



DRAFT MINUTES

5a

OC LAFCO REGULAR MEETING AGENDA

Wednesday, December 9, 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

Vice Chair Davert called the meeting of the Orange County Local Agency Formation Commission (OC LAFCO) to order at 8:15 a.m., announced that the Commission meeting is being conducted by teleconference, and participation by Commissioners and staff are from remote locations.

2. BOARD APPOINTMENT - COMMISSIONER POSEY

Commission Clerk Cheryl Carter-Benjamin announced the appointment to the OC LAFCO Regular City Member seat made by the City Selection Committee.

3. ROLL CALL

The following Commissioners and Alternates were present:

- **Vice Chair Douglass Davert**
- **Commissioner Lisa Bartlett**
- **Commissioner Wendy Bucknum**
- **Commissioner James Fisler**
- **Commissioner Derek J. McGregor**
- **Commissioner Mike Posey**
- **Commissioner Donald Wagner**
- **Alternate Commissioner Kathryn Freshley**
- **Alternate Commissioner Lou Penrose**

The following Commissioner was absent:

- **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

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

Commission Clerk Cheryl Carter-Benjamin noted that an updated version of the Fiscal Year 2019-20 OC LAFCO Audited Financial Statements for Agenda Item No. 9a was distributed to the Commission and posted on the agency website.

5. PRESENTATION

5a – Recognition of Service – Commissioner Cheryl Brothers

Vice Chair Davert presented a resolution to Commissioner Brothers, recognizing her contributions during her tenure on the Commission.

Executive Director Pamela Miller of CALAFCO recognized Commissioner Brothers' remarkable service, leadership, and dedication during her six-year tenure on the CALAFCO Board of Directors. The Commissioners commended and thanked Commissioner Brothers for her service and mentorship to LAFCO and commitment on multiple boards.

Ms. Brothers made departing comments and expressed appreciation of the time spent as an OC LAFCO Commissioner.

Vice Chair Davert motioned to adopt the resolution recognizing Cheryl Brothers for her service and **Commissioner Bucknum** seconded the motion.

Vice Chair Davert called for a roll call vote on the adoption of the resolution recognizing Cheryl Brothers. The Commission Clerk conducted a roll call vote on the item.

MOTION: Adopt the Resolution recognizing Cheryl Brothers for her service. (Douglass Davert)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

6. PUBLIC COMMENT

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

Commission Clerk Cheryl Carter-Benjamin read written comments submitted by email from C. Todd Stearns, President of Ladera Rancho Chamber of Commerce.

Vice Chair Davert closed the public comments.

7. CONSENT CALENDAR

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

Vice 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.

7a. - Approval of Minutes - October 14, 2020 Regular Commission Meeting

MOTION: Approve the consent calendar. (Derek J. McGregor)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: Mike Posey

MOTION PASSED: 6-0-1.

8. PUBLIC HEARING

No public hearing items scheduled.

9. COMMISSION DISCUSSION AND ACTION

9a. - Fiscal Year 2019-20 OC LAFCO Audited Financial Statements

Executive Officer Carolyn Emery provided a summary of staff's recommendation and introduced Jennifer Farr of Davis Farr LLP who presented an overview of the agency's audited financial statements for the Fiscal Year 2019-2020.

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

Vice 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 2019-2020 OC LAFCO audited financial statements. (Wendy Bucknum)

SECOND: Derek J. McGregor

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9b. - Legislative Report (December 2020)

Policy Analyst Luis Tapia presented the December legislative report and staff recommendation.

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

Vice 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 December 9, 2020 Legislative Report. (Mike Posey)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9c. - 2021 Strategic Planning Workshop

Executive Officer Carolyn Emery presented the staff report on the 2021 Strategic Planning Workshop and recommended that the Commission postpone the workshop to June 9, 2021 due to the current restrictions for conducting in-person meetings.

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

Vice 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: Postpone the 2021 Strategic Planning Workshop to June 9, 2021. (Mike Posey)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9d. – Election of LAFCO Officers for 2021

Vice Chair Davert called for the nomination of the OC LAFCO Chair.

Commissioner Bucknum nominated **Vice Chair Davert** to serve as the OC LAFCO Chair and **Commissioner Posey** seconded the motion. **Vice Chair Davert** called for other nominations for the OC LAFCO Chair. There were none.

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

MOTION: Nominate Vice Chair Davert to serve as the 2021 LAFCO Chair. (Wendy Bucknum)

SECOND: Mike Posey

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

Chair Davert expressed his appreciation to Commissioners for their support.

Commissioner Bucknum expressed an interest in serving as the Vice Chair. **Commissioner Bartlett** nominated **Commissioner Bucknum** to serve as OC LAFCO Vice Chair and **Commissioner McGregor** seconded the motion.

A substitute motion was made by **Chair Davert** nominating **Commissioner Wagner** to serve as Vice Chair and **Commissioner Posey** seconded the motion.

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

MOTION: Nominate Commissioner Wagner to serve as the 2021 LAFCO Vice Chair. (Douglass Davert)

SECOND: Mike Posey

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

10. COMMISSIONER COMMENTS

General comments were made by Commissioners.

11. EXECUTIVE OFFICER'S REPORT

The Executive Officer gave oral updates on the following:

- **Joint Request for Proposal Process for Selection of Independent Auditor**
Executive Officer Carolyn Emery noted the participation of the southern region LAFCOs in a joint request for proposals process for the selection of an independent auditor to prepare each LAFCOs audited financial statements. She added that a contract would be presented to the Commission in January for consideration.
- **Staff Recruitment**
Executive Officer Carolyn Emery noted that the recruitment for the Assistant Executive Officer is underway and expected to conclude in early January.
- **CALAFCO Webinar and Regional Roundtable**
Executive Officer Carolyn Emery updated the Commission on recent webinars and the southern region meetings attended by Commissioners and staff.
- **Anticipated Projects**
The Executive Officer gave a brief overview of anticipated applications that include a municipal service review that focuses on harbor patrol services within the Newport Beach Harbor and the detachment of an undeveloped parcel from the City of Tustin.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

12a. - Bi-Annual Ethics Training Requirement

12b. - Sexual Harassment Avoidance Training Requirement

Chair Davert reminded the Commissioners to complete the bi-annual ethics training and the sexual harassment avoidance training and provide the Commission Clerk with copies of their completed certifications.

13. CLOSED SESSION

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

14. NOTICE OF ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:30 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, January 13, 2021, at 8:15 a.m.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk

Attachments:

Attachment A: Public Comment for Agenda Item 6

Esteemed Commissioners,

2020 is a year most everyone would like to forget. But, lost amid all the chaos was a milestone here in Ladera Ranch, our 20th birthday. Twenty years is a long time!

I am sure you would agree: a lot has changed in the last 20 years. Regional challenges have grown. The complexity of managing a municipality has also grown and demands greater attention and diligence.

Ladera Ranch deserves to have a consistent seat at the table with the political authority to represent her residents and to pursue the community's best interests.

We are familiar with the last "LAFCO Visioning Process" and its findings. The fiscal summary showed a revenue surplus of approximately \$800k for Ladera Ranch with the VLF included, a challenge we recognize. Other options include the formation of a MAC or CSD. Annexation by an adjacent city like Mission Viejo also is a possibility.

We do not know which option is the most viable for Ladera Ranch but we are certain taking a fresh look at the topic of local governance could help to illuminate the path forward. 2020 was a Census year and that data will be helpful in updating metrics for our area when it is made public. What has changed and what could benefit us?

- Home pricing has appreciated significantly and we would expect revenues from property taxes to be higher
- Revenue from the VLF is an issue that will deserve scrutiny but there has been some legislative movement since the 2015 study
- Unlike most other unincorporated areas, we have a retail engine in our four commercial centers (over 1 million square feet) that generate sales tax revenue
- On the cost side, we would expect to see significant savings from the continual maintenance operations of our master association, LARMAC

We have gotten off track in south Orange County as we continue to develop new communities that have remained under County management, seemingly into perpetuity, untethered to an equally important, timeline for those communities to self-govern.

So here is our ask of LAFCO through the OC LAFCO Unincorporated Areas Program:

- Provide leadership for a new, streamlined "2021 Visioning Process for Ladera Ranch" that focuses only on the unincorporated area of Ladera Ranch. RMV deserves study too but at a future date consistent with further development
- Update the financials to reflect current data
- Engage *all* influential stakeholders and other interested parties
- Utilize "Zoom" in current climate for outreach
- Recommend and quantify an actionable plan forward

Twenty years is a long time; long enough. We need local leaders with the vision and community connections to help Ladera develop its own **identity** among South Orange County cities – and we have them! It is time to give us the opportunity to participate more consistently and intimately in the operation of our community. We are ready to take the first step forward!

Thank you for your consideration and attention in 2021.

-Ladera Rancho Chamber of Commerce
C. Todd Stearns, President