolidation of the Costa Mesa Sanitary District with the Mesa Water District.

Chair McGregor closed public comments.

7. CONSENT CALENDAR

There were no consent calendar items.

8. PUBLIC HEARING

There were no public hearing items.

9. COMMISSION DISCUSSION AND ACTION

9a. – Proposed Revisions to the “OC LAFCO Bylaws” and “Policy and Guidelines for Disadvantage Unincorporated Communities”

Chair McGregor provided an overview to the Commission, noting that these are two of several policies that were identified for review during the strategic planning session. He further noted that the Ad-Hoc Committee reviewing the policies is comprised of himself, **Commissioner Withers** and **Commissioner Brothers**. He concluded by stating that the proposed changes to the Bylaws and the adoption of the new policy on Disadvantaged Unincorporated Communities are recommended by the Ad-Hoc Committee for final approval by the Board.

Commission Clerk Cheryl Carter-Benjamin stated that there was one speaker on this item.

John Lewis, Lewis Consultant Group, LLC, commented that the proposed deletion of the five-day noticing requirement from Section 1.27(F) does not support transparency by the Commission and should not be removed.

Legal Counsel Smith responded that the policy references the provisions of the Cortese-Knox-Hertzberg Act, and to ensure consistency with the Act, the specific noticing requirements within the local policy were removed. Mr. Smith continued by stating that it is OC LAFCO’s standard practice to publish its agenda seven days in advance, which exceeds the legal requirements.

Commissioner Bartlett recommended maintaining the current language to reinforce the commitment to openness and transparency. Mr. Smith stated that the policy could reflect the current practice of posting the agenda not less than seven days prior to the meeting.

MOTION: Approve the proposed revisions to Commission Bylaws with the addition of the phrase, “not less than seven days” to Section 1.27(F) and adopt the new policy on Disadvantaged Unincorporated Communities. (John Withers)

SECOND: Cheryl Brothers
FOR: Derek J. McGregor, Lisa Bartlett, Cheryl Brothers,
Charley Wilson, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

9b. - FY 2017-18 Comprehensive Quarterly Report - First Quarter

Assistant Executive Officer Debra Kurita provided an overview of the Comprehensive Report for the first quarter of the 2017-18 fiscal year. She highlighted the progress on several projects including the stakeholders outreach process for the next round of Municipal Service Reviews and the outreach efforts on the Unincorporated Islands program. She noted that earlier in the week, the La Habra City Council approved the actions moving forward with the annexation of the six remaining unincorporated islands within the City's sphere. She also discussed the financial details provided in the report, highlighting a new feature that displays the status of two contracts that were approved and budgeted in the 2016-17 fiscal year, and informing the Commission that 95 percent of the apportionments for 2017-18 have been collected and that the expenditures are within budget for the first quarter.

Vice Chair Bernstein arrived during this agenda item at 8:13 a.m.

MOTION: Receive and file the 2017-18 Comprehensive Quarterly Report.
(Allan Bernstein)
SECOND: John Withers
FOR: Derek J. McGregor, Allan Bernstein, Lisa Bartlett,
Cheryl Brothers, Charley Wilson, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

9c. - Proposed 2018 LAFCO Calendar

Executive Officer Carolyn Emery gave a brief staff report on the proposed Commission meeting dates for 2018. Ms. Emery also added that the calendar includes the Strategic Planning Session to be conducted in March, in place of the Commission's regular meeting, with an adjusted start time of 9:00 a.m., meeting location to be determined.

MOTION: Adopt the 2018 Meeting Calendar. (Lisa Bartlett)
SECOND: Allan Bernstein
FOR: Derek J. McGregor, Allan Bernstein, Lisa Bartlett,
Cheryl Brothers, Charley Wilson, John Withers

AGAINST: None
ABSTAIN: None

MOTION PASSED

9d. - California Associations of Local Agency Formation Commissions (CALAFCO) Board of Directors Update

Commissioner Brothers provided an overview of actions and discussions from CALAFCO Board. She started with an update on the results of the election process and appointments. She announced her appointment to the Ad Hoc Committee that will focus on the CALAFCO budget and the dues allocation formula. She also shared that CALAFCO staff will offer assistance to individual LAFCOs in establishing websites and in mapping Disadvantaged Unincorporated Communities, to ensure compliance with new State law.

MOTION: Receive and file the CALAFCO Update. (Allan Bernstein)
SECOND: John Withers
FOR: Derek J. McGregor, Allan Bernstein, Lisa Bartlett, Cheryl Brothers, Charley Wilson, John Withers
AGAINST: None
ABSTAIN: None

MOTION PASSED

10. COMMISSIONER COMMENTS

Commissioner Fisler began to address the supplemental correspondence received from the Costa Mesa Sanitary District. Legal Counsel Smith informed the Commissioner that he could provide a brief response, but could not discuss any off-agenda items under "Commissioner Comments".

Chair McGregor recommended that this off-agenda item be placed on the agenda of a future meeting, to give the Commissioners an opportunity to review the document and allow time for further discussion with legal counsel. **Commissioner Fisler** agreed. Legal Counsel Smith asked that **Chair McGregor**, with the concurrence of the Commission, have the item placed on the next agenda. The Commissioners concurred. The Commission Clerk asked for clarity as to the action. Mr. Smith clarified that, with the consensus of the Commission, the Chair directed that the item be placed on the agenda for the next regular Commission meeting under the "Commissioner Comments" section.

Vice Chair Bernstein extended a Happy Thanksgiving to the Commissioners and staff.

Commissioner Bartlett also wished everyone a Happy Thanksgiving. She also offered to make parking available in the employee's parking structure for the Commissioners and staff attending the Commission meetings. She referred anyone interested to contact her Policy Aide, Mary Follo.

Commissioner Brothers congratulated the Executive Officer Carolyn Emery and staff for a job well done on the Annual CALAFCO Conference program.

Chair McGregor noted the excellent program at this year's CALAFCO conference, congratulated Executive Officer Carolyn Emery, who served as the Program Chair, and thanked the LAFCO staff for their leadership and representation.

11. EXECUTIVE OFFICER'S REPORT

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

- **CALAFCO Annual Conference:** Thanked **Chair McGregor** and **Commissioner Brothers** for their participation at the 2018 CALAFCO Annual Conference.
- **Hall of Administration - Building Access:** LAFCO will work with County staff to obtain access to the facility prior to the Commission meeting start time. She further noted that public access is not available until 8:00 a.m. **Chair McGregor** proposed changing the current start time from 8:00 a.m. to 8:15 a.m. Legal Counsel Scott Smith stated with the recent adoption of the Bylaws and calendar, a motion for reconsideration would be needed by the Commission.

MOTION: Reconsider Agenda Items #9a and 9c with revisions to the Bylaws and the 2018 Meeting Calendar to reflect the start time of 8:15 a.m. effective December 2017. (Cheryl Brothers)

SECOND: Lisa Bartlett

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

AGAINST: None

ABSTAIN: None

MOTION PASSED

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

12a. - CALAFCO Annual Conference

Chair McGregor noted the update was provided earlier by **Commissioner Brothers**.

13. CLOSED SESSION

Chair McGregor announced that there was no closed session.

14. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Regular Commission meeting was adjourned at 8:44 a.m.

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

By: 
Cheryl Carter-Benjamin
Commission Clerk