

DRAFT MINUTES

5a

OC LAFCO REGULAR MEETING AGENDA

Wednesday, August 12, 2020
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 Brothers called the meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:17 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 Cheryl Brothers**
- **Vice Chair Douglass Davert**
- **Commissioner Lisa Bartlett**
- **Commissioner Wendy Bucknum**
- **Commissioner Derek J. McGregor**
- **Commissioner Donald Wagner**
- **Alternate Commissioner Kathryn Freshley**

The following Commissioner was delayed:

- **Commissioner James Fisler (arrived at 8:22 a.m.)**

The following Commissioners were absent:

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

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 correspondence was received.

4. PUBLIC COMMENT

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

Commission Clerk Cheryl Carter-Benjamin noted that no written comments were submitted by email on non-agenda items. **Chair Brothers** closed the public comments.

5. CONSENT CALENDAR

Chair Brothers called for the approval of the consent calendar. **Vice Chair Davert** motioned for approval of the consent calendar and **Commissioner Wagner** seconded the motion.

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

5a. - Approval of Minutes - July 8, 2020 Regular Commission Meeting

5b. - 2020-21 CALAFCO Board of Directors Nominations and Election Process

MOTION: Approve the consent calendar. (Douglass Davert)
SECOND: Donald Wagner
FOR: Douglass Davert, Donald Wagner, Lisa Bartlett,
Wendy Bucknum, Kathryn Freshley, Derek J. McGregor,
Cheryl Brothers
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

Commissioner Fisler arrived during this agenda item at 8:22 a.m.

6. PUBLIC HEARING

No public hearing items scheduled.

7. COMMISSION DISCUSSION AND ACTION

7a. - Legislative Report (August 2020)

Policy Analyst Luis Tapia presented the August legislative report and provided highlights of Senate Bill 414 (SB 414).

The Commission discussed the language provided in SB 414, noting concern with the bill based on the exclusion of the LAFCO process and provisions to address larger water systems and that it eviscerates local control. **Chair Brothers** noted that the bill focuses on small water systems that are inadequate within Central California and added that the Commission may want to consider a neutral position as an alternative to an oppose position.

Chair Brothers called for public comments. The Commission Clerk read comments submitted by email from Stacy Taylor, Water Policy Manager of Mesa Water District (*Attachment A*).

Chair Brothers called for a motion on the item. **Commissioner McGregor** made a motion to adopt an oppose position on SB 414. **Vice Chair Davert** seconded the motion.

The Commission Clerk conducted a roll call vote on the item.

MOTION: Receive and file the August 2020 legislative report; Adopt an oppose position on SB 414. (Derek J. McGregor)

SECOND: Douglass Davert

FOR: Derek J. McGregor, Douglass Davert, Lisa Bartlett, Wendy Bucknum, James Fisler, Donald Wagner, Cheryl Brothers

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

7b. - Staff Overview and Recruitment

Executive Officer Carolyn Emery presented an overview on staff resources and update on the recruitment for the vacant Assistant Executive Officer position.

Chair Brothers called for Commission discussion and public comments. The Commission Clerk noted no public comments were received by email on this item.

Chair Brothers stated based on OC LAFCO's policy on accounting and financial procedures, the Commission delegates authority to the Executive Officer to execute an agreement not exceeding \$10,000. Based on this policy the execution of an agreement with CPS HR consulting may be executed by the Executive Officer and does not require formal action by the Commission, unless directed.

7c. - 2020-21 OC LAFCO Work Plan - Continued from July 8, 2020

Executive Officer Carolyn Emery presented the staff report on the FY 2020-21 Work Plan, noting the adjustments made to the work plan since the July 8 meeting based on current staffing.

Chair Brothers called for Commission discussion and public comments. Commission Clerk Cheryl Carter-Benjamin noted no public comments were received by email on this item. **Chair Brothers** called for a motion on the item. **Vice Chair Davert** made a motion to adopt the 2020-2021 OC LAFCO Work Plan. **Commissioner McGregor** seconded the motion.

The Commission Clerk conducted a roll call vote on the item.

MOTION: Adopt the 2020-2021 OC LAFCO Work Plan. (Douglass Davert)

SECOND: Derek J. McGregor

FOR: Douglass Davert, Derek J. McGregor, Lisa Bartlett, Wendy Bucknum, James Fisler, Donald Wagner, Cheryl Brothers

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

7d. - Orange LAFCO Communications Plan and Amendment to Professional Consultant Services Agreement with CV Strategies

Policy Analyst Gavin Centeno presented the communications plan and amendment to the professional consultant services agreement with CV Strategies. He acknowledged Erin Gilhuly, President of CV Strategies who presented the proposed communication plan and implementation strategies for Commission consideration.

Chair Brothers called for Commission discussion and public comments.

The Commission acknowledged the detailed work of CV Strategies and the well-prepared communication plan and recommended strategies. Additional Commissioner comments noted the importance of community awareness to understand the role, process and recommendations of LAFCO, in particular involving the unincorporated communities which are often not familiar with

LAFCO. Concerns regarding the cost to implement the communication plan were stated.

The Commission Clerk noted no public comments were received by email on this item. **Chair Brothers** called for a motion on the item. **Commissioner Bucknum** made a motion to approve the communications plan and the first amendment to the professional services agreement with CV Strategies. **Commissioner Bartlett** seconded the motion.

The Commission Clerk conducted a roll call vote on the item.

MOTION: Approve the Communications Plan prepared by CV Strategies; Approve the First Amendment to the professional services agreement with CV Strategies. (Wendy Bucknum)

SECOND: Lisa Bartlett

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

AGAINST: Donald Wagner

ABSTAIN: None

MOTION PASSED: 6-1.

8. COMMISSIONER COMMENTS

No general comments were made by Commissioners.

9. EXECUTIVE OFFICER'S REPORT

The Executive Officer noted that there were no items to report.

10. INFORMATIONAL ITEMS & ANNOUNCEMENTS

10a. - CALAFCO Update

Chair Brothers informed the Commission of the upcoming virtual sessions that will be conducted by CALAFCO, cancellation of the annual conference and the conducting of the board elections by mail ballot. She added that regional roundtables will also be hosted by CALAFCO and would keep the Commission informed.

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 Brothers adjourned the Regular Commission Meeting at 9:46 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, September 9, 2020, at 8:15 a.m.

Cheryl Brothers, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk

Attachments:

Attachment A: Public Comment for Agenda Item 7a

From: [Stacy Lynne Taylor](#)
To: [Cheryl Carter-Benjamin](#)
Cc: [Carolyn Emery](#); "[James Fisler](#)"
Subject: SB 414 - comments for OC LAFCO's 8/12 meeting
Date: Tuesday, August 11, 2020 4:14:28 PM

Hi Cheryl, below are comments re. SB 414:

- Due to our engagement on the Human Right to Water issue, Mesa Water has historically supported this bill, that proposes to create the Small System Water Authority Act, because it would only apply to small water systems of 3,000 or less connections that are consistently failing to provide safe, reliable water to DAC/SDAC communities.
- Our understanding was that the bill's intent is to provide another tool, besides consolidations & service extensions, to prevent chronically non-compliant water systems from serving contaminated water to Californians by merging non-compliant water systems, or those that are chronically at risk of failing, into a larger & more robust public water systems that can take advantage of improved economies of scale, streamlined managerial functions, & enhanced financial capacity.
- Recently, however, Mesa Water was informed that some water associations with which we are aligned may be taking an "Oppose Unless Amended" position on this bill due to process & technical concerns with this bill, including some of the LAFCO concerns. With this new info, Mesa Water may be revisiting the bill to reconsider our position.

Thank you,

Stacy Lynne Taylor
Water Policy Manager



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