

FINAL 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
Cheryl Carter-Benjamin
Commission Clerk