



## FINAL MINUTES

### OC LAFCO REGULAR MEETING AGENDA

Wednesday, June 12, 2019  
8:15 a.m.

Orange County Transportation Authority  
Conference Room - 08  
550 South Main Street, Orange, CA 92868

#### 1. CALL TO ORDER

**Chair Brothers** called the meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:16 a.m.

#### 2. PLEDGE OF ALLEGIANCE

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

#### 3. ROLL CALL

The following Commissioners and Alternates were present:

- **Chair Cheryl Brothers**
- **Vice Chair Douglass Davert**
- **Commissioner Lisa Bartlett**
- **Commissioner Allan Bernstein**
- **Commissioner Derek J. McGregor**
- **Alternate Commissioner James Fisler**
- **Alternate Commissioner Lou Penrose**

The following Commissioner was delayed:

- **Alternate Commissioner Wendy Bucknum (arrived at 8:20 a.m.)**

The following Commissioners were absent:

- **Commissioner Donald Wagner**
- **Alternate Commissioner Michelle Steel**

The following OC 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 that no supplemental correspondence was received.

**5. APPROVAL OF MINUTES**

**5a. – May 8, 2019 - Regular Commission Meeting**

The regular minutes were approved with no revisions.

**MOTION: Approve the May 8, 2019 Regular Commission Meeting Minutes. (Douglass Davert)**

**SECOND: Allan Bernstein**

**FOR: Cheryl Brothers, Douglass Davert, Lisa Bartlett,  
Allan Bernstein, James Fisler, Derek J. McGregor,**

**AGAINST: None**

**ABSTAIN: None**

**MOTION PASSED: 6-0.**

**6. PUBLIC COMMENT**

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

Commission Clerk Cheryl Carter-Benjamin announced the speaker who provided comments on a non-agenda item.

Sandra F. Jacobs, Board President for Santa Margarita Water District, announced her candidacy for Special District Regular Member seat to the Orange County Local Agency Formation Commission.

There were no other speakers. **Chair Brothers** closed the public comments.

7. CONSENT CALENDAR

**7a. – Recognition of Dedicated Service for Former Commissioner Charley Wilson**

Mr. Wilson made departing comments and expressed his pleasure in serving on the Board.

**MOTION:** Adopt the resolution recognizing former Commissioner Charley Wilson for his service on the OC LAFCO Board.  
(Allan Bernstein)

**SECOND:** Douglass Davert

**FOR:** Cheryl Brothers, Douglass Davert, Lisa Bartlett,  
Allan Bernstein, James Fisler, Derek J. McGregor,

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED:** 6-0.

8. PUBLIC HEARING

**8a. – Los Alisos Areas 1 and 2 Annexation to Orange County Sanitation District (DA19-01)**

Policy Analyst Gavin Centeno presented the staff report on the Los Alisos Areas 1 and 2 Annexation to Orange County Sanitation District (OCSD). Mr. Centeno concluded his presentation by acknowledging Adam Nazaroff, Orange County Sanitation District and Eric Akiyoshi, Irvine Ranch Water District who were also available to answer questions.

Chair Brothers opened the public hearing.

Kathryn Freshley, Board Member for El Toro Water District, noted that her question on this item was answered by the information provided in the staff presentation.

Chair Brothers closed the public hearing and called for the motion.

**MOTION:** Certify that the Commission has reviewed and considered the information contained within the Notice of Exemption prepared by OCSD; Approve the Notice of Exemption; Adopt the form of resolution and concurrent amendment to the sphere of influence for OCSD; and Authorize and direct the Executive Officer to conduct protest proceedings and set a 21-day protest period following the 30-day reconsideration period. (Allan Bernstein)

**SECOND:** Douglass Davert

**FOR:** Cheryl Brothers, Douglass Davert, Lisa Bartlett,  
Allan Bernstein, James Fisler, Derek J. McGregor

**AGAINST: None**  
**ABSTAIN: None**

**MOTION PASSED: 6-0.**

## 9. COMMISSION DISCUSSION AND ACTION

### **9a. – Adoption of a Resolution Approving the First Amendment to Memorandum of Agreement for the Position of Executive Officer with Carolyn Emery**

Legal Counsel Scott Smith presented the staff report on the First Amendment to Memorandum of Agreement for the Position of Executive Officer.

During the consideration of this item, the Commission discussed being presented with salary and benefit comparisons for comparable positions in future consideration of changes in the MOU, receiving additional information regarding the impact on the continued use of reserves in balancing the budget, and having staff provide information detailing the budgets for the past five years.

**MOTION: Adopt the Resolution Approving the First Amendment to Memorandum of Agreement for the Position of Executive Officer with Carolyn Emery. (Douglass Davert)**

**SECOND: Derek J. McGregor**

**FOR: Cheryl Brothers, Douglass Davert, Allan Bernstein,  
Derek J. McGregor,**

**AGAINST: Lisa Bartlett, James Fisler**

**ABSTAIN: None**

**MOTION PASSED: 4-2.**

## 10. COMMISSIONER COMMENTS

The Commissioners congratulated former Commissioner Charley Wilson for his tenure with OC LAFCO, his mentorship and the wealth of knowledge brought to the Board.

**Commissioner Fisler** requested that the following questions and responses be placed in the minutes for the record as a benefit to the public:

**Commissioner Fisler** asked, "What is LAFCO's role in land use planning in these unincorporated areas?"

Executive Officer Carolyn Emery responded that the Commission is not involved in land use planning. She explained that the

Commission's role is to make decisions regarding the services to be delivered within unincorporated areas, cities and special districts. She noted that land use planning and authority rests with the Board of Supervisors for the County unincorporated areas and with the cities for the land within their boundaries.

**Commissioner Fisler** asked, "Are we prohibited from land use?"

Executive Officer Carolyn Emery responded that the statute that governs LAFCOs does not grant LAFCO authority to directly regulate land use.

**Commissioner Fisler** asked, "The services in these unincorporated areas are provided by the governing agency in that area, correct? In general because I want to know what LAFCOs role, as I understand it, the County if they are the governing agency, they provide most or all of the services but that they do not provide water or wastewater and that is the role of LAFCO to identify somewhere along, I know we have identified them for a lot of areas already but that was identified by LAFCO, who does water and wastewater, is that correct?"

Executive Officer Carolyn Emery responded that in the unincorporated areas in South County the providers of the water and wastewater services have been identified.

**Commissioner McGregor** commended **Chair Brothers** for a job well done as a CALAFCO Board Member.

## 11. EXECUTIVE OFFICER'S REPORT

The Executive Officer Carolyn Emery gave oral updates on the following:

- **11a. – Request by the City of San Juan Capistrano to the Orange County Employees Retirement System (OCERS)**  
The Executive Officer summarized the request by the City of San Juan Capistrano to OCERS regarding the disposition of the City's retirement funds if the water utility is transferred to the Santa Margarita Water District. The Executive Officer further noted that staff will keep the Commission informed of this matter as needed and schedule for further discussion if OC LAFCO action is warranted.
- **11b. – City of Placentia proposed withdrawal from the Orange County Fire Authority.**  
The Executive Officer informed the Commission of an inquiry as to OC LAFCOs role and responsibilities relative to the City of Placentia's proposed withdrawal from OCFA and establishment of its own Fire Department. She

explained that OC LAFCO had no role in the process because it involves the formation of a fire department within a city's jurisdictional boundary. She added that she will be engaging the Orange County City Managers Association (OCCMA) about making a presentation at their monthly meeting to educate the group on this topic.

**12. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

The **Chair** stated that there were no informational items or announcements.

**13. CLOSED SESSION**

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

**14. NOTICE OF ADJOURNMENT OF THE REGULAR COMMISSION MEETING**

The Regular Commission Meeting was adjourned at 9:20 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, August 14, 2019 at 8:15 a.m. at the Hall of Administration, Planning Commission Hearing Room, 333 W. Santa Ana Blvd., 10 Civic Center Plaza, Santa Ana, CA 92701.

Cheryl Brothers, Chair  
Orange County Local Agency Formation Commission

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