

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, August 19, 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 8:15 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 and Alternates were present:

- **Chair Douglass Davert**
- **Vice Chair Donald Wagner**
- **Commissioner Lisa Bartlett**
- **Commissioner Wendy Bucknum (arrived at 8:22 a.m.)**
- **Commissioner James Fisler**
- **Commissioner Derek J. McGregor**
- **Alternate Commissioner Kathryn Freshley**
- **Alternate Commissioner Peggy Huang**
- **Alternate Commissioner Lou Penrose**

The following Commissioners were absent:

- **Commissioner Mike Posey**
- **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
- Legal 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. **Chair Davert** closed the hearing of public comments.

6. CONSENT CALENDAR

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

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

6a. - Approval of Minutes - July 14, 2021 Regular Commission Meeting

6b. - 2021-2022 CALAFCO Board of Directors Nominations and Election Process

6c. - Year-End Comprehensive Report

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

SECOND: James Fisler

FOR: Derek J. McGregor, James Fisler, Donald Wagner,
Lisa Bartlett, Peggy Huang, Douglass Davert

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0.

7. PUBLIC HEARING

7a. - Santa Margarita Water District Annexation of the City of San Juan Capistrano's Water and Wastewater Utilities (DA 20-01)

Legal Counsel Scott Smith disclosed that Best Best & Krieger currently represents Santa Margarita Water District and the City of San Juan Capistrano. He noted that conflict of interest waivers have been completed by all parties and Best Best & Krieger consented to representing LAFCO on the application.

Chair Davert called for the presentation by staff, Commission discussion, and public comments.

Policy Analyst Luis Tapia gave the staff presentation and noted that representatives from the agencies were also available to answer any questions.

Chuck Gibson, Board President of Santa Margarita Water District provided general comments and asked the Commission to approve staff's recommendation to approve the annexation.

Dan Ferons, General Manager of Santa Margarita Water District provided general comments and thanked the Commission for their consideration of the application.

John Taylor, Mayor of San Juan Capistrano provided general comments on the water and wastewater utilities' annexation and thanked the Commission for their consideration of the application.

Sandra Jacobs, Board of Director of Santa Margarita Water District provided general comments and support of staff's recommendation to move forward with the annexation.

Commission Clerk Cheryl Carter-Benjamin noted no additional comments were received by email on the item. **Chair Davert** closed the hearing of public comments. **Commissioners Bartlett** and **Bucknum** gave general comments supporting staff's recommendations.

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

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

MOTION: Confirm the Commission has reviewed the Notice of Exemption filed by Santa Margarita Water District with the Orange County Clerk Recorder; Direct the Executive Officer to file the Notice of Exemption; and Adopt LAFCO Resolution No. DA 20-01 approving the annexation and concurrent amendment to Santa Margarita Water District sphere of influence. (Lisa Bartlett)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

8. COMMISSION DISCUSSION AND ACTION

8a. - Request by Aera Energy for Tonner Hills Annexation Extension (CA 03-12A)

Policy Analyst Gavin Centeno gave the staff presentation and noted that George Basye, Vice President of Aera Energy was 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. **Chair Davert** called for a motion on the recommended action. **Commissioner Fisler** motioned to approve the recommended action and **Commissioner Bartlett** seconded the motion.

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

MOTION: Adopt LAFCO Resolution No. CA 03-12A approving the "Tonner Hills Annexation Extension." (James Fisler)

SECOND: Lisa Bartlett

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

8b. – Professional Consultant Services Agreement with Citygate Associates (Continued from July 14, 2021)

Chair Davert noted that the application filed by the City of Newport Beach for preparation of the related MSR was withdrawn. Therefore, no action is required by the Commission.

9. COMMISSIONER COMMENTS

Commissioners made general comments.

10. EXECUTIVE OFFICER'S REPORT

The Executive Officer gave an oral update on the following activities:

- Placentia/Hamer Island Community Workshops
- Community of Rossmoor – Interest in Activation of Latent Powers
- September 8 Strategic Planning Workshop Questionnaire
- Ladera Ranch Civic Council Meeting Presentation

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

11a - 2021 Strategic Planning Workshop

Chair Davert reminded the Commission of the Strategic Planning Workshop on September 8, 2021 beginning at 8:00 a.m.

12. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:01 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, October 13, 2021, at 8:15 a.m.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

By: _____
Cheryl Carter-Benjamin
Commission Clerk