



## FINAL MINUTES

### OC LAFCO REGULAR MEETING AGENDA

Wednesday, January 13, 2021  
8:15 a.m.

*Due to COVID-19, this meeting was conducted by teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspend certain requirements of the Ralph M. Brown Act.*

#### 1. CALL TO ORDER

**Chair Davert** called the meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:16 a.m., announced that the Commission meeting is being conducted by teleconference, and participation by Commissioners and staff are from remote locations.

#### 2. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Douglass Davert**
- **Vice Chair Donald Wagner (arrived at 8:30 a.m.)**
- **Commissioner Lisa Bartlett**
- **Commissioner Wendy Bucknum**
- **Commissioner James Fisler**
- **Commissioner Derek J. McGregor**
- **Commissioner Mike Posey**
- **Alternate Commissioner Kathryn Freshley (arrived at 8:20 a.m.)**
- **Alternate Commissioner Lou Penrose**

The following OC LAFCO staff members were present:

- **Executive Officer Carolyn Emery**
- **Policy Analyst Luis Tapia**
- **Policy Analyst Gavin Centeno**
- **Commission Clerk Cheryl Carter-Benjamin**
- **Legal Counsel Scott Smith**

**3. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION  
(Received After Agenda Distribution)**

Commission Clerk Cheryl Carter-Benjamin noted that no supplemental communication was received.

**4. PUBLIC COMMENT**

**Chair Davert** requested public comments on any non-agenda items.

Commission Clerk Cheryl Carter-Benjamin read written comments submitted by email from Joseph Brennehan, Chair of Ladera Ranch Civic Council and Margaret Novak, resident of Ladera Ranch. (*Attachment A*)

**Chair Davert** closed the public comments.

**5. CONSENT CALENDAR**

**Chair Davert** called for the approval of the consent calendar. **Commissioner Posey** motioned for approval of the consent calendar and **Commissioner Bucknum** seconded the motion.

**Chair Davert** called for a roll call vote on the approval of the consent calendar. The Commission Clerk conducted a roll call vote on the item.

**5a. - Approval of Minutes - December 9, 2020 Regular Commission Meeting**

**5b. - Appointment Processes for OC LAFCO Expiring Term and Vacancies**

**5c. - OC LAFCO Professional Services Agreements Update**

**MOTION:** Approve the consent calendar. (Mike Posey)

**SECOND:** Wendy Bucknum

**FOR:** Mike Posey, Wendy Bucknum, Donald Wagner, Lisa Bartlett,  
James Fisler, Derek J. McGregor, Douglass Davert,

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED:** 7-0.

**6. PUBLIC HEARING**

No public hearing items scheduled.

## 7. COMMISSION DISCUSSION AND ACTION

### 7a. - OC LAFCO 2020-2021 Work Plan Mid-Year Update

Executive Officer Carolyn Emery presented the staff report on the mid-year work plan update for the current fiscal year and staff recommendation.

**Chair Davert** called for approval of the staff recommendation. **Commissioner Bucknum** motioned to approve the staff recommendation and **Commissioner Posey** seconded the motion.

**Chair Davert** called for a roll call vote on the approval of the staff recommendation. The Commission Clerk conducted a roll call vote on the item.

**MOTION:** Receive and file the Fiscal Year 2020-2021 Work Plan Mid-Year Update. (Wendy Bucknum)  
**SECOND:** Mike Posey  
**FOR:** Wendy Bucknum, Mike Posey, Donald Wagner, Lisa Bartlett, James Fisler, Derek J. McGregor, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0.**

### 7b. - Professional Services Agreement with Davis Farr LLP

Executive Officer Carolyn Emery provided a summary of the professional services agreement with Davis Farr LLP and highlighted the competitive bidding process conducted jointly with four southern LAFCOs. Ms. Emery introduced Shannon Ayala and Jonathan Foster from Davis Farr and stated the staff recommendation.

**Chair Davert** called for the approval of the staff recommendation. **Commissioner Bartlett** motioned to approve the staff recommendation and **Commissioner Posey** seconded the motion.

**Chair Davert** called for a roll call vote on the approval of the staff recommendation. **Commissioner Bucknum** noted that she had to step away during the staff presentation of the item. The Commission Clerk conducted a roll call vote on the item.

**MOTION:** Approve the professional services agreement with Davis Farr LLP for professional auditing services. (Lisa Bartlett)  
**SECOND:** Mike Posey  
**FOR:** Lisa Bartlett, Mike Posey, Donald Wagner, James Fisler, Derek J. McGregor, Douglass Davert,  
**AGAINST:** None

**ABSTAIN: Wendy Bucknum**

**MOTION PASSED: 6-0-1.**

**7c. - San Diego LAFCO Legislative Effort to Amend Government Code Section 56133**

Policy Analyst Luis Tapia gave the staff presentation and staff recommendation, and acknowledged the presence of Keene Simmonds, the Executive Officer of San Diego LAFCO.

Commission discussion and questions ensued. The Commission expressed general support of San Diego LAFCO's effort. Staff was directed to join San Diego LAFCO in its effort to further explore amendment of the government code. Staff was also directed to keep the Commission apprised of support of the effort by other LAFCOs and provide specific bill language when available.

**Chair Davert** requested a motion providing specific direction on the item. **Commissioner Bucknum** motioned for the Commission to join in research and general support of the San Diego LAFCO legislative effort. **Commissioner Bartlett** seconded the motion.

**Chair Davert** called for a roll call vote on the motion. The Commission Clerk conducted a roll call vote on the item.

**MOTION: Join in research and general support of the San Diego LAFCO legislative effort to amend government code section 56133. (Wendy Bucknum)**

**SECOND: Lisa Bartlett**

**FOR: Wendy Bucknum, Lisa Bartlett, Derek J. McGregor, Mike Posey, Douglass Davert**

**AGAINST: None**

**ABSTAIN: Donald Wagner, James Fisler**

**MOTION PASSED: 5-0-2.**

**8. COMMISSIONER COMMENTS**

General comments were made by Commissioners.

## 9. EXECUTIVE OFFICER'S REPORT

The Executive Officer gave an oral update on the following:

- **OC LAFCO Leave Expansion and Emergency Paid Sick Leave Policy (Coronavirus)**

Executive Officer Carolyn Emery provided a general update on the Commission's temporary emergency leave policy for the Coronavirus that expired on December 31, 2020. She asked for feedback regarding extension of the leave and bringing back another policy at a future meeting for Commission consideration. The Commission expressed interest in extending the leave and staff was directed to bring back another policy for consideration at the February meeting.

## 10. INFORMATIONAL ITEMS & ANNOUNCEMENTS

### **10a. – LAFCO Application for Detachment of Territory from the City of Tustin: Proposed "Pomeroy Property Detachment from the City of Tustin" (CD 20-13)**

Policy Analyst Gavin Centeno provided oral comments on a proposed detachment application filed by landowner petition.

## 11. CLOSED SESSION

The **Chair** stated that there were no closed session items for discussion.

## 12. NOTICE OF ADJOURNMENT OF THE REGULAR COMMISSION MEETING

**Chair Davert** adjourned the Regular Commission Meeting at 9:13 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, February 10, 2021, at 8:15 a.m.

Douglass Davert, Chair  
Orange County Local Agency Formation Commission

By:   
Cheryl Carter-Benjamin  
Commission Clerk



LADERA RANCH  
**Civic Council**

CHAIR

Joseph Brenneman

VICE CHAIR

Ed Gow

TREASURER

J. Ocana

SECRETARY

Matthew Bottomly, Esq.

COUNCILMEMBER

Rosemary Scott

COUNCILMEMBER

Justin Finch, MPP

COUNCILMEMBER

Adam Henningsen

*Your Community,  
Your Voice*

January 4, 2021

To: Honorable Chair Douglass Davert

From: Ladera Ranch Civic Council

Subject: South Orange County Governance

Ladera Ranch is one of the only unincorporated communities in Orange County that has an active quasi-governmental body, the Ladera Ranch Civic Council (LRCC). The LRCC is the precursor to a local incorporated government that provides input to the Orange County governing boards as the Ladera Ranch civic representation. Over the years, we have made strides in community engagement and partnerships with our local businesses.

The Orange County Local Agency Formation Commission has endeavored to complete a South Orange County Governance Visioning Process Report in 2016. Over four years later, the same areas studied, including Ladera Ranch, remain unincorporated and without any concrete plan for moving forward towards incorporation or annexation.

We acknowledge that the current pandemic has made it difficult to organize and engage with the community. However, we wish to remind the Commission that LRCC remains dedicated to working with the OC LAFCO staff and Commission, and moving forward with a path towards incorporation.

When the Commission deems it safe and appropriate to resume community gatherings and engagement, we look forward to working together again. We believe that the best path forward is together.

Thank you for your time and service to our community.

Sincerely,

*Joe Brenneman*

Joseph Brenneman, Chair  
Ladera Ranch Civic Council

## ATTACHMENT A

**From:** [Margaret Novak](#)  
**To:** [Cheryl Carter-Benjamin](#)  
**Subject:** PUBLIC COMMENT: OC LAFCO Board Meeting (1/13/21)  
**Date:** Tuesday, January 12, 2021 7:55:13 PM

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Good afternoon,

I would like to submit the following public comment for tomorrow's OC LAFCO Board meeting. Please confirm receipt.

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I have lived in south Orange County for 12 years, and the last five years have been in Ladera Ranch. During that time, I have served on several boards in support of my community - including the Ladera Ranch Civic Council, LARMAC (Ladera Ranch's Master HOA), South Orange County Economic Coalition (ECONPAC), and OCTA's Citizens Advisory Committee. Professionally, I have worked in land use planning and transportation for 20+ years.

I offer this background as context in communicating my sincere appreciation for the mission of LAFCO, this board, and our 5th District Supervisor Lisa Bartlett (specifically). You all have many demands on your time and competing interests to balance, so I appreciate your continued focus in representing our unincorporated communities.

While serving on the Ladera Ranch Civic Council between 2017-2019, I did my homework in coming to realize incorporation is complicated and timing is everything. I met with Supervisor Bartlett and her staff; Carolyn Emery and her staff; Dan Kelly, Mike Basalmo, and Jeremy Laster from Rancho Mission Viejo (RMV); Greg Rath, then-Mayor of Mission Viejo; and even State Senator Pat Bates, as a former champion of incorporation for the City of Laguna Niguel. I've also participated in California (Un)Incorporated's efforts to revive the Vehicle License Fee (VLF) as a funding mechanism for incorporation. I am an avid supporter of small government and local control, but the current legislative and economic climate poses real challenges to incorporation unless our south county unincorporated communities discuss a "path forward" together.

To that end, I want to share three points:

1. Regardless of financial feasibility, I believe it would be a mistake for Ladera Ranch to incorporate on its own. Geographically, Ladera Ranch is the central link connecting Coto de Caza, Wagon Wheel, Stonecliff, and Las Flores to the north and Rancho Mission Viejo (RMV) to the south. Upon build-out in the next 10-15 years, the best chance for economic vitality will come from these communities incorporating together as one City.
2. In response to my fellow Ladera Ranch resident's comments last month, I agree that LAFCO should "re-run the numbers" to understand the viability of incorporation, but not yet. It is prudent to wait until the 2020 Census results are available this Summer and we are no longer in a down economy from COVID.
3. I recognize it's in your 2021 Strategic Plan to start re-engaging stakeholders from the South Orange County Visioning Study completed in 2016. I respectfully request that you not limit the dialogue to just representatives of the Ladera Ranch Civic Council (relative to my community). There are several very engaged champions of Ladera Ranch who know our community well and work hard behind the scenes to make it the best it can be, now and into the future. Please keep us posted on how we can help LAFCO going forward.

Thank you kindly,

Margaret Novak  
Ladera Ranch Resident