

FINAL MINUTES

OC LAFCO REGULAR MEETING AGENDA

Wednesday, July 14, 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. OATH OF OFFICE - COMMISSIONER PENROSE

Executive Officer Carolyn Emery announced that the oath for Commissioner Penrose was completed electronically.

4. ROLL CALL

The following Commissioners and Alternates were present:

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

The following Commissioner was absent:

- **Commissioner Wendy Bucknum**

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

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

Executive Officer Carolyn Emery noted that supplemental communication was received from Sheriff-Coroner Don Barnes for Agenda Item 9b and would be read into the record during hearing of the item.

6. PUBLIC COMMENT

Chair Davert requested public comments on any non-agenda items. Executive Officer Carolyn Emery noted no public comments were received. **Chair Davert** closed the hearing of public comments.

7. CONSENT CALENDAR

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

The Executive Officer conducted a roll call vote on the item.

7a. – Approval of Minutes - June 9, 2021 Regular Commission Meeting

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

MOTION PASSED: 7-0.

8. PUBLIC HEARING

No public hearing items scheduled.

9. COMMISSION DISCUSSION AND ACTION

9a. – 2021-2022 OC LAFCO Work Plan

Executive Officer Carolyn Emery presented the staff report on the FY 2021-2022 Work Plan, highlighting current applications under the Commission's focused areas and noted the revised timeline for the 4th cycle of MSRs.

Chair Davert called for Commission discussion and public comments. Executive Officer Carolyn Emery noted no comments were received by email on the item. There was consensus of the Commission to provide additional time for the County, cities and special districts to review subsequent proposed work plans. **Chair Davert** called for a motion on the recommended action. **Commissioner Posey** motioned to approve the recommended action and **Vice Chair Wagner** seconded the motion.

The Executive Officer conducted a roll call vote on the item.

MOTION: Adopt the 2021-2022 OC LAFCO Work Plan. (Mike Posey)
SECOND: Donald Wagner
FOR: Mike Posey, Donald Wagner, Lisa Bartlett, James Fisler,
Peggy Huang, Derek J. McGregor, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

9b. – Professional Consultant Services Agreement with Citygate Associates

Chair Davert requested reading of supplemental communication. Executive Officer Carolyn Emery read comments submitted by email from Don Barnes, Sheriff-Coroner, Orange County Sheriff's Department (*Attachment A*) into the meeting record.

Chair Davert called for the staff presentation. Assistant Executive Officer Raymond Barragan provided the brief presentation on the City's application for preparation of the focused MSR and the RFP process for selection of a consultant. He acknowledged that staff along with Carol Jacobs, Assistant City Manager of Newport Beach and Stewart Gary with Citygate Associates were available to answer any questions.

Chair Davert called for Commission discussion and public comments. Executive Officer Carolyn Emery noted no additional comments were received by email on the item. The Commission engaged in general discussion. **Commissioner Bartlett**

recommended the item be continued to allow a representative of the Sheriff Department to address the Commission at the next regular meeting on the item. **Commissioners Wagner and Posey** concurred with **Commissioner Bartlett's** recommendation.

Carol Jacobs, Assistant City Manager of Newport Beach provided general comments on the delivery of harbor patrol services within the Newport Harbor Tidelands.

Ray Grangoff, Chief of Staff to Sheriff Barnes provided additional comments to the letter submitted by the Sheriff-Coroner.

Chair Davert called for a motion on the item. **Commissioner Bartlett** motioned to continue the item to the Commission's August 11 meeting to allow Sheriff Barnes or his designee to address the Commission on the item and **Commissioner Posey** seconded the motion.

The Executive Officer conducted a roll call vote on the item.

MOTION: Continue consideration of the Professional Services Agreement with Citygate to August 11, 2021 and allow Sheriff-Coroner Barnes or his designee to address the Commission on the item. (Lisa Bartlett)

SECOND: Mike Posey

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9c. – Legislative Report (July 2021)

Policy Analyst Luis Tapia presented the July legislative report and highlighted the recent amendments to Senate Bill 403 (SB 403). He added that staff received a call from the bill author regarding the Commission's current position on recent changes to the bill. Staff is seeking direction from the Commission for a follow-up response to the bill author.

Chair Davert called for Commission discussion and public comments. Executive Officer Carolyn Emery noted no comments were received by email on the item. During discussion, there was consensus of the Commission to maintain the previously adopted position of "Oppose Unless Amended" on SB 403. **Chair Davert** called for a motion on the item. **Commissioner Huang** made a motion for the Commission to maintain the "Oppose Unless Amended" position on SB 403 and to receive and file the legislative report and **Vice Chair Wagner** seconded the motion.

The Executive Officer conducted a roll call vote on the item.

MOTION: Maintain "Oppose Unless Amended" position on SB 403;
Receive and file the July 14, 2021 Legislative Report.
(Peggy Huang)

SECOND: Donald Wagner

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

10. COMMISSIONER COMMENTS

The Commission made general comments.

11. EXECUTIVE OFFICER'S REPORT

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

- Resuming In-Person Commission Meetings
- Hamer Island Community Workshops
- Upcoming July 19 Ladera Ranch Civil Council Meeting
- September 8 Strategic Planning Workshop

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items or announcements reported.

13. CLOSED SESSION

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

14. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:04 a.m. to the next regular OC LAFCO meeting scheduled for Wednesday, August 11, 2021, at 8:15 a.m.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

By: 

Carolyn Emery
Executive Officer

Attachment:

- A. Letter from Orange County Sheriff's Department



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

OFFICE OF THE SHERIFF

July 13, 2021

The Honorable Douglass Davert, Chair
Orange County Local Agency Formation Commission
2677 N Main St Suite 1050
Santa Ana, CA 92705

RE: Municipal Service Review of Newport Harbor Tidelands

Dear Chairman Davert:

Possibly no aspect of Orange County local government has been more studied than the Sheriff's Harbor Patrol. A total of at least 17 studies have been conducted since 1975. The item before the Orange County Local Agency Formation Commission (LAFCO) for a Municipal Service Review adds to this work.

I question the necessity of this study and what additional policy insight can be provided. The current model for harbor patrol services meets both the legal and public safety obligations to the residents we serve. While I am never opposed to looking at options for making government more efficient, using resources to add another report to the shelf is the epitome of government waste.

The cost of the study is a concern. The agreement before the LAFCO Board is an up to amount of \$89,400. That amount does not include the costs my department will incur in responding to the information requests that will result from the study. I respectfully request the courtesy of consultation with my department before the Commission makes a decision to move forward on awarding a contract to perform this work.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Barnes".

Don Barnes
Sheriff-Coroner