

## **LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY**

### **REGULAR MEETING AGENDA**

**Wednesday, November 9, 2022  
8:15 a.m.**

**County Administrative North (CAN)  
First Floor Multipurpose Room 101  
400 W. Civic Center Drive, Santa Ana, CA 92701**

***Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.***

- 1. CALL THE MEETING TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION  
(Communications received after agenda distribution for agendized items.)**
- 5. PUBLIC COMMENT**

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

#### **6. CONSENT CALENDAR**

##### **a.) October 12, 2022 – Regular Commission Meeting Minutes**

The Commission will consider approval of the October 12, 2022 meeting minutes.

**b.) Orange County Employees Retirement System (OCERS) FY 2023-24 Retirement Contribution Rates and Prepayment Program**

The Commission will consider adoption of the Fiscal Year 2023-24 retirement contribution rates, as approved by the Orange County Employees Retirement System (OCERS) Board of Retirement and receive a report on the OCERS prepayment program.

**c.) OC LAFCO 2023 Meeting and Events Calendar**

The Commission will consider adoption of the OC LAFCO 2023 Calendar.

**d.) CALAFCO Update**

The Commission will receive an update on the recent activities of CALAFCO.

**7. PUBLIC HEARING**

No public hearing items scheduled.

**8. COMMISSION DISCUSSION AND ACTION**

**a.) Fiscal Year 2021-22 OC LAFCO Audited Financial Statements**

The Commission will receive a report on the agency's audited financial statements for Fiscal Year 2021-22 prepared by independent auditor, Davis Farr LLP.

**b.) Assembly Bill 2449 – Open Meetings and Teleconferencing for State and Local Agencies**

The Commission will receive a report on Assembly Bill 2449 to take effect January 1, 2023.

**9. COMMISSIONER COMMENTS**

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

**10. EXECUTIVE OFFICER'S REPORT**

Executive Officer's announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

## **11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

### **a.) Protest Hearing Results for the OCSD Annexation Areas (Anaheim, Yorba Linda, Villa Park) (DA 21-05)**

The Commission will receive a report on the protest results for the OCSD Annexation Areas (Anaheim, Yorba Linda, Villa Park) approved by the Commission on August 10.

### **b.) Video FAQs**

The Commission will receive a presentation on the Video FAQs, the last component of the agency's Communication Plan.

## **12. PRESENTATIONS**

The Commission will recognize the service of departing members of the Commission and adopt respective resolutions.

## **13. CLOSED SESSION**

No closed session items scheduled.

## **14. ADJOURNMENT OF REGULAR COMMISSION MEETING**

The Commission will adjourn to the next Regular Commission Meeting on Wednesday, December 14, 2022 at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701.

#### **PUBLIC PARTICIPATION:**

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at [ccarter-benjamin@oclafco.org](mailto:ccarter-benjamin@oclafco.org). Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at [www.oclafco.org](http://www.oclafco.org).

State law requires that a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

All regular meeting agendas and associated reports are available at [www.oclafco.org](http://www.oclafco.org). Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

## DRAFT MINUTES

### OC LAFCO REGULAR MEETING

Wednesday, October 12, 2022  
8:15 a.m.

County Administrative North (CAN)  
First Floor Multipurpose Room 101  
400 W Civic Center Drive, Santa Ana, CA. 92701

#### 1. CALL TO ORDER

**Chair Davert** called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:18 a.m.

#### 2. PLEDGE OF ALLEGIANCE

**Commissioner Bucknum** led the Pledge of Allegiance.

#### 3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum  
Peggy Huang

County Member

Donald Wagner (**Vice Chair**)

Special District Members

Douglass Davert (**Chair**)  
James Fisler  
Kathryn Freshley (Alt.)

Public Members

Derek J. McGregor  
Lou Penrose (Alt.)

The following staff members and general counsel were present:

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

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

Executive Officer Carolyn Emery 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 that there were no requests to speak from the public. **Chair Davert** closed the hearing of public comments.

**6. CONSENT CALENDAR**

**Chair Davert** called for a motion on the consent calendar. There was no discussion from Commissioners and the Commission Clerk noted no request from the public to speak on the items. **Chair Davert** called for a motion on the consent calendar. **Commissioner Wagner** motioned for approval of the consent calendar, and **Commissioner Fisler** seconded the motion.

**6a. – Approval of Minutes – August 10, 2022 Regular Commission Meeting Minutes**

**6b. – Fiscal Year 2022-23 Quarterly Financial Report (First Quarter)**

**6c. – Legislative Report (October 2022)**

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

**MOTION PASSED: 6-0.**

**7. PUBLIC HEARINGS**

**7a. – Municipal Service Review and Sphere of Influence Review for the Orange County Cemetery District (MSR 21-11 and SOI 21-12)**

Policy Analyst Gavin Centeno presented highlights of the municipal service review and staff recommendations. He acknowledged that General Manager Tim Deutsch was also present to address any questions.

**Chair Davert** called for discussion questions of the staff from Commissioners. Commissioners asked questions and made general comments.

Tim Deutsch, General Manager of Orange County Cemetery District made general comments and addressed questions involving the District's development of Orange County's fourth public cemetery.

**Chair Davert** opened the public hearing. The Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Davert** closed the public hearing and called for a motion on the staff recommended actions. **Vice Chair Wagner** motioned to approve the staff recommended actions, and **Commissioner Bucknum** seconded the motion.

**MOTION:** Receive and file Municipal Service Review for the Orange County Cemetery District; Approve OC LAFCO Resolution Nos. MSR 21-11 and SOI 21-12 adopting the MSR Statement of Determinations and SOI Statement of Determinations; Reaffirm the SOI for the Orange County Cemetery District; Approve the Notices of Exemption for MSR 21-11 and SOI 21-12. (Donald Wagner)  
**SECOND:** Wendy Bucknum  
**FOR:** Donald Wagner, Wendy Bucknum, James Fisler, Peggy Huang, Derek J. McGregor, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 6-0.**

**7b. – Santa Ana River Reorganization Areas 1, 1A, 2 & 3, and Remaining Area (RO 20-06)**

Assistant Executive Officer Luis Tapia presented the staff report recommendations. He acknowledged the presence of Engineer Carlos Castellanos from the City of Anaheim to also address any questions.

**Chair Davert** called for discussion and questions of the staff form Commissioners. Commissioners asked questions and made general comments. **Chair Davert** opened the public hearing. The Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Davert** closed the public hearing and called for a motion on the staff recommended actions. **Commissioner Huang** motioned to approve the staff recommended actions, and **Commissioner McGregor** seconded the motion.

**MOTION:** Confirm that OC LAFCO has reviewed the Notice of Determination prepared by the City of Anaheim and filed with the Orange County Clerk-Recorder; Direct the Executive Officer to file the Notice of Determination for the approved reorganization with the Orange County Clerk Recorder; Adopt OC LAFCO Resolution No. RO 20-06 approving the "Santa Ana River Reorganization Areas 1, 1A, 2, & 3, and Remaining Area"; Waive protest

proceedings in accordance with Government Code Section 56662. (Peggy Huang)

**SECOND:** Derek J. McGregor

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

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 6-0.**

## **8. COMMISSION DISCUSSION AND ACTION**

No discussion and action items scheduled.

## **9. COMMISSIONER COMMENTS**

Commissioners made general comments.

**Commissioner McGregor** provided an oral update on CALAFCO activities, including the status of the upcoming annual conference in Newport Beach.

## **10. EXECUTIVE OFFICER'S REPORT**

The Executive Officer provided updates on the following :

- New Applications:
  - Proposed annexation of a small area to the City of Brea that includes a single parcel owned by Aera Energy.
  - Municipal Service Review for the Orange County Water District (OCWD) that will include the comprehensive review and a focus on the potential consolidation of OCWD and the Municipal Water District of Orange County. The Executive Officer added that OCWD's comprehensive MSR was scheduled for 2023 and has been moved up due to the District filing an application.
- Future OC LAFCO Regular meetings will be held in the Multipurpose Room 101. The room will experience more technology upgrades, and once completed, staff will provide a report on the potential teleconference capabilities for future meetings.
- Assembly Bill 2449, which updates and expands on the teleconferencing procedures for public meetings, was signed into law by the Governor and will be effective January 1. The Executive Officer has requested general counsel to provide a report on the bill's implications to OC LAFCO at the November meeting.

**Commissioner Huang** left at 8:45 a.m. during this item.

## **11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

### **11a. – CALAFCO Annual Conference**

Executive Officer Carolyn Emery noted that **Commissioner Bartlett** would welcome approximately 250 attendees during the CALAFCO conference opening session and highlighted the participation of several Orange County Agencies for the mobile workshop.

### **11b. – Protest Hearing Results for the OCSD Annexation Areas (Anaheim, Yorba Linda, Villa Park) (DA 21-05)**

Assistant Executive Officer Luis Tapia noted that the initial protest period for the OCSD annexation had been extended by the Executive Officer due to an oversight and omission of the notice of hearing by the staff of the newspaper. He added that an update would be provided during the November 9 meeting.

## **12. CLOSED SESSION**

The Commission adjourned to closed session at 8:48 a.m.

The Commission reconvened in open session at 9:37 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 9:37 a.m. to November 9, 2022.

Douglass Davert, Chair  
Orange County Local Agency Formation Commission

By: \_\_\_\_\_

Cheryl Carter-Benjamin  
Commission Clerk

**6b** | Consent  
Calendar

November 9, 2022

**REGULAR MEMBERS****CHAIR**  
**Douglass Davert**  
Special District Member**VICE CHAIR**  
**Donald P. Wagner**  
County Member**IMMEDIATE PAST CHAIR**  
**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**ALTERNATES****Andrew Do**  
County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Executive Officer  
Assistant Executive Officer**SUBJECT:** Orange County Employee Retirement System  
Fiscal Year 2023-24 Contribution Rates and Prepayment  
Program**BACKGROUND**

Orange County LAFCO (OC LAFCO) has been an independent member of the Orange County Employee Retirement System (OCERS) since July 1, 2001. As an independent member, the Commission is required to annually adopt the employer contribution rates approved by the OCERS Board of Retirement for the retirement plans available to OC LAFCO employees. Additionally, the Commission participates in the OCERS Prepayment Program to take advantage of the program's discounted rate for employer contributions.

The next section of the staff report provides additional information on the next fiscal year contribution and discount rates.

**Fiscal Year 2023-24 OCERS Contribution Rates**

On June 20, 2022, the OCERS Board of Retirement adopted new employee and employer contribution rates for Fiscal Year 2023-24. The rates adopted are for three retirement plans that are available to current and future OC LAFCO employees. The employer contribution rates for all three plans include a decrease of approximately 2.8% from the current rates.

The Commission's current employees participate in two of the retirement plans available, the 2.7% @ 55 plan and the 1.62% @ 65 "PEPRA" plan. There are currently no Commission employees enrolled in the third plan, which is the 1.62% @ 65 "non-PEPRA" plan. The "PEPRA" and "non-PEPRA" retirement plans are a result of the enactment of the Public Employee Pension Reform Act ("PEPRA") in 2013. Depending on certain qualifications, employees hired after the PEPRA Act may enroll in one of the two 1.62% @ 65 retirement plans.

The Fiscal Year 2023-24 employer contribution rate for the 1.62% @ 65 "non-PEPRA" plan, which is available to OC LAFCO employees who are not

new members to the OCERS retirement system, is 32.36%. The Fiscal Year 2023-24 employer contribution rate for the 1.62% @ 65 "PEPRA" plan, which is available to OC LAFCO employees who are new members to the OCERS retirement system, is 33.25%. The Fiscal Year 2023-24 employer contribution rate for the 2.7 @ 55 plan is 40.81%.

The contribution rates for each plan are included for the Commission's reference as **Attachment 1**. Staff recommends that the Commission adopt the resolution approving the retirement rates for Fiscal Year 2023-24 as adopted by OCERS. A form of the resolution is attached for the Commission's reference as **Attachment 2**.

#### **OCERS PREPAYMENT PROGRAM**

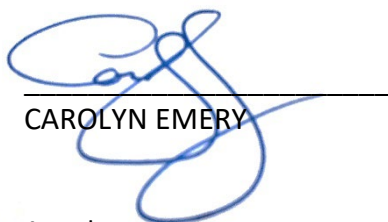
Since 2005, the Commission has participated in the OCERS Prepayment Program to realize savings in the agency's pension costs. The program allows members to prepay all or a portion of their retirement contribution at a discounted rate. The discount rate has historically been tied to the approved long-term rate of return on the retirement system's investments. On July 18, 2022, the OCERS board approved a discount rate of 5.8 % for early payment of employer contributions received by January 13, 2023. To continue savings in pension costs, staff will submit prepayment of the retirement employer contributions subsequent to the Commission's adoption of the OCERS contribution rates and prior to the OCERS deadline.

#### **RECOMMENDED ACTION**

Staff recommends that the Commission:

1. Adopt Resolution No. CP 22-08 approving the employer contribution rates for Fiscal Year 2023-24 as adopted by OCERS.

Respectfully submitted,

  
CAROLYN EMERY  
LUIS TAPIA

#### **Attachments:**

1. OCERS Contribution Rates
2. OC LAFCO Resolution No. CP 22-08



**Active Participating  
Employers:**

CITY OF SAN JUAN  
CAPISTRANO

COUNTY OF ORANGE

ORANGE COUNTY  
CEMETERY DISTRICT

ORANGE COUNTY CHILDREN  
& FAMILIES COMMISSION

ORANGE COUNTY  
EMPLOYEES RETIREMENT  
SYSTEM

ORANGE COUNTY FIRE  
AUTHORITY

ORANGE COUNTY IN-HOME  
SUPPORTIVE SERVICES  
PUBLIC AUTHORITY

ORANGE COUNTY LOCAL  
AGENCY FORMATION  
COMMISSION

ORANGE COUNTY PUBLIC  
LAW LIBRARY

ORANGE COUNTY  
SANITATION DISTRICT

ORANGE COUNTY  
TRANSPORTATION  
AUTHORITY

SUPERIOR COURT OF  
CALIFORNIA, COUNTY  
OF ORANGE

TRANSPORTATION  
CORRIDOR AGENCIES

September 27, 2022

Ms. Carolyn Emery  
Orange County Local Agency Formation Commission  
2677 N. Main Street, Suite 1050  
Santa Ana, CA 92705

**Re: New Employer/Employee Contribution Rates 2023/2024**

Dear Ms. Emery:

At the June 20, 2022 regular board meeting, the Board of Retirement adopted fiscal year 2023/2024 employer and employee contribution rates for the existing plans as part of the December 31, 2021 Actuarial Valuation Report. These new rates will go into effect ***beginning with pay period 15 in 2023.***

The attached schedules include both the employer rates and a listing of the employee contribution rates for your various plans. Additional plan information, including a detailed breakdown of the UAAL by rate group, can be found in the Actuarial Valuation as of December 31, 2021 located on the OCERS website at: [www.ocers.org](http://www.ocers.org) Forms & Publications, Financial Reports page.

If you have any questions or require additional information, feel free to contact me at (714) 558-6201 or by email at [bshott@ocers.org](mailto:bshott@ocers.org).

Regards,

Brenda Shott  
Assistant CEO of Finance and Internal Operations

**cc:** Luis Tapia, Erica Lin, Teresa White, Evarista Narciso



**Orange County Local Agency Formation Commission  
Employer Contribution Rates  
Effective Pay Period 15, June 30, 2023**

<b>Rate Group</b>	<b>Plan</b>	<b>Rate</b>	
<b>#2</b>	<b>I &amp; J **</b>	<b>Normal</b>	14.67%
		<b>UAAL</b>	<u>26.14%</u>
		<b>Total</b>	<b>40.81%</b>
<b>#2</b>	<b>P</b>	<b>Normal</b>	6.22%
		<b>UAAL</b>	<u>26.14%</u>
		<b>Total</b>	<b>32.36%</b>
<b>#2</b>	<b>T - PEPRA</b>	<b>Normal</b>	7.11%
		<b>UAAL</b>	<u>26.14%</u>
		<b>Total</b>	<b>33.25%</b>

**\*\* Reverse Pickups:**

Orange County LAFCO bargaining units under the 2.7% at 55 plans are subject to an employee-paid reverse pickup which has not been accounted for in the employer rate above. Any reverse pickup arrangements are between the plan sponsors and employee bargaining units. The reverse pickup rate schedule is available online at:

<https://www.ocers.org/sites/main/files/file-attachments/reversepickups.pdf>



**Orange County Local Agency Formation Commission**  
**Employee Contribution Rates**  
**Effective Pay Period 15, June 30, 2023**

<b>Entry Age</b>	<b>Plan I</b> <b>(2.7% @ 55)</b>	<b>Plan J</b> <b>(2.7% @ 55)</b>	<b>Plan P</b> <b>(1.62% @ 65)</b>	<b>PEPRA</b>
				<b>Plan T</b> <b>(1.62% @ 65)</b>
15	10.39%	9.98%	6.45%	5.05%
16	10.39%	9.98%	6.45%	5.05%
17	10.57%	10.15%	6.57%	5.14%
18	10.76%	10.33%	6.68%	5.23%
19	10.95%	10.51%	6.80%	5.32%
20	11.14%	10.70%	6.92%	5.42%
21	11.34%	10.89%	7.04%	5.51%
22	11.54%	11.08%	7.17%	5.61%
23	11.74%	11.27%	7.29%	5.71%
24	11.95%	11.47%	7.42%	5.81%
25	12.16%	11.67%	7.55%	5.91%
26	12.38%	11.88%	7.69%	6.02%
27	12.60%	12.09%	7.82%	6.12%
28	12.82%	12.30%	7.96%	6.23%
29	13.05%	12.52%	8.10%	6.34%
30	13.29%	12.75%	8.24%	6.45%
31	13.53%	12.98%	8.39%	6.57%
32	13.77%	13.21%	8.53%	6.69%
33	14.02%	13.45%	8.69%	6.81%
34	14.28%	13.70%	8.84%	6.93%
35	14.55%	13.95%	9.00%	7.05%
36	14.83%	14.21%	9.16%	7.18%
37	15.12%	14.48%	9.33%	7.31%
38	15.41%	14.73%	9.49%	7.45%
39	15.69%	14.98%	9.67%	7.58%
40	15.97%	15.23%	9.85%	7.73%
41	16.24%	15.47%	10.03%	7.87%
42	16.51%	15.72%	10.22%	8.02%
43	16.79%	15.97%	10.40%	8.17%
44	17.08%	16.23%	10.58%	8.31%
45	17.39%	16.47%	10.75%	8.45%
46	17.72%	16.68%	10.92%	8.58%
47	17.96%	16.83%	11.09%	8.73%
48	18.20%	16.92%	11.27%	8.87%
49	18.35%	16.91%	11.46%	9.03%
50	18.42%	16.80%	11.63%	9.17%
51	18.37%	16.56%	11.77%	9.29%
52	18.19%	16.20%	11.88%	9.39%
53	17.86%	16.73%	11.94%	9.45%



**Orange County Local Agency Formation Commission**  
**Employee Contribution Rates**  
**Effective Pay Period 15, June 30, 2023**  
 (continued)

<b>Entry Age</b>	<b>Plan I (2.7% @ 55)</b>	<b>Plan J (2.7% @ 55)</b>	<b>Plan P (1.62% @ 65)</b>	<b>PEPRA</b>
				<b>Plan T (1.62% @ 65)</b>
54	17.28%	17.28%	11.94%	9.47%
55	17.28%	17.28%	11.86%	9.43%
56	17.28%	17.28%	11.69%	9.34%
57	17.28%	17.28%	11.44%	9.20%
58	17.28%	17.28%	11.81%	9.50%
59	17.28%	17.28%	12.20%	9.81%
60	17.28%	17.28%	12.20%	9.81%
61	17.28%	17.28%	12.20%	9.81%
62	17.28%	17.28%	12.20%	9.81%
63	17.28%	17.28%	12.20%	9.81%
64	17.28%	17.28%	12.20%	9.81%
65	17.28%	17.28%	12.20%	9.81%
66 and thereafter	17.28%	17.28%	12.20%	9.81%

Average entry age and discounted percentages applicable to employee contributions paid under Section 31581.1 are:

<b>Rate Group</b>	<b>Plan</b>	<b>Discounted Percentage</b>	<b>Average Entry Age</b>
<b>#2</b>	<b>Plan I</b> (General)	99.43%	38
<b>#2</b>	<b>Plan J</b> (General)	99.01%	38
<b>#2</b>	<b>Plan P</b> (General)	98.41%	38

**CP 22-08**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA  
ADOPTING RETIREMENT RATES FOR FY 2023-24**

**November 9, 2022**

On motion of Commissioner \_\_\_\_\_, duly seconded by and carried, the following resolution was adopted:

WHEREAS, the California State Legislature adopted AB 2838 in its 1999-2000 legislative session, which, in part, required that Local Agency Formation Commissions throughout the State of California become independent public agencies effective January 1, 2001; and

WHEREAS, the Local Agency Formation Commission of Orange County (“OC LAFCO”) applied and was accepted as an independent member agency under the Orange County Employees Retirement System (“OCERS”) on or about January 1, 2001; and

WHEREAS, as a result of OC LAFCO being an independent member agency under OCERS since 2001, OC LAFCO must annually adopt both the employee and employer rates as approved by OCERS; and

WHEREAS, in August 2004, the County of Orange reached agreement with a number of General Member bargaining units and certain unrepresented employees to implement a 2.7% at 55 retirement formula for both past and future service; and

WHEREAS, on February 9, 2005, OC LAFCO approved implementation of a 2.7% at 55 retirement formula, for future service only, beginning July 1, 2005; and

WHEREAS, the cost to migrate to the 2.7% at 55 retirement formula was paid for by OC LAFCO employees and did not result in additional cost to OC LAFCO except for an annual employer contribution of 0.51 percent and annual modifications made in the retirement rates as determined by OCERS; and

WHEREAS, on December 12, 2012, OC LAFCO rescinded the 2.7% at 55 retirement formula for employees hired by OC LAFCO on or after December 12, 2012; and

WHEREAS, the new 2.7% at 55 retirement formula only applies to active employees and new employees hired between July 1, 2005 and December 11, 2012; and

WHEREAS, on April 20, 2010, the County of Orange approved implementation of a 1.62% at 65 retirement formula for new County employee hires only effective on or after July 1, 2010; and

WHEREAS, on June 9, 2010, OC LAFCO approved implementation of a 1.62% at 65 retirement formula, for new OC LAFCO employee hires only, beginning July 1, 2010; and

WHEREAS, on February 9, 2011, OC LAFCO adopted a temporary resolution establishing that new employees enrolled in the 1.62% at 65 retirement formula are subject to pay the reverse pickup cost; and

WHEREAS, on June 8, 2011, OC LAFCO adopted a revised resolution replacing the February 9, 2011 resolution, establishing OC LAFCO as responsible for the employee reverse pickup, the annual employer contribution of 0.51 percent and annual modifications made in the retirement rates for the 1.62% at 65 as determined by OCERS; and

WHEREAS, on September 12, 2012, the California Public Employees' Pension Reform Act (AB 340) was chaptered into law and became effective January 1, 2013; and

WHEREAS, the California Public Employees' Pension Reform Act (AB 340) imposed certain limitations on public employee pension formulas for public employees considered new members, as that term is defined by Government Code Section 7522.04(f) ("New Members"); and

WHEREAS, the enactment of the California Public Employees' Pension Reform Act (AB 340) required OCERS to establish two versions of the 1.62% at 65 retirement plan, one for new OC LAFCO employees that are not New Members ("non-PEPRA 1.62 Plan") and one for new OC LAFCO employees that are New Members ("PEPRA 1.62 Plan"); and

WHEREAS, the employer retirement rate for the 1.62% at 65 retirement plan, as established by OCERS, for 2023-24 is 32.36 percent for new OC LAFCO employees that are not New Members ("non-PEPRA" 1.62 Plan); and

WHEREAS, the employer retirement rate for the "PEPRA 1.62 Plan," as established by OCERS, for 2023-24 is 33.25 percent; and

WHEREAS, the employer retirement rate for the 2.7% at 55 retirement plan, as established by OCERS, for 2023-24 is 40.81 percent.

NOW, THEREFORE, the Local Agency Formation Commission of Orange County  
DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

OC LAFCO adopts and approves implementation of 2023-24 retirement rates as established by OCERS, effective July 1, 2023.

AYES:

NOES:

[illegible]

I, Douglass Davert, Chair of the Local Agency Formation Commission of Orange County, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 9<sup>th</sup> day of November 2022.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November 2022.

Douglass Davert  
Chair of the Local Agency Formation Commission  
of Orange County

By: Douglass Davert

November 9, 2022

**REGULAR MEMBERS****CHAIR**  
**Douglass Davert**  
Special District Member**VICE CHAIR**  
**Donald P. Wagner**  
County Member**IMMEDIATE PAST CHAIR**  
**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**ALTERNATES****Andrew Do**  
County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Executive Officer  
Office Manager/Commission Clerk**SUBJECT:** OC LAFCO 2023 Meeting and Events Calendar

In accordance with the OC LAFCO Bylaws, each year the Commission adopts an annual meeting calendar. The proposed 2023 meeting and events calendar is attached for Commission approval. The calendar reflects the dates of the Commission's regular meetings and indicates dates of office closure in observation of legal holidays and the Commission's flexible work schedule. For your reference, the calendar also highlights dates of the 2023 CALAFCO Annual Conference, which is scheduled to be held at the Hyatt Regency in Monterey from October 18-20.

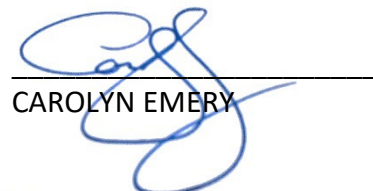
The OC LAFCO regular meetings are held on the second Wednesday of every month at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive in Santa Ana.

**RECOMMENDED ACTION**

Staff recommends the Commission:

1. Adopt the 2023 Meeting and Events Calendar.

Respectfully submitted,

  
CAROLYN EMERY  
CHERYL CARTER-BENJAMIN

Attachment 1: OC LAFCO 2023 Meeting and Events Calendar

# 2023 MEETING AND EVENTS CALENDAR

ATTACHMENT 1

Approved \_\_\_\_\_ 2023

2023



January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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29	30	31				

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30						

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23	24	25	26	27	28	29
30	31					

October						
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29	30	31				

February						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

May						
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28	29	30	31			

August						
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27	28	29	30	31		

November						
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March						
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26	27	28	29	30	31	

June						
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September						
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December						
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24	25	26	27	28	29	30
31						

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)  
**Location:** County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 18 - 20, 2023 at Hyatt Regency Monterey.

**REGULAR MEMBERS**

## CHAIR

**Douglass Davert**  
Special District Member

## VICE CHAIR

**Donald P. Wagner**  
County Member

## IMMEDIATE PAST CHAIR

**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
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County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel

November 9, 2022

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Commissioner/CALAFCO Board Member  
Executive Officer

**SUBJECT:** CALAFCO Update

**SUMMARY**

The 2022 California Association of Local Agency Formation Commissions (CALAFCO) Annual Conference held in Newport Beach on October 19-21 was well attended with over 250 Commissioners and staff present in Orange County. The conference included numerous educational sessions, generally involving topics such as conflicts of interest, staff recruitment and retention, the relationship of LAFCOs and grand juries, and a mock hearing. The conference kicked off with a mobile lecture on the history, topographic features, and multi-layered jurisdictions of the Newport Beach Harbor. Attendees of the workshop also heard from some of Orange County's local agencies serving coastal communities, which included presentations on the history of efforts involving the unincorporated Banning Ranch area and a recent key approval involving the proposed Doheny Ocean Desalination Plant.

Additionally, the CALAFCO Board of Directors conducted regional elections and the Board's annual meeting, which highlighted CALAFCO's financial status, potential legislation of LAFCO-interest, and other activities of the Association. Below are the current and re-elected Board members representing the CALAFCO Southern Region.

Board Member	LAFCO	Category	Term
Michael Kelley	Imperial	County	2023
Jo MacKenzie	San Diego	Special District	2023
<b>Derek McGregor</b>	<b>Orange</b>	<b>Public</b>	<b>2024</b>
Acquanetta Warren	San Bernardino	City	2024

During the conference, officers of the CALAFCO Board and Committee member appointments were also approved. Emphasized below are the Board officers and committee members representing the CALAFCO Southern Region. The terms of these appointments are for one year and considered by the Board annually.

**CALAFCO Board of Directors Officers**

*Chair:* Bill Connelly (Northern Region)

*Vice Chair:* Margie Mohler (Coastal Region)

***Treasurer:* Acquanetta Warren (Southern Region)**

*Secretary:* Daniel Parra (Central Region)

**CALAFCO Legislative Committee**

**Carolyn Emery, Orange LAFCO**

Gary Thompson, Riverside LAFCO

Adriano Romo, Los Angeles LAFCO

**Luis Tapia, Orange LAFCO** (*Advisory Committee*)

The Board of Directors meets quarterly, and the next meeting is December 9, 2022. Commissioner McGregor will continue to provide regular updates to the Commission on CALAFCO activities.

**RECOMMENDED ACTION**

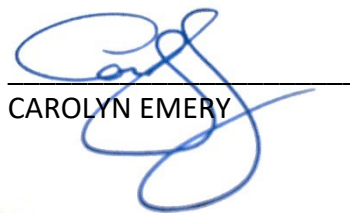
Staff recommends the Commission:

1. Receive and file the CALAFCO Update.

Respectfully submitted,



DEREK J. MCGREGOR



CAROLYN EMERY

**8a** | Commission  
Discussion

November 9, 2022

**REGULAR MEMBERS**

CHAIR

**Douglass Davert**  
Special District Member

VICE CHAIR

**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR

**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**ALTERNATES****Andrew Do**  
County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Executive Officer  
Assistant Executive Officer  
Accountant**SUBJECT:** Fiscal Year 2021-22 OC LAFCO Audited Financial Statements**BACKGROUND**

The Fiscal Year 2021-22 OC LAFCO Audited Financial Statements, which is provided as Attachment 2, consists of seven parts:

- Independent Auditor's Report: An audit report cover letter from Davis Farr outlining the auditor's professional responsibilities, accounting basis, and opinion on whether the financial statements comply with Generally Accepted Accounting Practices. (Pages 1-4)
- Management's Discussion and Analysis: This section summarizes the financial statements and explains any major changes from the prior fiscal year to the current fiscal year. (Pages 5-9)
- OC LAFCO Government Wide Financial Statements: These two statements are different from the rest of the financial statements in that they include the long-term assets and long-term liabilities of the Commission. (Pages 10-11)
- OC LAFCO Financial Statements: A depiction of the agency's government activities and each major fund for FY 2021-22. These statements differ from the government wide statements in that they have a current resource/boundary focus and, as such, exclude the long-term assets and liabilities. (Pages 12-15)
- Notes to the Basic Financial Statements: The footnotes provide information in greater detail on OC LAFCO's financial policies, accounting, retirement plan, other post-employment benefits, and other financial matters. (Pages 16-40)

- Required Supplemental Information: This includes various schedules and details for the agency's pension liability, OPEB liability, the Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual, and notes to the required supplementary information. (Pages 42-49)
- Independent Auditor's Report on Internal Control: A report identifying and disclosing any material weakness or significant deficiencies in internal controls. (Pages 51-52)

In preparation for and during the audit, OC LAFCO's staff and accountant jointly prepared materials and worked directly with the team from the independent auditor's firm, Davis Farr LLP. In addition to a review of these documents, the audit team performed fieldwork at the OC LAFCO office to complete the audit process.

#### **OC LAFCO'S FISCAL YEAR 2021-22 AUDITED FINANCIAL STATEMENTS**

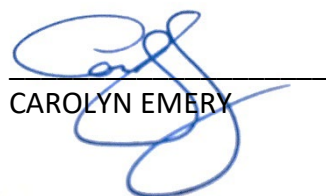
The auditor found OC LAFCO's financial reporting to be in compliance with Generally Accepted Accounting Principles and expressed an Unqualified Opinion, which is the highest level of opinion an entity can receive. Additionally, the Report on Internal Controls noted that no material weaknesses or significant deficiencies in internal controls were identified during the audit process.

#### **RECOMMENDED ACTIONS**

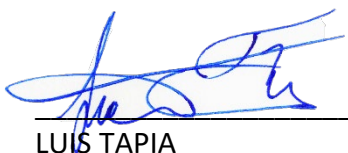
Staff recommends the Commission:

1. Receive and file OC LAFCO's Fiscal Year 2021-22 audited financial statements prepared by Davis Farr LLP.

Respectfully submitted,



CAROLYN EMERY



LUIS TAPIA



CINDY BYERRUM

Attachments:

1. Auditor Communications to Those in Governance
2. OC LAFCO Audited Financial statements for Fiscal Year 2021-22



**Davis Farr LLP**  
18201 Von Karman Avenue | Suite 1100 | Irvine, CA 92612  
Main: 949.474.2020 | Fax: 949.263.5520

Board of Commissioners  
Orange County Local Agency Formation Commission  
Santa Ana, California

We have audited the financial statements of Orange County Local Agency Formation Commission Organization as of and for the year ended June 30, 2022 *and* have issued our report thereon dated October 28, 2022. Professional standards require that we advise you of the following matters relating to our audit.

### **Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated August 15, 2022, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of Orange County Local Agency Formation Commission Organization solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, and our network firms have complied with all relevant ethical requirements regarding independence.

We identified independence threats related to the preparation of the financial statements and proposing journal entries. We have applied certain safeguards to reduce the threats to an acceptable level, including using an independent party within the firm to perform a quality control review of the financial statements, and obtaining confirmation from The Orange County Local Agency Formation Commission Organization management that their review of the financial statements included comparing the financial statements and footnotes to the underlying accounting records.

### **Significant Risks Identified**

During the planning of the audit, we identified the implementation of Governmental Accounting Standards Board No. 87 – Leases as a significant risk. As a result, we reviewed the support for 100% of the lease liability and related right to use assets. We compared the terms of the agreements to the information included in the calculation of the lease payable.

### **Qualitative Aspects of the Entity’s Significant Accounting Practices**

#### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Orange County Local Agency Formation Commission Organization is included in Note 1 to the financial statements. As described in Note 9 to the financial statements, the Commission changed accounting policies related to leases by adopting Statement of Governmental Accounting Standards (GASB Statement) No. 87, Leases, in the fiscal year 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management’s current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management’s current judgments.

The most sensitive accounting estimates affecting the financial statements are the grant receivables.

Management’s estimate of the revenues and expenses and collectability of grant receivables is based on management’s knowledge and experience about past and current events and assumptions about future events. We evaluated the key factors and assumptions used to develop the revenues and expenses and collectability of grant receivables and determined that it is reasonable in relation to the basic financial statements taken as a whole.

*Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the Orange County Local Agency Formation Commission Organization's financial statements relate to revenue recognition.

**Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

**Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. There were no such misstatements.

**Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the Orange County Local Agency Formation Commission Organization's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

**Representations Requested from Management**

We have requested certain written representations from management, which are included in the letter dated October 28, 2022.

**Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that they regularly consult with Eide Bailly LLP regarding auditing and accounting matters.

**Other Significant Matters, Findings or Issues**

In the normal course of our professional association with Salton Sea Authority, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating conditions affecting the entity, and operating plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Orange County Local Agency Formation Commission Organization's auditors.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the Board of Commissioners, and management of the Orange County Local Agency Formation Commission Organization and is not intended to be and should not be used by anyone other than these specified parties.

*DavisFarrLLP*

Irvine, California  
October 28, 2022

**ORANGE COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**Basic Financial Statements**

**Year ended June 30, 2022**

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**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Basic Financial Statements****Year ended June 30, 2022****TABLE OF CONTENTS**

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**Independent Auditor's Report**

Board of Commissioners  
Orange County Local Agency Formation Commission  
Santa Ana, California

**Report on the Audit of the Financial Statements*****Opinion***

We have audited the financial statements of the Orange County Local Agency Formation Commission (the "Commission"), which comprise the statement of financial position as of June 30, 2022, and the related to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Orange County Local Agency Formation Commission as of June 30, 2022, and the changes in its net assets for the year then ended in conformity with accounting principles generally accepted in the United States of America.

***Basis for Opinion***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Orange County Local Agency Formation Commission and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

***Emphasis of Matter***

As described further in Note 9 to the financial statements, during the year ended June 30, 2022, the Commission implemented Governmental Accounting Standards Board (GASB) Statement No.87, Lease Accounting. Our opinion is not modified with respect to this matter.

***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Orange County Local Agency Formation Commission's ability to continue as a going concern for one year after the date that the financial statements are issued.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Commission's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the *Management's Discussion and Analysis, Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – General Fund, the Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios of the Measurement Date, the Schedule of Plan Contributions – Defined Benefit Pension Plan, the Schedule of the Proportionate Share of the Net OPEB Liability and Related Ratios of the Measurement Date, and the Schedule of Contributions – OPEB Plan* be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

***Report on Summarized Comparative Information***

We have previously audited the Orange County Local Agency Formation Commission's June 30, 2021 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated October 27, 2021. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2021 is consistent, in all material respects, with the audited financial statements from which it has been derived.

***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated October 28, 2022 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Commission's internal control over financial reporting and compliance.

DavisFarrLLP

Irvine, California  
October 28, 2022

ATTACHMENT 2

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**Management's Discussion and Analysis**

**Year ended June 30, 2022**

The following management's discussion and analysis of the financial performance of the Orange County Local Agency Formation Commission (the Commission) provides an overview of the Commission's financial activities for the fiscal year ended June 30, 2022. Please read it in conjunction with the financial statements identified in the accompanying table of contents.

Using the Accompanying Financial Statements

This annual report consists of a series of financial statements. The Statement of Net Position and the Statement of Activities provide information about the activities of the Commission as a whole and present a longer-term view of the Commission's finances. Also included in the accompanying report are fund financial statements. For governmental activities, the fund financial statements tell how these services were financed in the short term as well as what remains for future spending. Fund financial statements also report the Commission's operations in more detail than the government-wide statements by providing information about the Commission's most significant revenues and expenditures.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

The annual report consists of two parts - *management's discussion and analysis* (this section), and the *basic financial statements*. The basic financial statements include two kinds of statements that present different views of the Commission.

The first two statements are *government-wide financial statements* that provide both *long-term* and *short-term* information about the Commission's overall financial status. The remaining statements are *fund financial statements* that focus on *individual parts* of the Commission government, reporting the Commission's operations in *more detail* than the government-wide statements. The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data.

Reporting the Commission as a Whole

The accompanying **government-wide financial statements** include two statements that present financial data for the Commission as a whole. One of the most important questions asked about the Commission's finances is, "Is the Commission as a whole better off or worse off as a result of the year's activities?" The Statement of Net Position and the Statement of Activities report information about the Commission as a whole and about its activities in a way that helps answer this question. These statements include *all* assets and liabilities using the *accrual basis of accounting*, which is similar to the accounting used by most private sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the Commission's net position and changes in net position. You can think of the Commission's net position - the difference between assets and liabilities - as one way to measure the Commission's financial health, or *financial position*. Over time, *increases and decreases* in the Commission's net position are one indicator of whether its *financial health* is improving or deteriorating. You will need to consider other nonfinancial factors, such as changes in the Commission's revenues, to assess the *overall health* of the Commission.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2022

**OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)**Reporting the Commission's Major Funds

The **fund financial statements** provide detailed information about the Commission's most significant funds - not the Commission as a whole. Some funds are required to be established by State law or by bond covenants. However, the Commission establishes other special funds to help it control and manage money for particular purposes or to show that it is meeting administrative responsibilities for using certain revenues.

*Governmental funds* - All of the Commission's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year end that are available for spending. These funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other *current financial* assets that can readily be converted to cash. The governmental fund statements provide a detailed *short-term view* of the Commission's general government operations and the basic services it provides. Governmental fund information helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the Commission's programs. We describe the relationship or differences between *governmental activities* (reported in the Statement of Net Position and the Statement of Activities) and *governmental funds* in a reconciliation following the fund financial statements.

**GOVERNMENT-WIDE FINANCIAL STATEMENTS**

A summary of the government-wide *Statement of Net Position* follows:

**Table 1**  
**Statements of Net Position**  
**June 30, 2022 and 2021**

	<u>2022</u>	<u>2021</u>	<u>Change</u>
Assets:			
Current assets	\$ 1,692,330	1,770,046	(77,716)
Capital assets, net	<u>821,612</u>	<u>17,068</u>	<u>804,544</u>
Total assets	<u>2,513,942</u>	<u>1,787,114</u>	<u>726,828</u>
Deferred outflow of resources	<u>438,934</u>	<u>338,165</u>	<u>100,769</u>
Liabilities:			
Current liabilities	92,313	91,954	359
Non-current liabilities	<u>1,885,514</u>	<u>1,463,329</u>	<u>422,185</u>
Total liabilities	<u>1,977,827</u>	<u>1,555,283</u>	<u>422,544</u>
Deferred inflows of resources	<u>790,724</u>	<u>450,027</u>	<u>340,697</u>
Net position:			
Net investment in capital assets	(1,714)	17,068	(18,782)
Unrestricted	<u>186,039</u>	<u>102,901</u>	<u>83,138</u>
Total net position	<u>\$ 184,325</u>	<u>119,969</u>	<u>64,356</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2022

**GOVERNMENT-WIDE FINANCIAL STATEMENTS (CONTINUED)**

A closer examination reveals that Net Position between the years increased by \$64,356. This increase is caused by an increase to capital assets, offset by an increase to total liabilities, due to the implementation of Governmental Accounting Standards Board No. 87, as discussed further in Notes 1 and 5, and changes in the pension and OPEB liabilities.

A summary of the government-wide *Statement of Activities* follows:

**Table 2**  
**Statement of Activities**  
**Years Ended June 30, 2022 and 2021**

	<u>2022</u>	<u>2021</u>	<u>Change</u>
Revenues:			
Apportionments	\$ 1,158,240	1,124,500	33,740
Charges for Services	46,774	51,306	(4,532)
Capital Grants and Contributions	-	14,152	(14,152)
Interest and Other Revenues	(8,760)	9,613	(18,373)
Total revenues	<u>1,196,254</u>	<u>1,199,571</u>	<u>(3,317)</u>
Expenses:			
General Government	1,163,782	1,030,538	133,244
Interest	26,124	-	26,124
Total expenditures	<u>1,189,906</u>	<u>1,030,538</u>	<u>159,368</u>
Changes in net position	6,348	169,033	(162,685)
Beginning net position, as restated	<u>177,977</u>	<u>(49,064)</u>	<u>227,041</u>
Ending net position	<u>\$ 184,325</u>	<u>119,969</u>	<u>64,356</u>

The increase or decrease in net position can provide an indication as to whether the overall financial position of the Commission improved or deteriorated during the year. In fiscal year 2022, the Commission saw increased charges for services that was offset by a decrease in all other revenues. Changes in Net Position decreased due to an overall increase in expenditures, primarily due to increases in salaries and benefits, contract services and depreciation expense.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Management's Discussion and Analysis****Year ended June 30, 2022****GENERAL FUND BUDGET**

Major deviations between the budget of the General Fund and its actual operating results were as follows:

- Total general fund revenues were slightly lower than budgeted due to unrealized investment losses.
- Several pension and retiree health year-end calculations are not budgeted for and are prepared mainly for audited financial statement presentation.
- Total expenditures were less than budget by approximately \$140,695 mainly due to lower than expected expenditures for salaries and benefits and rent expense, offset by an increase in principal and interest payments. The differences between rent expense and principal and interest payments is due to the implementation of GASB 87.

**CAPITAL ASSETS**

**Capital Assets - Governmental Activities  
Years Ended June 30, 2022 and 2021**

	<u>2022</u>	<u>2021</u>	<u>Change</u>
Capital assets:			
Furniture and fixtures	\$ 19,530	19,530	-
Equipment	53,119	43,624	9,495
Leasehold improvements	103,169	103,169	-
Right to use asset	901,560	-	901,560
Software	-	1,899	(1,899)
Total capital assets	<u>1,077,378</u>	<u>168,222</u>	<u>909,156</u>
Accumulated depreciation	<u>(255,766)</u>	<u>(151,154)</u>	<u>(104,612)</u>
Capital assets, net	<u>\$ 821,612</u>	<u>17,068</u>	<u>804,544</u>

There was a new asset addition to a Right to Use Asset as a result of the implementation of GASB 87. The implementation required a capital asset and offsetting lease liability to be recorded for long-term leases in fiscal year 2022. As a result, the Commission recorded a capital asset for the lease of office space and copier equipment. Additional information on capital assets and leases can be found in Notes 3 and 5 of the notes to the financial statements, respectively.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Management's Discussion and Analysis****Year ended June 30, 2022****LONG-TERM LIABILITIES****Long-term Liabilities  
Years Ended June 30, 2022 and 2021**

	<b><u>2022</u></b>	<b><u>2021</u></b>	<b><u>Change</u></b>
Compensated Absences	\$ 46,394	37,861	8,533
Lease Liability	823,326	-	823,326
Deferred Lease Incentive	-	67,741	(67,741)
Total Liabilities	<b><u>\$ 869,720</u></b>	<b><u>105,602</u></b>	<b><u>764,118</u></b>

The compensated absences liability represents the value of unused vacation pay that employees have accrued as of the end of the fiscal year. Additional information on long-term liabilities may be found in Note 5 of the notes to financial statements.

**CONTACTING THE COMMISSION'S FINANCIAL MANAGEMENT**

This financial report is designed to provide our citizens, taxpayers, customers, and creditors with a general overview of the Commission's finances and to show the Commission's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the Executive Officer at 2677 North Main Street, Suite 1050, Santa Ana, CA 92705.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Statement of Net Position

**June 30, 2022**  
**(with comparative information for prior year)**

	Governmental Activities	
	2022	2021
Assets:		
Cash and investments (note 2)	\$ 1,463,447	1,517,245
Due from other governments	735	2,224
Interest receivable	1,464	635
Prepaid costs	226,684	249,942
Capital assets, net (note 3)	821,612	17,068
Total assets	<u>2,513,942</u>	<u>1,787,114</u>
Deferred outflow of resources:		
Deferred amounts from pension (note 6)	396,140	322,469
Deferred amounts from OPEB (note 7)	42,794	15,696
Total deferred outflow of resources	<u>438,934</u>	<u>338,165</u>
Liabilities:		
Accounts payable	45,848	27,350
Accrued liabilities	30,291	29,601
Unearned revenue	16,174	35,003
Noncurrent liabilities:		
Due within one year:		
Compensated absences (note 5)	30,929	25,241
Lease liability (note 5)	83,593	-
Due in more than one year:		
Compensated absences (note 5)	15,465	12,620
Deferred lease incentive	-	67,741
Lease liability (note 5)	739,733	-
Net pension liability (note 6)	912,794	1,248,133
Net OPEB liability (note 7)	103,000	109,594
Total liabilities	<u>1,977,827</u>	<u>1,555,283</u>
Deferred inflow of resources:		
Deferred amounts from pension (note 6)	746,724	433,790
Deferred amounts from OPEB (note 7)	44,000	16,237
Total deferred inflow of resources	<u>790,724</u>	<u>450,027</u>
Net position (deficit):		
Net investment in capital assets	(1,714)	17,068
Unrestricted	186,039	102,901
Total net position (deficit)	<u>\$ 184,325</u>	<u>119,969</u>

See accompanying notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Statement of Activities

Year ended June 30, 2022  
(with comparative information for prior year)

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	
					2022	2021
Governmental activities:						
General government	\$ 1,163,782	46,774	-	-	(1,117,008)	(965,080)
Interest	<u>26,124</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(26,124)</u>	<u>-</u>
Total governmental activities	<u>\$ 1,189,906</u>	<u>46,774</u>	<u>-</u>	<u>-</u>	<u>(1,143,132)</u>	<u>(965,080)</u>
General revenues:						
Apportionments					1,158,240	1,124,500
Investment income (loss)					(11,724)	9,235
Other revenues					<u>2,964</u>	<u>378</u>
Total general revenues					<u>1,149,480</u>	<u>1,134,113</u>
Change in net position					6,348	169,033
Net position (deficit), beginning of year, as restated					<u>177,977</u>	<u>(49,064)</u>
Net position, end of year					<u>\$ 184,325</u>	<u>119,969</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Balance Sheet - Governmental Funds

**June 30, 2022**  
**(with comparative information for prior year)**

			Total Governmental	
			Funds	
	General Fund	Special Revenue Fund	2022	2021
<u>Assets</u>				
Cash and investments	\$ 1,447,273	16,174	1,463,447	1,517,245
Due from other governments	735	-	735	2,224
Interest receivable	1,464	-	1,464	635
Prepaid costs	226,684	-	226,684	249,942
Total assets	<u>\$ 1,676,156</u>	<u>16,174</u>	<u>1,692,330</u>	<u>1,770,046</u>
<u>Liabilities and Fund Balance</u>				
Liabilities:				
Accounts payable	\$ 45,848	-	45,848	27,350
Accrued liabilities	30,291	-	30,291	29,601
Unearned revenue	-	16,174	16,174	35,003
Total liabilities	<u>76,139</u>	<u>16,174</u>	<u>92,313</u>	<u>91,954</u>
Fund balance:				
Nonspendable:				
Prepaid costs	226,684	-	226,684	249,942
Assigned for:				
Contingency	100,000	-	100,000	100,000
Litigation	75,000	-	75,000	75,000
Unfunded liabilities	30,000	-	30,000	30,000
Restricted for:				
Retirement benefits	54,032	-	54,032	-
Unassigned	<u>1,114,301</u>	<u>-</u>	<u>1,114,301</u>	<u>1,223,150</u>
Total fund balance	<u>1,600,017</u>	<u>-</u>	<u>1,600,017</u>	<u>1,678,092</u>
Total liabilities and fund balance	<u>\$ 1,676,156</u>	<u>16,174</u>	<u>1,692,330</u>	<u>1,770,046</u>

See accompanying notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Reconciliation of the Balance Sheet of Governmental Funds  
to the Statement of Net Position

June 30, 2022

Fund balances of governmental funds	\$ 1,600,017
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Amounts reported for governmental activities in the Statement of Net Position  
are different because:

Capital Related Items

Capital assets and depreciation have not been included as financial resources  
in the government fund statements:

Capital assets	1,077,378
Accumulated depreciation	(255,766)

Long-Term Liability Transactions

Long-term liabilities are not due and payable in the current period and,  
accordingly, are not reported in the government fund statements:

Net pension liability	(912,794)
Net OPEB liability	(103,000)
Lease liability	(823,326)
Compensated absences	(46,394)

Deferred Outflows and Inflows of Resources

Certain deferred outflows and inflows of resources are not due and payable in  
the current period and are not current assets or financial resources, therefore  
these items are not reported in the governmental funds:

Deferred outflows - pensions	396,140
Deferred outflows - OPEB	42,794
Deferred inflows - pensions	(746,724)
Deferred inflows - OPEB	(44,000)

Net position of governmental activities	<u>\$ 184,325</u>
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See accompanying notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Governmental FundsYear ended June 30, 2022  
(with comparative information for the prior year)

		Special	Total Governmental Funds	
	General Fund	Revenue Fund	2022	2021
Revenues:				
Apportionments	\$ 1,158,240	-	1,158,240	1,124,500
Capital contributions	-	-	-	14,152
Filing fees	-	46,774	46,774	51,306
Investment Income (loss)	(11,724)	-	(11,724)	9,235
Other	2,964	-	2,964	378
Total revenues	<u>1,149,480</u>	<u>46,774</u>	<u>1,196,254</u>	<u>1,199,571</u>
Expenditures:				
General government:				
Salaries and benefits	846,812	20,829	867,641	738,037
Service and supplies	276,385	25,658	302,043	315,231
Refund of unused deposits	-	287	287	872
Debt service:				
Principal	78,234	-	78,234	-
Interest	26,124	-	26,124	-
Total expenditures	<u>1,227,555</u>	<u>46,774</u>	<u>1,274,329</u>	<u>1,054,140</u>
Excess (deficiency) of revenues over/(under) expenditures	<u>(78,075)</u>	<u>-</u>	<u>(78,075)</u>	<u>145,431</u>
Net change in fund balances	(78,075)	-	(78,075)	145,431
Fund balances at beginning of year	<u>1,678,092</u>	<u>-</u>	<u>1,678,092</u>	<u>1,532,661</u>
Fund balances at end of year	<u>\$ 1,600,017</u>	<u>-</u>	<u>1,600,017</u>	<u>1,678,092</u>

See accompanying notes to the basic financial statements.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**Reconciliation of the Statement of Revenues, Expenditures, and  
Changes in Fund Balance of Governmental Funds to the Statement of Activities**

**Year ended June 30, 2022**

Net changes in fund balances - total governmental funds \$ (78,075)

Amounts reported for governmental activities in the Statement of Activities are different because:

Capital Related Items

When capital assets that are to be used in governmental activities are purchased or constructed, the resources expended for those assets are reported as expenditures in governmental funds. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.

Capital expenditures	7,596
Depreciation expense	(104,612)

Long-Term Liability Transactions

Some expenses reported in the Statement of Activities do not require the use of current financial resources:

Net change in compensated absences	(8,533)
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Pension and OPEB expense reported in the governmental funds include the actual contributions made in the fiscal year. Pension and OPEB expense reported in the Statement of Activities includes the changes in the liabilities and related deferred outflows/inflows of resources.

Net change in net pension liability	96,076
Net change in net OPEB liability	5,929

The proceeds of long-term debt are recorded as other financing sources in governmental funds and as a fund liability in the Statement of Activities. Amounts paid to reduce long-term indebtedness are reported as fund expenditures in governmental funds and as a reduction of the liability in the Statement of Activities.

Lease principal payments	78,234
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When a lessor pays for leasehold improvements a deferred lease incentive is recognized in the Statement of Net Position. The deferred lease incentive is amortized over the lease term. Amortization of this amount reduces rent expense in the Statement of Activities.

Amortization of deferred lease incentive	<u>9,733</u>
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Change in net position of governmental activities	<u><u>\$ 6,348</u></u>
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See accompanying notes to the basic financial statements.

# ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

### (1) Summary of Significant Accounting Policies

The financial statements of the Orange County Local Agency Formation Commission (Commission) have been prepared in conformity with generally accepted accounting principles (GAAP). The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

#### (a) Description of the Reporting Entity

Following the end of World War II, California entered a new era of demographic growth and diversity, and economic development. With this growth came the need for housing, jobs and public services. To provide for these services, California experienced a wave of newly formed cities and special districts, but with little forethought as to how the new agencies should plan for services. The lack of coordination and adequate planning for future governance led to a multitude of overlapping, inefficient jurisdictional and service boundaries.

In 1963, the State Legislature created Local Agency Formation Commissions (LAFCO) to help direct and coordinate California's growth in a logical, efficient, and orderly manner. Each county within California is required to have a LAFCO. The Commissions are charged with the responsibility of making difficult decisions on proposals for new cities and special districts, spheres of influence, consolidations, and annexations.

Prior to July 1, 2001, the Commission was a department of the County of Orange (County). The Commission has separated from the County and is now independent. The Commission's governing board consists of seven appointed board members, and four alternates. Two members are selected by the Orange County Board of Supervisors from their own membership, two are selected by the cities in the County, two are selected from special districts by the independent special district selection committee and one member is selected to represent the general public, who is appointed by the other members of the Commission.

Funding for the Commission operations is equally shared by the County, the 34 Orange County cities and the 27 independent special districts. Although the County of Orange contributes one-third of the Commission funding, the Commission is an independent agency and its budget is not subject to County approval. The Commission is staffed by 4 full-time staff.

#### (b) Basis of Accounting and Measurement Focus

The *basic financial statements* of the Commission are composed of the following:

- (a) Government-wide financial statements
- (b) Fund financial statements
- (c) Notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Commission.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a function or segment. Program revenues include charges for services that are restricted to meeting the operational or capital requirements of a particular function or segment. Use of money and other items not properly included among program revenues are reported instead as general revenues.

Government-wide financial statements are presented using the *economic resources measurement focus* and the *accrual basis of accounting*. Under the economic resources measurement focus, all (both current and long-term) economic resources and obligations of the reporting government are reported in the government-wide financial statements. *Basis of accounting* refers to when revenues and expenses are recognized in the accounts and reported in the financial statements. Under the *accrual basis of accounting*, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement No. 33.

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures.

In the fund financial statements, governmental funds are presented using the *modified accrual basis of accounting*. Revenues are recognized when they become *measurable* and *available* as net current assets. *Measurable* means that the amounts can be estimated or otherwise determined. *Available* means that the amounts were collected during the reporting period or soon enough thereafter to be available to finance the expenditures accrued for the reporting period. The Commission uses an availability period of 60 days for all revenues.

Charges for services and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period to the extent normally collected within the availability period.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(1) Summary of Significant Accounting Policies (Continued)

Other revenue items are considered to be measurable and available when cash is received from the government.

In the fund financial statements, governmental funds are presented using the *current financial resources measurement focus*. This means that only current assets and current liabilities are generally included on their balance sheets. The reported fund balance (net current assets) is considered to be a measure of "available spendable resources." Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of "available spendable resources" during a period.

Due to the nature of their spending measurement focus, expenditure recognition for governmental fund types excludes amounts represented by noncurrent liabilities. Since they do not affect net current position, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities.

Amounts expended to acquire capital assets are recorded as *expenditures* in the year that resources were expended, rather than as fund assets. The proceeds of long-term debt are recorded as *other financing sources* rather than as a fund liability. Amounts paid to reduce long-term indebtedness are reported as fund expenditures.

(c) Fund Classifications

Fund balances are reported in the fund statements in the following classifications:

Nonspendable Fund Balance – This includes amounts that cannot be spent because they are either not spendable in form (such as prepaid expenses) or legally or contractually required to be maintained intact.

Restricted Fund Balance – This includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation. If the Commission action limiting the use of funds is included in the same action (legislation) that created (enables) the funding source, then it is restricted.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(1) Summary of Significant Accounting Policies (Continued)**

Committed Fund Balance – this includes amounts that can be used only for the specific purposes determined by a formal action of the Commission. It includes legislation (Commission action) that can only be overturned by new legislation requiring the same type of voting consensus that created the original action. Therefore, if the Commission action limiting the use of the funds is separate from the action (legislation) that created (enables) the funding source, then it is committed, not restricted. The Commission considers a resolution, to constitute a formal action of the Board of Commissioners for the purposes of establishing committed fund balance.

Assigned Fund Balance – this includes amounts that are designated or expressed by the Commission but does not require a formal action like a resolution or ordinance. The Commission may delegate the ability of an employee or committee to assign uses of specific funds, for specific purposes. Such delegation of authority has not yet been granted.

Unassigned Fund Balance – this includes the remaining spendable amounts which are not included in one of the other classifications.

Net Position Flow Assumption – When an expenditure is incurred for purposes for which both restricted and unrestricted net position is available, the Commission's policy is to apply restricted fund balance first.

Fund Balance Flow Assumption – When an expenditure is incurred for purposes for which committed, assigned or unassigned fund balances are available, the Commission's policy is to apply committed fund balance first, then assigned fund balance, and finally unassigned fund balance.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as a separate column in the fund financial statements.

The Commission reports the following major governmental funds:

The General Fund is used to account for resources traditionally associated with the organization, which are not required legally or by sound financial management to be accounted for in another fund.

The Special Revenue Fund is used to account for resources derived from the specific revenue sources which are usually required by law or administrative regulation to be accounted for in separate funds. The Commission utilizes this fund to account for the different special projects.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)****(d) Cash and Investments**

Cash and cash equivalents include amounts in demand deposits as well as short-term investments with a maturity date within three months of the date acquired by the government. Investments are reported in the accompanying balance sheet at fair value.

**(e) Fair Value Measurements**

Certain assets and liabilities are required to be reported at fair value. The fair value framework provides a hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). The three levels of fair value hierarchy are described as follows:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets.

Level 2 - Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly and fair value is determined through the use of models or other valuation methodologies including:

- Quoted prices for similar assets or liabilities in active markets;
- Quoted prices for identical or similar assets or liabilities in markets that are inactive;
- Inputs other than quoted prices that are observable for the asset or liability;
- Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement. These unobservable inputs reflect the Commission's own assumptions about the inputs market participants would use in pricing the asset or liability (including assumptions about risk). These unobservable inputs are developed based on the best information available in the circumstances and may include the Commission's own data.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(1) Summary of Significant Accounting Policies (Continued)****(f) Capital Assets**

Capital assets are reported in the governmental activities column of the government-wide financial statements. Capital assets are defined by the Commission as assets with an initial cost of more than \$2,000 and a useful life of greater than one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Capital assets of the Commission are depreciated using the straight-line method over the following estimated useful lives:

Furniture and fixtures	10 years
Equipment	2 to 5 years
Leasehold improvements	Life of lease
Software	3 years

Right to use capital assets are depreciated over the estimated useful life of the leased asset or the contract term, whichever is shorter.

**(g) Compensated Absences**

All regular full-time and regular part-time Commission employees earn from 15 to 20 vacation days a year, depending upon their length of employment, and 9 to 12 sick days a year. Employees can carry forward up to 240 hours in earned but unused vacation days. Upon termination or retirement, employees are entitled to receive compensation at their current base salary for all unused vacation leave. There is no payout for unused accumulated sick leave and as such is not accrued for at year-end.

**(h) Pensions**

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Commission's Orange County Employees' Retirement System (OCERS) plans (Plans) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by OCERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the Plans terms. Investments are reported at fair value.

OCERS audited financial statements are publicly available reports that can be obtained at OCERS' website under Forms and Publications.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(1) Summary of Significant Accounting Policies (Continued)**

Generally accepted accounting principles require that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date (VD)	December 31, 2020
Measurement Date (MD)	December 31, 2021
Measurement Period (MP)	January 1, 2021 to December 31, 2021

**(i) Other Post-Employment Benefits (OPEB)**

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of Commission's plan (Plan) additions to/deductions from the OPEB Plan's fiduciary net position have been determined by an independent actuary. For this purpose, benefit payments are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

Generally accepted accounting principles require that the reported results must pertain to liability and fiduciary net position information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date (VD)	June 30, 2021
Measurement Date (MD)	December 31, 2021
Measurement Period (MP)	January 1, 2021 to December 31, 2021

**(j) Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Commission reports deferred outflows related to pensions and OPEB resulting from actuarial calculations.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Commission reports deferred inflows related to pensions and OPEB resulting from actuarial calculations.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(1) Summary of Significant Accounting Policies (Continued)****(k) Leases**

The Commission is a lessee for right to use assets as detailed in Footnote 5. The Commission recorded a lease payable in the financial statements.

At the commencement of the lease, the Commission initially measures the lease payable at the present value of payments expected to be paid during the lease term. Subsequently, the lease payable is reduced by the principal portion of lease payments made.

Key estimates and judgments include how the Commission determines the discount rate it uses to discount the expected lease receipts and payments to present value, lease term and lease receipts.

- The Commission used the estimated borrowing rate as the discount rate for leases.
- The lease term includes the noncancellable period of the lease.

**(l) Estimates**

The presentation of basic financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenditures during the reporting period. Actual results could differ from those estimates.

**(m) Comparative Data**

Selected information regarding the prior year has been included in the accompanying financial statements. This information has been included for comparison purposes only and does not represent a complete presentation in accordance with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the government's prior year financial statements, from which this selected financial data was derived.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(2) Cash and Investments**

Cash and investments held at June 30, 2022 consisted of the following:

Demand deposits	\$ 628,237
Orange County Investment Pool	493,016
Local Agency Investment Fund	288,162
Mutual Fund – PARS Trust	<u>54,032</u>

Total cash and investments	<u>\$ 1,463,447</u>
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Investments Authorized by the Commission's Investment Policy

The Commission's investment policy is reviewed by the Commission each year. Regarding allowable investment types, the investment policy is more conservative and restrictive than the investment vehicles authorized by Section 53600.5 of the California Government Code. Investment vehicles not specifically identified in the Commission's investment policy are not authorized unless the policy is amended by the Board of Commissioners. Investments are limited to:

<u>Authorized Investment Type</u>	<u>Maximum Maturity</u>	<u>Percentage of Portfolio</u>	<u>Investment in One Issuer</u>
United States Government			
Sponsored Agency Securities	5 years	None	None
Negotiable Certificates of Deposit*	5 years	30%	None
Local Agency Investment Fund	N/A	None	None
Orange County Investment Pool	N/A	None	None

N/A - Not Applicable

\* - Issued by a nationally or state-chartered bank, a state or federal savings and loan association, or savings bank with ratings equivalent by Fitch to be F1 or better.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(2) Cash and Investments (Continued)**Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the Commission manages its exposure to interest rate risk is by investing in the portfolio of the State Local Agency Investment Fund (LAIF) and the Orange County Investment Pool which purchase a combination of shorter term and longer term investments.

<u>Investment Type</u>	<u>Total</u>	<u>Remaining Maturity (in Months)</u>  <u>12 Months Or Less</u>
County investment pool	\$ 493,016	493,016
State investment pool	288,162	288,162
Mutual Fund – PARS Trust	<u>54,032</u>	<u>54,032</u>
Total	<u>\$ 835,210</u>	<u>835,210</u>

Disclosure Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization.

<u>Investment Type</u>	<u>Total</u>	<u>Minimum Legal Rating</u>	<u>AAA</u>	<u>Not Rated</u>
County investment pool	\$ 493,016	N/A	493,016	-
State investment pool	288,162	N/A	-	288,162
Mutual Fund – PARS Trust	<u>54,032</u>	N/A	<u>-</u>	<u>54,032</u>
Total	<u>\$ 835,210</u>		<u>493,016</u>	<u>342,194</u>

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(2) Cash and Investments (Continued)**Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g. broker-dealer) to a transaction, a government will not be able to recover the value of its investments or collateral securities that are in the possession of another party. Deposits may be covered by federal deposit insurance. The California Government Code and the Commission's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits made by state or local government units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the government unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure Commission deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits. Any deposits in excess of depository insurance limits at the end of the year are collateralized by securities held at the depository financial institution's trust department.

With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools (such as LAIF and the Orange County Investment Pool).

Fair Value Measurement

The Commission is a participant in the County Treasurer's Orange County Investment Pool (OCIP). The OCIP is an external investment pool and is rated and registered with the Securities and Exchange Commission (SEC). The County Treasury Oversight Committee conducts OCIP oversight. Cash on deposit in the OCIP at June 30, 2022, is stated at fair value. The OCIP values participant shares on an amortized cost basis during the year and adjusts to fair value at year-end. For further information regarding the OCIP, refer to the County of Orange Comprehensive Annual Financial Report.

The fair value of the Commission's investment in the Local Agency Investment Fund (LAIF) that is regulated by the California Government Code under the oversight of the Treasurer of the State of California is reported at amounts based upon the Commission's pro rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(2) **Cash and Investments (Continued)**

The Commission has a mutual fund investment in a trust with the Public Agency Retirement Service (PARS). Mutual Fund investments are not subject to fair value measurements.

(3) **Capital Assets**

A summary of changes in capital assets follows:

	Balance at July 1, 2021	Additions	Deletions	Balance at June 30, 2022
Capital assets, being depreciated:				
Furniture and fixtures	\$ 19,530	-	-	19,530
Equipment	43,624	9,495	-	53,119
Leasehold improvements	103,169	-	-	103,169
Software	1,899	-	(1,899)	-
Right to use assets	<u>-</u>	<u>901,560</u>	<u>-</u>	<u>901,560</u>
Total capital assets, being depreciated	<u>168,222</u>	<u>911,055</u>	<u>(1,899)</u>	<u>1,077,378</u>
Less accumulated depreciation for:				
Furniture and fixtures	(17,731)	(1,346)	-	(19,077)
Equipment	(41,224)	(1,786)	-	(43,010)
Leasehold improvements	(90,300)	(1,404)	-	(91,704)
Software	(1,899)	-	1,899	-
Right to use assets	<u>-</u>	<u>(101,975)</u>	<u>-</u>	<u>(101,975)</u>
Total accumulated depreciation	<u>(151,154)</u>	<u>(106,511)</u>	<u>1,899</u>	<u>(255,766)</u>
Capital assets, net	<u>\$ 17,068</u>	<u>804,544</u>	<u>-</u>	<u>821,612</u>

Depreciation expense of \$106,511 was included in general government expense on the statement of activities.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(4) Insurance**

Worker's Compensation Insurance is provided on behalf of the Commission by the County of Orange's insurance policy. The Commission pays its pro-rata share of insurance costs to the County. For coverage limits see the County of Orange Comprehensive Annual Financial Report. This report can be obtained at the Auditor-Controller County of Orange office located at Hall of Finance and Records, 12 Civic Center Plaza, Room 202, Santa Ana, CA 92702.

The Commission has an insurance policy with the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (JPRIMA) for excess liability insurance and property insurance. For general liability, the Commission maintains excess insurance coverage of \$10,000,000 with a self-insured retention of \$1,000,000 per occurrence.

**(5) Long-Term Liabilities**

The following is a summary of changes in long-term liabilities for the year ended June 30, 2022:

	Balance <u>July 1, 2021</u>	<u>Additions</u>	<u>Deletions</u>	Balance <u>June 30, 2022</u>	Due Within <u>One Year</u>
Compensated absences	\$ 37,861	32,687	(24,154)	46,394	30,929
Deferred lease incentive	67,741	-	(67,741)	-	-
Lease – property	-	885,406	(73,010)	812,396	78,210
Lease - copier	-	<u>16,154</u>	<u>(5,224)</u>	<u>10,930</u>	<u>5,383</u>
Total	<u>\$ 105,602</u>	<u>939,095</u>	<u>(170,471)</u>	<u>869,720</u>	<u>114,522</u>

**Leases**

During the fiscal year, the Commission implemented Governmental Accounting Standards Board Statement No. 87 on lease accounting.

In October 2019, the Commission entered into a Second Amendment to Office Lease (property lease). Pursuant to the lease, the Commission is leasing approximately 2,700 square feet of office space located in Santa Ana, California. The lease term is extended through August 31, 2030. Monthly lease payments per the agreement range from \$7,997 to \$10,682. An annual discount rate of 3% was used in calculating the lease liability.

In February 2019, the Commission entered into an Agreement with Toshiba Financial Services to lease certain copier equipment. The lease had a term of 63 months with minimum monthly payments of \$470. An annual discount rate of 3% was used in calculating the lease liability.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(5) **Long-Term Liabilities (Continued)**

Annual debt service requirements are as follows:

Fiscal Year	Property			Copier		
	Principal	Interest	Total	Principal	Interest	Total
2023	\$ 78,210	23,439	101,649	5,383	268	5,651
2024	83,569	21,008	104,577	5,547	91	5,638
2025	89,091	18,415	107,506	-	-	-
2026	95,113	15,644	110,757	-	-	-
2027	101,123	12,692	113,815	-	-	-
2028-30	365,290	18,476	383,766	-	-	-
Totals	<u>\$ 812,396</u>	<u>109,674</u>	<u>922,070</u>	<u>10,930</u>	<u>359</u>	<u>11,289</u>

(6) **Retirement Plan**Plan Description

All qualified full-time employees are eligible to participate in the Commission's General Employee Pension Plan, a cost-sharing multiple employer defined benefit pension plan administered by the Orange County Employees Retirement System (OCERS). Benefit provisions under the Plans are established by State statute and Commission resolution. OCERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions, and membership information that can be found on the OCERS website.

Benefits Provided

OCERS provides service retirement, disability, death, and survivor benefits to eligible employees. All regular full-time employees of the Commission who work a minimum of 20 hours per week become members of OCERS effective on the first day of employment in an eligible position. New members employed after January 1, 2013 are designated as PEPPA subject to the provisions of California Government Code 7522 et seq. and AB 197. Members hired prior to January 1, 2013 are eligible to retire once they attain the age of 50 and have acquired 10 or more years of retirement service credit. A member with 30 years of service is eligible to retire regardless of age. Members who are hired on or after January 1, 2013 are eligible to retire once they have attained the age of 52, and have acquired 5 years of retirement service credit. All members can also retire at the age of 70 regardless of service. The retirement benefit the member will receive is based upon age at retirement, final average compensation, years of retirement service credit, and retirement plan and tier. OCERS provides an annual cost-of-living benefit to all retirees that is based upon the Consumer Price Index for All Urban Consumers for the Orange County-Riverside-Orange County Area and is capped at 3.0%.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(6) Retirement Plan (Continued)**

The Plans' provisions and benefits in effect at June 30, 2022 are summarized as follows:

Hire date	Prior to December 12, 2012	After December 12, 2012 (Legacy OCERS Members) Plan P	On or After January 1, 2013 (New OCERS Members) Plan T PEPRA Compliant
Benefit formula	2.7%@55	1.62%@65	1.62%@65
Benefit vesting schedule	10 years of service	10 years of service	10 years of service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 - 55	50 - 65	52-65
Monthly benefits, as a % of eligible	2.0% to 2.7%	0.79% to 1.62%	0.79% to 1.62%
Required employee contribution rates	10-16%	6-12%	5-9%
Required employer contribution rates	41.72%	27.38%	34.52%

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate.

Funding contributions for all Plans are determined annually on an actuarial basis as of December 31 by OCERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The Commission is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

Actuarial Methods and Assumptions used to determine Total Pension Liability

The Net Pension Liability was measured as of December 31, 2021. The plan's Fiduciary Net Position (plan assets) was valued as of the measurement date while the Total Pension Liability was determined based on rolling forward the actuarial valuation as of December 31, 2020.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(6) Retirement Plan (Continued)**

The following actuarial assumptions were applied to the December 31, 2021 measurement date:

Actuarial Cost Method	Entry-Age in accordance with the requirements of GASB Statement No. 68
Inflation	2.50%
Salary increases	General: 4.00% to 11.00%, vary by service, including inflation
Investment rate of return	7.00% net of pension plan investment expenses, including inflation

Discount Rate

The discount rate used to measure the Total Pension Liability was 7.00% as of December 31, 2021. The projection of cash flows used to determine the discount rate assumed plan member contributions will be made at the current contribution rates and that employer contributions will be made at rates equal to the actuarially determined contribution rates. For this purpose, only employer contributions that are intended to fund benefits for current plan members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs for future plan members and their beneficiaries, as well as projected contributions from future plan members, are not included. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments for current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability as of December 31, 2021.

The long-term expected rate of return on pension plan investments, was determined using a building-block method in which expected future real rates of return (expected returns, inflation) are developed for each major asset class. These returns are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation and deducting expected investment expenses and a risk margin.

The target allocation and projected arithmetic real rates of return for each major asset class, after deducting inflation, but before investment expenses, used in the derivation of the long-term expected investment rate of return assumptions are summarized as:

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(6) Retirement Plan (Continued)

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Large Cap Equity	23.10%	5.43%
Small Cap Equity	1.90%	6.21%
International Developed Equity	13.00%	6.67%
Emerging Markets Equity	9.00%	8.58%
Core Bonds	9.00%	1.10%
High Yield Bonds	1.50%	2.91%
TIPS	2.00%	0.65%
Emerging Market Debt	2.00%	3.25%
Corporate Credit	1.00%	0.53%
Long Duration Fixed Income	2.50%	1.44%
Real Estate	3.01%	4.42%
Private Equity	13.00%	9.41%
Value Added Real Estate	3.01%	7.42%
Opportunistic Real Estate	0.98%	10.18%
Energy	2.00%	9.68%
Infrastructure (Core Private)	1.50%	5.08%
Infrastructure (Non-Core Private)	1.50%	8.92%
CTA – Trend Following	2.50%	2.38%
Global Macro	2.50%	2.13%
Private Credit	2.50%	5.47%
Alternative Risk Premia	<u>2.50%</u>	2.50%
Total	<u>100.0%</u>	

*Allocation of Net Pension Liability*

The proportion of the net pension liability was based on a projection of the Commission's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined. The following table shows the Commission's proportionate share of the net pension liability over the measurement period:

	<u>Net Pension Liability</u>
Balance at: December 31, 2020	\$1,248,133
Balance at: December 31, 2021	912,794
Net change during 2021	(335,319)

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(6) Retirement Plan (Continued)**

The Commission's proportionate share of the net pension liability for the Plan was as follows:

Proportion – December 31, 2020	0.030%
Proportion – December 31, 2021	0.045%
Change – Increase (Decrease)	0.015%

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net pension liability of the Plan as of the Measurement Date, calculated using the discount rate of 7.00 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.00 percent) or 1 percentage-point higher (8.00 percent) than the current rate:

	Discount Rate – <u>1% (6.00%)</u>	Current Discount Rate (7.00%)	Discount Rate + <u>1% (8.00%)</u>
Actuarially-Determined Net Pension Liability	<u>\$ 1,817,658</u>	<u>912,794</u>	<u>175,246</u>

*Amortization of Deferred Outflows and Deferred Inflows of Resources*

Under GASB 68, deferred inflows and deferred outflows of resources related to pensions are recognized in pension expense systematically over time.

The first amortized amounts are recognized in pension expense for the year the gain or loss occurs. The remaining amounts are categorized as deferred inflows and deferred outflows to be recognized in future pension expense.

The amortization period differs depending on the source of the gain or loss:

Difference between projected and actual earnings	5 year straight-line amortization
All other amounts	Straight-line amortization over the average expected remaining service lives of all members that are provided with benefits (active, inactive, and retired as of the beginning of the measurement period).

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(6) **Retirement Plan (Continued)**Pension Expense and Deferred Outflows and Deferred Inflows of Resources  
Related to Pensions

For the measurement period ending December 31, 2021 (the measurement date), the Commission recognized pension expense of \$77,924 for the Plan.

As of the December 31, 2021 measurement date, the Commission reports other amounts for the Plan as deferred outflow and deferred inflow of resources related to pensions as follows:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between Actual Contributions and Proportionate Share of Contributions	\$ 267,727	98,003
Differences between Expected and Actual Experience	24,837	19,470
Change of Assumptions	103,576	-
Net Difference between Projected and Actual Earnings on Pension Plan Investments	<u>-</u>	<u>629,251</u>
Total	<u>\$ 396,140</u>	<u>746,724</u>

Amounts reported as deferred outflows and deferred inflows of resources in the previous chart will be recognized in future pension expense as follows:

<u>Measurement Period Ended December 31</u>	<u>Deferred (Outflows) Inflows of Resources</u>
2022	\$ (53,089)
2023	(157,612)
2024	(94,942)
2025	(63,163)
2026	18,222

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(7) Other Post-Employment Benefits**Plan Description

The Commission's employees participate in a Retiree Medical Plan (Plan), a cost-sharing multiple-employer defined benefit post-employment healthcare plan. The plan is offered and administered by the County of Orange. The County identifies this plan as a single-employer plan, as it is considered the primary plan participant and the other participating entities are considered immaterial to the plan as a whole. The plan assists retirees with the cost of retiree health insurance premiums and/or Medicare premiums. The County has the authority to establish and amend benefit provisions to the Retiree Medical Plan. The County issues a publicly available financial report that includes financial statements and required supplementary information for the Retiree Medical Plan. That report may be obtained by writing Auditor-Controller's Office; County of Orange, 12 Civic Center Plaza, Santa Ana, California 92702 or accessed at its website: <http://www.ac.ocgov.com>.

Benefits Provided

All of the Commission's full-time employees participate in the plan. Employees who retire at or after age 50 with ten or more years of service or have 30 years of service with no age requirement are entitled to a monthly grant to be used to offset the cost of OPEB. The monthly grant is calculated as a dollar amount multiplied by years of service at retirement. The grant dollar amount is adjusted annually by a cost-of-living-adjustment based on the average percentage change in health care premiums.

Employees Covered

As of the December 31, 2021 measurement date, the following current and former employees were covered by the benefit terms under the Retiree Healthcare Plan:

Active employees	4
Inactive employees or beneficiaries currently receiving benefits	-
Inactive employees entitled to, but not yet receiving benefits	-
Total	<u>4</u>

Contributions

Contribution requirements of the Commission are established by the County of Orange. The Commission's contractually required contribution rate for the year-ended June 30, 2022 was 3.75 percent of covered payroll, actuarially determined as an amount that is expected to cover normal costs each year and amortize any unfunded actuarial liabilities (or funding excess) of the plan over a period not to exceed thirty years. In this fiscal year, the Commission opened an irrevocable trust with PARS for funding the obligation and contributed \$62,000 to the trust.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(7) Other Post-Employment Benefits (Continued)**

Contributions to the OPEB plan from the Commission were \$5,928 for the fiscal year ended June 30, 2022. Currently, contributions are not required from plan members.

OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At June 30, 2022, the Commission reported a liability of \$103,000 for its proportionate share of the collective net OPEB liability. The collective net OPEB liability was measured as of December 31, 2021, and the total OPEB liability used to calculate the collective net OPEB liability was determined by an actuarial valuation as of June 30, 2021. The Commission's proportion of the collective net OPEB liability was based on a projection of the Commission's share of contributions to the OPEB plan relative to the projected contributions of all participating employers, actuarially determined. At December 31, 2021, the Commission's proportion was 0.040% percent, which is a 0.0072 change to its proportion measure as of December 31, 2020 (0.2195% percent).

For the fiscal year ended June 30, 2022, the Commission recognized OPEB expense of \$11,060. As of fiscal year ended June 30, 2022, the Commission reported deferred outflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
OPEB contributions subsequent to measurement date	\$ 8,794	-
Changes of assumptions	3,000	5,000
Change in proportion	31,000	4,000
Difference between expected and actual experience	-	18,000
Net difference between projected and actual earnings on OPEB plan investments	-	17,000
Total	<u>\$ 42,794</u>	<u>44,000</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(7) **Other Post-Employment Benefits (Continued)**

The \$8,794 reported as deferred outflows of resources related to contributions subsequent to the December 31, 2021 measurement date will be recognized as a reduction of the net OPEB liability during the fiscal year ending June 30, 2022. Other amounts reported as deferred inflows of resources related to OPEB will be recognized as expense as follows:

<u>Measurement Period Ended December 31</u>	<u>Deferred Outflows/ (Inflows) of Resources</u>
2022	\$ (3,000)
2023	(5,000)
2024	(3,000)
2025	(2,000)
2026	2,000
Thereafter	1,000

Actuarial Assumptions

The Commission's total OPEB liability was determined by an actuarial valuation as of June 30, 2021 using the following actuarial methods and assumptions:

Discount Rate	7.00%
Long-Term Expected Rate of Return on Investments	7.00%, net of investment expenses
Inflation	2.50% annually
Salary Increases	3.00%, annually
Grant Increase Rate	AFSCME – lesser of 5% and Medical Trend Non-AFSCME – lesser of 3% and Medical Trend
Medical Trend	Non-Medicare – 6.5% for 2023, decreasing to an ultimate rate of 3.75% in 2076 Medicare (Non-Kaiser) – 5.65% for 2023, decreasing to an ultimate rate 3.75% in 2076 Medicare (Kaiser) – 4.60% for 2023, decreasing to an ultimate rate 3.75% in 2076

Mortality rates were based on the OCERS 2014-2016 Experience Study, as appropriate, with adjustments for mortality improvements based on Scale MP-16.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

(7) **Other Post-Employment Benefits (Continued)**

The target asset allocation and expected long term rate of return were based on Segal Consulting's 2014-2016 Experience Study for OCERS. The long term expected real rate of return assumptions are presented as arithmetic means as follows:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Large Cap Equity	23.10%	5.43%
Small Cap Equity	1.90%	6.21%
International Developed Equity	13.00%	6.67%
Emerging Markets Equity	9.00%	8.58%
Core Bonds	9.00%	1.10%
High Yield Bonds	1.50%	2.91%
TIPS	2.00%	0.65%
Emerging Market Debt	2.00%	3.25%
Corporate Credit	1.00%	0.53%
Long Duration Fixed Income	2.50%	1.44%
Real Estate	3.01%	4.42%
Private Equity	13.00%	9.41%
Value Added Real Estate	3.01%	7.42%
Opportunistic Real Estate	0.98%	10.18%
Energy	2.00%	9.68%
Infrastructure (Core Private)	1.50%	5.08%
Infrastructure (Non-Core Private)	1.50%	8.92%
CTA – Trend Following	2.50%	2.38%
Global Macro	2.50%	2.13%
Private Credit	2.50%	5.47%
Alternative Risk Premia	2.50%	2.50%
Total	<u>100.0%</u>	
Assumed Long-term Rate of Inflation		2.50%
Expected Long-term Rate of Inflation		7.00%

Discount Rate

The discount rate used to measure the total OPEB liability was 7.00 percent. The projection of cash flows used to determine the discount rate assumed that Authority contributions will be made at rates equal to the actuarially determined contribution rates. Based on those assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected OPEB payments for current active and inactive employees and beneficiaries. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2022

(Continued)

**(7) Other Post-Employment Benefits (Continued)***OPEB Plan Fiduciary Net Position*

Detailed information about the OPEB plan's fiduciary net position is available in the separately issued OCERS financial report.

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net OPEB liability of the Plan as of the Measurement Date, calculated using the discount rate of 7.00 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.00 percent) or 1 percentage-point higher (8.00 percent) than the current rate:

	Discount Rate – 1% (6.00%)	Current Discount Rate (7.00%)	Discount Rate + 1% (8.00%)
Commission's proportionate share of the Net OPEB Liability	<u>\$137,000</u>	<u>103,000</u>	<u>73,000</u>

*Sensitivity of the Net OPEB Liability to Changes in the Healthcare Cost Trend Rates*

The following presents the net OPEB liability of the Commission if it were calculated using health care cost trend rates that are one percentage point lower or one percentage point higher than the current rate, for measurement period ended December 31, 2021:

	1% decrease 6.5%/5.5% decreasing to 3%	Current Healthcare Cost Trend Rate 7.5%/6.5% decreasing to 4%	1% increase 8.5%/7.5% decreasing to 5%
Commission's proportionate share of the Net OPEB Liability	<u>\$97,000</u>	<u>103,000</u>	<u>107,000</u>

**(8) Related Party Transactions**

The Commission and the County entered into a County Services Agreement to provide workers' compensation insurance, employee benefits administration, payroll, information technology support, and billing and collection services. The total amount paid by the Commission to the County for the year ended June 30, 2022 was \$10,341.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2022****(Continued)****(9) Implementation of New Accounting Standard**

As described in Note 1 and 5 to the financial statements, the Commission changed accounting policies related to leases by adopting Statement of Governmental Accounting Standards Board (GASB) Statement No. 87, Leases, in the fiscal year 2022. The beginning net position was restated as follows:

Beginning Net Position, July 1	\$ 119,969
Adjustment due to GASB 87	<u>58,008</u>
Beginning Net Position, July 1, as Restated	<u>\$ 177,977</u>

REQUIRED SUPPLEMENTARY INFORMATION

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios as of the Measurement Date****Last Ten Fiscal Years \***

	<u>Measurement Date</u>			
	<u>December 31, 2021</u>	<u>December 31, 2020</u>	<u>December 31, 2019</u>	<u>December 31, 2018</u>
Proportion of the Collective Net Pension Liability	0.045%	0.030%	0.029%	0.026%
Proportionate Share of the Collective Net Pension Liability	\$ 912,794	1,248,133	1,489,642	1,582,703
Covered Payroll	\$ 445,095	463,507	475,099	419,538
Proportionate Share of the Collective Net Pension Liability as percentage of covered payroll	205.08%	269.28%	313.54%	377.25%
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	91.45%	76.95%	73.18%	67.06%

## Notes to Schedule:

Benefit Changes – There were no changes in benefits

Changes in Assumptions – The discount rate was reduced from 7.25% as of December 31, 2016 to 7.00% as of December 31, 2017. The inflation rate was reduced from 3.00% as of December 31, 2016 to 2.75% as of December 31, 2017. Salary increases were increased from 4.50% to 13.50% as of December 31, 2016 to 4.25% to 12.25% as of December 31, 2017.

*\*Fiscal year 2015 was the first year of implementation, therefore only eight years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios as of the Measurement Date

Last Ten Fiscal Years \*

(Continued)

	<u>Measurement Date</u>			
	<u>December 31, 2017</u>	<u>December 31, 2016</u>	<u>December 31, 2015</u>	<u>December 31, 2014</u>
Proportion of the Collective Net Pension Liability	0.026%	0.026%	0.020%	0.026%
Proportionate Share of the Collective Net Pension Liability	\$1,267,133	1,340,888	1,156,534	1,303,484
Covered Payroll	\$ 394,760	374,792	287,698	334,804
Proportionate Share of the Collective Net Pension Liability as percentage of covered payroll	320.99%	357.77%	402.00%	389.33%
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	74.93%	68.69%	64.73%	67.15%

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Schedule of Plan Contributions – Defined Benefit Pension Plan****Last Ten Fiscal Years\***

	Fiscal Year <u>2021-22</u>	Fiscal Year <u>2020-21</u>	Fiscal Year <u>2019-20</u>	Fiscal Year <u>2018-19</u>
Actuarially Determined Contribution	\$184,000	145,000	139,000	120,000
Contributions in Relation to the Actuarially Determined Contribution	<u>184,000</u>	<u>145,000</u>	<u>139,000</u>	<u>120,000</u>
Contribution Deficiency (Excess)	\$ <u>          -</u>	<u>          -</u>	<u>          -</u>	<u>          -</u>
Covered Payroll	\$512,901	445,095	488,943	441,308
Contributions as a Percentage of Covered Payroll	35.87%	32.58%	28.43%	27.19%

## Notes to Schedule:

Fiscal Year End: June 30, 2021  
Valuation Date: December 31, 2019

## Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age
Amortization Method	Level Percent of Payroll
Asset Valuation Method	5-year smooth market
Discount Rate	7.00%
Projected Salary Increase	4.25% to 12.25% depending on age, service, and type of employment
Inflation	2.75%
Payroll Growth	3.25%
Individual Salary Growth	4.25%

*\*Fiscal year 2015 was the first year of implementation, therefore only eight years are shown.*

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Schedule of Plan Contributions – Defined Benefit Pension Plan****Last Ten Fiscal Years\*****(Continued)**

	Fiscal Year <u>2017-18</u>	Fiscal Year <u>2016-17</u>	Fiscal Year <u>2015-16</u>	Fiscal Year <u>2014-15</u>
Actuarially Determined Contribution	\$ 116,000	115,921	93,000	104,000
Contributions in Relation to the Actuarially Determined Contribution	<u>116,000</u>	<u>115,921</u>	<u>93,000</u>	<u>104,000</u>
Contribution Deficiency (Excess)	\$ <u>          -</u>	<u>          -</u>	<u>          -</u>	<u>          -</u>
Covered Payroll	\$ 405,196	389,422	340,997	352,758
Contributions as a Percentage of Covered Payroll	28.63%	29.77%	27.27%	29.48%

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Schedule of the Proportionate Share of the Net OPEB Liability and Related Ratios  
as of the Measurement Date

## Last Ten Fiscal Years\*

	Measurement Date				
	December 31, 2021	December 31, 2020	December 31, 2019	December 31, 2018	December 31, 2017
Proportion of the Collective Net OPEB Liability	0.0400%	0.0328%	0.0311%	0.0305%	0.0324%
Proportionate Share of the Collective Net OPEB Liability	\$103,000	109,593	110,526	126,448	130,408
Covered-Employee Payroll	\$433,000	440,000	435,000	407,000	387,000
Proportionate Share of the Collective Net OPEB Liability as a Percentage of Covered-Employee Payroll	23.79%	24.91%	25.41%	31.07%	33.70%
Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability	65.43%	54.93%	51.87%	42.55%	42.30%

## Notes to Schedule:

Benefit Changes – There were no changes in benefits.

Changes in Assumptions – Participation at Retirement assumption was updated based on April 2019 participation experience study. Spouse Participation at Retirement assumption was updated based on recent plan experience for retirees under age 65.

*\*Fiscal year 2018 was the first year of implementation, therefore only five years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of Contributions – OPEB Plan

Year ended June 30, 2022

	Fiscal Year <u>2021-22</u>	Fiscal Year <u>2020-21</u>	Fiscal Year <u>2019-20</u>	Fiscal Year <u>2018-19</u>	Fiscal Year <u>2017-18</u>
Actuarially Determined Contribution	\$ 16,000	14,000	18,000	17,440	16,354
Contributions in Relation to the Actuarially Determined Contribution	<u>16,000</u>	<u>14,000</u>	<u>18,000</u>	<u>17,440</u>	<u>16,354</u>
Contribution Deficiency (Excess)	<u>\$ -</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Covered-Employee Payroll	\$ 501,000	433,000	483,000	440,000	396,000
Contributions as a Percentage of Covered-Employee Payroll	3.19%	3.23%	3.73%	4.06%	4.13%

## Notes to Schedule:

Fiscal Year End: June 30, 2021  
Valuation Date: June 30, 2019

## Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age
Amortization Method	Level Percent of Payroll
Asset Valuation Method	5-year smooth market
Discount Rate	7.00%
Inflation	2.75%
Mortality	OCERS 2014-2016 experience study
Medical Trend	Pre-Medicare – 7.0% for 2020, decreasing to an ultimate rate 4.0% in 2076
	Medicare – 6.5% for 2020, decreasing to an ultimate rate 4.0% in 2076

*\*Fiscal year 2018 was the first year of implementation, therefore only five years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Schedule of Revenues, Expenditures, and Changes in Fund Balance  
Budget and Actual - General FundYear ended June 30, 2022  
(with comparative information for the prior year)

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)	Prior Year Actual
	Original	Final			
Revenues:					
Apportionments	\$ 1,158,240	1,158,240	1,158,240	-	1,124,500
Capital contributions	-	-	-	-	14,152
Investment Income (loss)	10,000	10,000	(11,724)	(21,724)	9,235
Other	-	-	2,964	2,964	378
Total revenues	<u>1,168,240</u>	<u>1,168,240</u>	<u>1,149,480</u>	<u>(18,760)</u>	<u>1,148,265</u>
Expenditures:					
General government:					
Salaries and benefits	936,720	936,720	846,812	89,908	710,902
Service and supplies	431,530	431,530	276,385	155,145	291,932
Debt service:					
Principal	-	-	78,234	(78,234)	-
Interest	-	-	26,124	(26,124)	-
Total expenditures	<u>1,368,250</u>	<u>1,368,250</u>	<u>1,227,555</u>	<u>140,695</u>	<u>1,002,834</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(200,010)</u>	<u>(200,010)</u>	<u>(78,075)</u>	<u>121,935</u>	<u>145,431</u>
Net change in fund balances	(200,010)	(200,010)	(78,075)	121,935	145,431
Fund balances at beginning of year	<u>1,678,092</u>	<u>1,678,092</u>	<u>1,678,092</u>	-	<u>1,532,661</u>
Fund balances at end of year	<u>\$ 1,478,082</u>	<u>1,478,082</u>	<u>1,600,017</u>	<u>121,935</u>	<u>1,678,092</u>

See accompanying notes to the required supplementary information

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to Required Supplementary Information****Year ended June 30, 2022****(1) Budgetary Reporting**

The Commission established accounting control through formal adoption of an annual budget for the General Fund. The budget is prepared on a basis consistent with generally accepted accounting principles. The adopted budget can be amended by the Commission to change both appropriations and estimated revenues as unforeseen circumstances come to management's attention. Increases and decreases in revenue and appropriations and transfers between funds require Commission's approval. However, the Executive Officer may authorize changes within funds. Expenditures may not exceed total appropriations at the individual fund level. It is the practice of the Commission's management to review the budget monthly and provide quarterly updates to the Commission. A budget is not prepared for the Special Revenue Fund.

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL  
 REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
 FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH  
 GOVERNMENT AUDITING STANDARDS**

Board of Commissioners  
 Orange County Local Agency Formation Commission  
 Santa Ana, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the basic financial statements of the Orange County Local Agency Formation Commission (the Commission), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated October 28, 2022.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Commission's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Commission's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statement amounts.

Board of Commissioners  
Orange County Local Agency Formation Commission  
Page Two

However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Commission's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Commission's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

DavisFarr LLP

Irvine, California  
October 28, 2022

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November 9, 2022

**8b** | Commission  
Discussion**REGULAR MEMBERS****CHAIR**  
**Douglass Davert**  
Special District Member**VICE CHAIR**  
**Donald P. Wagner**  
County Member**IMMEDIATE PAST CHAIR**  
**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**ALTERNATES****Andrew Do**  
County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel**TO:** Local Agency Formation Commission  
of Orange County**FROM:** General Counsel  
Executive Officer**SUBJECT:** Assembly Bill 2449 – Open Meetings and Teleconferencing  
for State and Local Agencies**BACKGROUND**

For a long time, the Brown Act has allowed limited “teleconference meetings” or remote meeting access with one or more Commissioners attending from a remote telephone or videoconference location. That remote participation required notice in the agenda and posting at the remote location, together with public access to that location.

Effective January 1, 2023, AB 2449 provides additional remote access opportunities for Commission meetings. Those opportunities are subject to different justifications and procedures and require a technological platform the Commission currently lacks. The three new avenues for virtual participation in meetings are: (1) meetings during a new state of emergency, (2) virtual participation due to “just cause” (personal reasons), and (3) virtual participation due to an “emergency circumstance” (a personal or family medical emergency). The American Disabilities Act still applies to Commission proceedings.

**DISCUSSION****A. “Traditional Teleconferencing”**

Government Code section 54953(b)(1) contains the long-standing opportunity for remote attendance at Commission meetings, subject to the following protocols:

- OC LAFCO’s agenda must identify each location from which a Commissioner will be calling in, even from the Commissioner’s home, business, or hotel room.
- An agenda must be posted at each remote location.
- Each teleconference location must be accessible to the public, and any members of the public who attend at the remote teleconference location must be allowed to address the Commission directly from that location.

- At least a quorum of the Commission must participate from locations within the Commission's jurisdiction.
- Traditional public participation rules apply at each location.
- All votes during the meeting must be taken by rollcall, and no secret ballots are permitted.
- The Commission must publicly report when an action is taken during the meeting, and how each Commissioner voted (or whether there were abstentions or absences) on that item.

#### **B. Update Teleconferencing for States of Emergency**

Under the new AB 2449 rules, if the Commission meets during a proclaimed state of emergency, or while state or local officials are recommending social distancing measures for public safety reasons, certain traditional teleconference rules are relaxed or waived. This set of rules mirrors the Governor's Orders and AB 361 as implemented in 2020 during the COVID-19 pandemic. AB 2449 codifies these rules for all states of emergency. They provide that a public body may continue meeting under the relaxed teleconference requirements as long as a state of emergency exists or while the body can continue to support findings that state or local officials are recommending social distancing measures for health and safety reasons.<sup>1</sup> To qualify for these relaxed rules, one of these situations must be present:

- The Commission is meeting during a state of emergency, and local officials are imposing or recommending social distancing measures.
- The Commission is meeting during a state of emergency for the express purpose of determining by a majority vote of the Commission whether meeting in person would present imminent risks to the health or safety of attendees.
- The Commission is meeting during a state of emergency and has determined, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.
- State or local officials continue to recommend or impose social distancing measures, and the Commission is willing to make findings that, based on those recommended measures, meeting in person would pose a health or safety risk to attendees.

If one of these criteria is present, Commissioners may attend virtually subject to these relaxed requirements:

- The Commission must comply with ordinary agenda-posting requirements (72 hours for a regular meeting, 24 hours for a special meeting), but the agenda need not identify

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<sup>1</sup> For instance, Cal OSHA continues to recommend social distancing, which can support a finding of continued remote meetings, although these recommendations are also set to sunset Dec. 31, 2022. (<https://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html>). Orange County's website also still references social distancing as an appropriate way to slow the spread of COVID-19, but the Commission will have to assess whether it believes this is a sufficient basis upon which to rely to hold remote meetings once the state lifts its own social distancing requirements.

each teleconference location or be posted at each Commissioner's remote. Public access to remote location(s) is not required.

- The agenda must still provide the opportunity for public access and comment through some means – for instance, if the Commission will be meeting via Zoom, the agenda must provide a call-in number and video access link for the public. The Commission is not required to provide a physical location from which the public can attend or comment in person.
- The rights of the public attending the meeting must be protected, meaning the public must be allowed to “access” the meeting (including by telephone or internet) and make public comments (in real time) on matters before the Commission.
- If a disruption occurs that prevents the public from accessing the meeting (i.e., the Zoom link stops working, or the public cannot hear the audio of the meeting, or the internet goes out in general), the Commission may take no further action on agendized items until access to the meeting is restored.
- When hearing and acting on agendized items, the Commission must provide members of the public enough time to make comments (in practice, this means the Commission should wait a minute or so each time it calls for public comment, to make sure anyone who wants to comment has time to unmute themselves and do so).
- All votes must be by rollcall, and no secret ballots are permitted.
- The Commission must publicly report when an action is taken during the meeting, and how each Commissioner voted (or whether there were abstentions or absences) on that item.
- If the Commission wants to continue to meet remotely because the state of emergency remains ongoing or local/state officials continue to recommend social distancing measures, after the first meeting the Commission must make certain findings by majority vote every 30 days for the duration of using this teleconference exception (i.e., adopt a resolution at each meeting of the Commission to reconfirm that a state of emergency exists, or social distancing measures continue to be recommended, and so the Commission will continue to meet in person to protect the health and safety of attendees, as was the case for remote meetings during the COVID-19 pandemic).

### **C. Virtual Participation for “Just Cause” or Emergency Circumstance**

AB 2449 allows new virtual attendance for “just cause” or “emergency circumstance,” subject to the distinct findings, protocols, and technological platform discussed below. In these cases, the Commission may hold a “hybrid” (i.e., part teleconference, part in-person) meeting without having to post agendas at teleconference locations, identify the remote locations, or open them to the public. In all circumstances, a quorum must still be physically present at the in-person meeting. The general requirements that apply to both the “just cause” and “emergency circumstance” exceptions follow. OC LAFCO currently lacks the technological platform to make them available.

#### **1. Just Cause**

Commissioners may participate virtually with “just cause” by providing the Commission notice at the earliest opportunity possible, including the start of the meeting, and

providing a general description of the circumstances giving rise to their need to appear remotely.

- “Just cause” means childcare or family caregiving needs, contagious illness, physical or mental disability needs, or travel while on official public business.
- A Commissioner may rely on this remote attendance option for no more than two meetings per calendar year.

## **2. Emergency Circumstances**

This virtual participation option is available by request to the Commission and must be approved by the Commission before activated. The request must be made as soon as possible, and a separate request must be made for each meeting.

- An “emergency” means a physical or family medical emergency that prevents in-person attendance.
- The request must be accompanied with a general description of approximately 20 words, but does not require the disclosure of a medical diagnosis or disability, or personal medical information already exempt under existing law.

The general requirements that apply to both the “just cause” and “emergency circumstance” exceptions follow. OC LAFCO currently lacks the technological platform to make them available.

- In all circumstances, a quorum must still be physically present at the in-person meeting.
- A Commissioner may utilize AB 2449 to attend a meeting remotely for no more than three consecutive months or two regular meetings in the calendar year, whichever comes first.
- If a Commissioner is attending remotely, they must do so with both audio and video enabled; it is not enough to call in on the phone, and Commissioners may not turn off or be out of frame of their cameras.
- If a Commissioner is attending remotely, and someone 18 or older is in the same room, the Commissioner must, before any action is taken, disclose this fact and their general relationship with such individual(s). Even if no such individual is present, the Commissioner must state that no other individual age 18 or older is present.
- In addition to the above, the Commission must ensure that during any hybrid meeting the public is provided with either (1) a two-way audiovisual platform or (2) a two-way telephonic service and live webcasting of the meeting. In either event, the public must be able to see and hear the meeting and remotely address the Commission. The Commission currently lacks this IT tool.
- The agenda must clearly identify the opportunity to attend via call-in, internet-based service, and in-person (i.e., it must provide the appropriate phone numbers, web addresses, and physical addresses to view/attend the meeting). Any further agenda posting or notice of the meeting must include this information.

- In the event of a disruption that interrupts the Commission's public broadcast, or another disruption within the Commission's control preventing the public from offering public comment, the Commission must take no further action until such service is restored. Any action taken in violation of this rule may be challenged.
- Comments may not be required to be submitted in advance; the opportunity to comment and address the Commission in real-time must be available to all participants, regardless of whether they are remote.

#### **D. Disability Laws**

AB 2449 contains some somewhat superfluous text suggesting that the protocols for virtual meetings should meet the needs of disabled participants in meetings. It provides no guidance on whether accommodation beyond its protocols should be made available to persons with disabilities. OC LAFCO general counsel believes that preemptive federal disability rights may require broader accommodation than the dictates of AB 2449. In those circumstances, which must be addressed on a case-by-case basis, the Commission would encourage Commissioners or participants who might have qualifying disabilities to petition for virtual access outside the parameters of AB 2449.

#### **CONCLUSION**

The Commission may opt to hold full or partial virtual meetings under any of the new AB 2449 opportunities described in this memorandum, but would need to add real time two-way public access on its virtual platform. The Commission may still use traditional remote access by providing staff notice of the need for that access, posting their remote location, including it in the agenda, and allowing the public to participate remotely with them at that location.

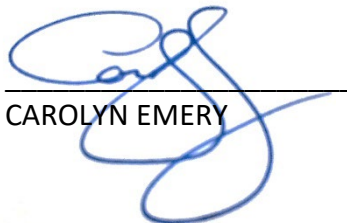
#### **RECOMMENDED ACTIONS**

1. Staff and general counsel recommend that the Commission receive and file this report.

Respectfully submitted,



SCOTT C. SMITH



CAROLYN EMERY

**11a** | Informational  
Item

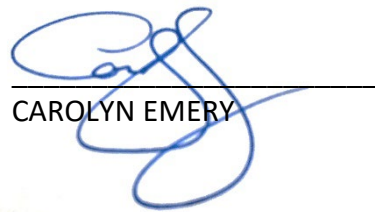
November 9, 2022

**TO:** Local Agency Formation Commission  
of Orange County**FROM:** Executive Officer  
Assistant Executive Officer**SUBJECT:** Protest Hearing Results for the "OCSD Annexation Areas  
(Anaheim, Yorba Linda, Villa Park) (DA 21-05)"

At the August 10, 2022 regular meeting, the Commission approved the "OCSD Annexation Areas (Anaheim, Yorba Linda, Villa Park) (DA 21-05)" and directed the Executive Officer to conduct protest proceedings for the annexation. Subsequently, the protest period and hearing were appropriately noticed in the Orange County Register in accordance with State law. The protest period began October 11, 2022 through the hearing date on November 1, 2022, during which no written protests to the Commission's action were filed. A resolution has been prepared confirming the protest results and the Commission's approval of the annexation.

This is an informal item only, and no further action by the Commission is required.

Respectfully submitted,

  
CAROLYN EMERY  
LUIS TAPIA**REGULAR MEMBERS****CHAIR**  
**Douglass Davert**  
Special District Member**VICE CHAIR**  
**Donald P. Wagner**  
County Member**IMMEDIATE PAST CHAIR**  
**Derek J. McGregor**  
Public Member**Lisa Bartlett**  
County Member**Wendy Bucknum**  
City Member**James Fisler**  
Special District Member**Peggy Huang**  
City Member**ALTERNATES****Andrew Do**  
County Member**Kathryn Freshley**  
Special District Member**Lou Penrose**  
Public Member**Vacant**  
City Member**STAFF****Carolyn Emery**  
Executive Officer**Scott Smith**  
General Counsel

November 9, 2022

**12** | Presentations

**REGULAR MEMBERS**

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
**Derek J. McGregor**  
Public Member

**Lisa Bartlett**  
County Member

**Wendy Bucknum**  
City Member

**James Fisler**  
Special District Member

**Peggy Huang**  
City Member

**ALTERNATES**

**Andrew Do**  
County Member

**Kathryn Freshley**  
Special District Member

**Lou Penrose**  
Public Member

**Vacant**  
City Member

**STAFF**

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Policy Analyst II

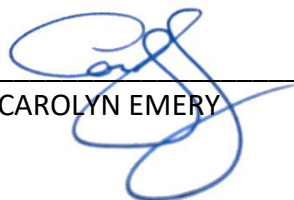
**SUBJECT:** Recognition of Commissioners

The Commission will recognize departing members for their service on the Commission.

**RECOMMENDED ACTION:**

1. Adopt resolutions for departing members of the Commission recognizing their service as OC LAFCO Commissioners.

Respectfully Submitted,



CAROLYN EMERY



GAVIN CENTENO

RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA  
RECOGNIZING COMMISSIONER LISA BARTLETT  
FOR SEVEN YEARS OF DEDICATED PUBLIC SERVICE

November 9, 2022

On motion of \_\_\_\_\_, duly seconded and carried, the following resolution was adopted:

WHEREAS, Commissioner Lisa Bartlett was appointed by the Orange County Board of Supervisors in 2015 as the Local Agency Formation Commission of Orange County (OC LAFCO) Regular County Member; and

WHEREAS, Commissioner Bartlett has served with distinction on the Commission for seven years and contributed to many significant accomplishments of this Commission, including, but not limited to:

- Preparation of the Focused MSR for the transfer of the City of San Juan Capistrano's Water and Wastewater Utilities to the Santa Margarita Water District (SMWD) and subsequent SMWD annexation of the utilities.
- Completion of multiple South Orange County Governance reports and Visioning Process.
- Transition of multiple unincorporated areas to the Cities of Brea, La Habra, Placentia, Santa Ana and Yorba Linda.
- Development and adoption of OC LAFCO's inaugural Communication Plan.
- Adoption of multiple Commission Strategic Plans.
- Completion of multiple Municipal Service Reviews and Sphere of Influence Updates cycles.
- Relaunching of the Shared Services and Fiscal Trends Web Programs.

- Approval of multiple city and special district annexations and reorganizations.

NOW, THEREFORE BE IT RESOLVED, that OC LAFCO expresses appreciation and recognition of Lisa Bartlett for her service, professionalism, and dedicated commitment to OC LAFCO and the communities the Commission serves.

I, Douglass Davert, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 9<sup>th</sup> day of November 2022.

IN WITNESS WHEREOF, I have hereunto set my hand this 9<sup>th</sup> day of November 2022.

---

DOUGLASS DAVERT  
Chair of the Local Agency Formation  
Commission of Orange County

Attest:

---

Cheryl Carter-Benjamin, Commission Clerk

RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION  
OF ORANGE COUNTY, CALIFORNIA  
RECOGNIZING COMMISSIONER PEGGY HUANG  
FOR DEDICATED PUBLIC SERVICE

November 9, 2022

On motion of \_\_\_\_\_, duly seconded and carried, the following resolution was adopted:

WHEREAS, Commissioner Peggy Huang was appointed by the City Selection Committee in 2021 as the Local Agency Formation Commission of Orange County (OC LAFCO) City Member; and

WHEREAS, Commissioner Huang has served with distinction from 2021-2022 and contributed to many accomplishments of this Commission during her term to include:

- Approval of the annexation of the City of San Juan Capistrano's Water and Wastewater Utilities to the Santa Margarita Water District.
- Annexation of the "Hamer Island" to the City of Placentia.
- Implementation of OC LAFCO's inaugural Communication Plan.
- Adoption and implementation of OC LAFCO's Strategic Plans.
- Completion of multiple Municipal Service Reviews and Sphere of Influence Updates.
- Relaunching of the Shared Services and Fiscal Trends Web Programs.
- Adoption of multiple city and special district annexations and reorganizations.

NOW, THEREFORE BE IT RESOLVED, that OC LAFCO expresses appreciation and recognition of Peggy Huang for her service, professionalism, and dedicated commitment to OC LAFCO and the communities the Commission serves.

I, Douglass Davert, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 9th day of November 2022.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November 2022.

---

DOUGLASS DAVERT  
Chair of the Local Agency Formation  
Commission of Orange County

Attest:

---

Cheryl Carter-Benjamin, Commission Clerk