

DRAFT MINUTES

OC LAFCO REGULAR MEETING AGENDA

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

Due to COVID-19, this meeting was conducted virtually pursuant to the provisions of AB 361 in an effort to protect the safety of the Commission and its constituents.

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. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. ROLL CALL

The following Commissioners were present:

- **Chair Douglass Davert**
- **Vice Chair Donald Wagner**
- **Commissioner Lisa Bartlett (arrived at 8:48 a.m.)**
- **Commissioner Wendy Bucknum**
- **Commissioner James Fisler**
- **Commissioner Derek J. McGregor**
- **Commissioner Mike Posey (arrived at 8:24 a.m.)**
- **Alternate Commissioner Kathryn Freshley**
- **Alternate Commissioner Peggy Huang**
- **Alternate Commissioner Lou Penrose**

The following Commissioner was absent:

- **Alternate Commissioner Katrina Foley**

The following OC LAFCO staff members were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Raymond Barragan
- Policy Analyst Luis Tapia
- Policy Analyst Gavin Centeno
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

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

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

5. PUBLIC COMMENT

Chair Davert requested public comments on any non-agenda items. Commission Clerk Cheryl Carter-Benjamin noted no public comments were received prior to the start of the meeting. **Chair Davert** closed the hearing of public comments.

6. CONSENT CALENDAR

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

The Commission Clerk conducted a roll call vote on the consent calendar.

6a. – Approval of Minutes – August 19, 2021 Regular Commission Meeting

6b. – Fiscal Year 2021-22 Financial Quarterly Report (1st Quarter)

6c. – Legislative Quarterly Report (1st Quarter)

MOTION: Approve the consent calendar. (Wendy Bucknum)
SECOND: Derek J. McGregor
FOR: Wendy Bucknum, Derek J. McGregor, Donald Wagner,
James Fisler, Peggy Huang, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

7. PUBLIC HEARING

7a. – Proposed “Santa Ana River Reorganization – Area 2A (RO 21-04)”

Assistant Executive Officer Raymond Barragan gave the staff presentation and noted that staff and representatives from the City of Anaheim were available to answer any questions.

Chair Davert called for Commission discussion and public comments. Commission Clerk Cheryl Carter-Benjamin noted no comments were received by email on the item. There were general discussion and comments from the Commission. **Chair Davert** closed the hearing of public comments.

Chair Davert called for a motion on the recommended actions. **Commissioner Fisler** motioned to approve the recommended actions by staff and **Commissioner Posey** seconded the motion.

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

MOTION: Confirm the Commission has reviewed and considered the information contained within the Notice of Exemption prepared by the City of Anaheim; Direct the Executive Officer to file the Notice of Exemption; Adopt LAFCO Resolution RO 21-04 approving the Santa Ana River Reorganization – Area 2A; and Waive protest proceedings in accordance with Government Code §56662. (James Fisler)

SECOND: Mike Posey

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0.

8. COMMISSION DISCUSSION AND ACTION

8a. – Section 115 Public Agencies Post-Employment Benefits Trust

Executive Officer Carolyn Emery gave brief comments on the item and introduced the Commission’s accountant, Ian Berg, for presentation of the item. She also noted that representatives from PARS were also available to answer any questions.

Chair Davert called for Commission discussion and public comments. Commission Clerk Cheryl Carter-Benjamin noted no comments were received by email on the item. The Commission made general comments.

Chair Davert called for a motion on the recommended action. **Commissioner Bucknum** motioned to approve the recommended actions by staff and **Commissioner Posey** seconded the motion.

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

MOTION: Adopt Resolution No. CP 21-07 adopting the Section 115 Benefits Trust and approving the Agreement for Administrative Services with PARS; Approve the “Accounting & Financial Policies”, as amended. (Wendy Bucknum)
SECOND: Mike Posey
FOR: Wendy Bucknum, Mike Posey, Donald Wagner, James Fisler, Derek J. McGregor, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8b. – 2021 Orange County LAFCO Strategic Plan

Executive Officer Carolyn Emery gave a staff presentation and noted the recommendation to approve the 2021 Strategic Plan.

Chair Davert called for public comments. Commission Clerk Cheryl Carter-Benjamin read comments submitted by email from Stacy Taylor, Water Policy Manager of Mesa Water District, and noted that before the meeting, comments were distributed to the Commission and posted on the OC LAFCO website. **Chair Davert** closed the hearing of public comments and called for Commission discussion. The Commission made general comments.

Chair Davert called for a motion on the recommended action. **Commissioner Bucknum** motioned to approve the 2021 Strategic Plan.

Commissioner Posey made a substitute motion to continue consideration of the item to the November 10 meeting to allow the public to comment and **Commissioner Wagner** seconded the motion.

Commissioner Bucknum withdrew her motion.

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

MOTION: Continue consideration of the 2021 Orange County LAFCO Strategic Plan to November 10, 2021. (Mike Posey)
SECOND: Donald Wagner

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

8c. – Assembly Bill 361 – Open Meetings and Teleconferences for State and Local Agencies

General Counsel Scott Smith presented the item for Commission discussion and consideration. He noted that if the Commission adopts the resolution to continue its regular meetings virtually, formal findings will need to be renewed every 30 days for remote meetings to continue. General Counsel also noted that with the new law, public participation at the meetings in real-time must be allowed. Mr. Smith concluded that this would be a standing item on the Commission's agenda.

Chair Davert called for Commission discussion and public comments. Commission Clerk Cheryl Carter-Benjamin noted no comments were received by email on the item. There was general discussion by the Commission. **Chair Davert** called for a motion on the recommended action.

Commissioner Bucknum motioned for the Commission to resume its regular meetings in person and adopt the resolution allowing the Commission to conduct the meetings virtually if warranted. **Commissioner Posey** seconded the motion. General Counsel Scott Smith noted that the Commission will need to make the determination at each meeting on whether the next meeting will be held in person or virtually.

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

MOTION: Resume Commission regular meetings in person beginning November 10, 2021; Adopt LAFCO Resolution No. CP 21-08 authorizing virtual Commission regular meetings pursuant to AB 361 if warranted circumstances occur impairing meeting in person; Pursuant to AB 361, make formal findings every 30 days to conduct meetings in person or virtually. (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.

9. COMMISSIONER COMMENTS

Commissioners made general comments.

10. EXECUTIVE OFFICER’S REPORT

The Executive Officer noted that the agenda for the November meeting would be light, and the monthly update highlighting the agenda items will be sent this week.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items or announcements.

12. Closed Session

The Commission adjourned to closed session at 9:30 a.m.

The Commission reconvened in open session at 9:55 a.m., and General Counsel Smith noted that there were no reportable actions.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:55 a.m. to the next regular meeting scheduled for Wednesday, November 10, 2021, at 8:15 a.m. at the Hall of Administration, Planning Commission Hearing Room, 10 Civic Center Plaza in Santa Ana.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk