

**LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY**

REGULAR MEETING AGENDA

**Wednesday, December 14, 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 agenda 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.) November 9, 2022 – Regular Commission Meeting Minutes

The Commission will consider approval of the November 9, 2022 meeting minutes.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

a.) OC LAFCO Post-Municipal Service Review (MSR) Survey

The Commission will discuss the MSR Survey and receive a report on feedback from agencies that have participated in the MSR process up through 2022.

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

No informational items and announcements.

12. CLOSED SESSION

a.) Public Employee Performance Evaluation

Pursuant to Government Code Section 54957

Title: Executive Officer

b.) Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Chair Douglass Davert and William Kelly, Kelly Associates Management Group

c.) Conference with Legal Counsel

Significant exposure to litigation pursuant to Government Code Subsection 54956.9(d)(2)

Number of potential cases: 1

Unrepresented employee: Executive Officer

13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The Commission will adjourn to the next Regular Commission Meeting on Wednesday, January 11, 2023 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. 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.

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. 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.

2022 MEETING AND EVENTS CALENDAR

Approved February 9, 2022

2022



January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

October						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

May						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

March						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

September						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)
Location: County Conference Center (CCC) Multipurpose Room, 601 North Ross Street, Room 104, Santa Ana, CA 92701.
- Strategic Planning Workshop (*8:30 a.m. to 12:00 p.m.*)
Location: County Administration South (CSA) Multipurpose Room, 601 North Ross Street, Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 19 - 21, 2022 at Hyatt Regency Newport Beach John Wayne Airport.

DRAFT MINUTES

OC LAFCO REGULAR MEETING

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

1. CALL TO ORDER

Chair Davert called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:15 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Penrose led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum
Peggy Huang

County Members

Lisa Bartlett
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)**

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

5. PUBLIC COMMENT

Chair Davert requested public comments on any non-agenda items. Commission Clerk Cheryl Carter-Benjamin noted that there were no requests to speak from the public.

Chair Davert closed the hearing of public comments.

6. CONSENT CALENDAR

Chair Davert asked if there were any requests by Commissioners to pull any of the consent items for discussion and from the public to speak on the item. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the items. **Chair Davert** called for a motion on the consent calendar. **Vice Chair Wagner** motioned for approval of the consent calendar, and **Commissioner Bucknum** seconded the motion.

6a. – Approval of Minutes – October 12, 2022 Regular Commission Meeting Minutes

6b. – Orange County Employees Retirement System (OCERS) FY 2023-24 Retirement Contribution Rates and Prepayment Program

6c. – OC LAFCO 2023 Meeting and Events Calendar

6d. – CALAFCO Update

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

MOTION PASSED: 7-0.

7. PUBLIC HEARINGS

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

8a. – Fiscal Year 2021-22 OC LAFCO Audited Financial Statements

Executive Officer Carolyn Emery introduced Shannon Ayala, Managing Partner with Davis Farr LLP who presented an overview of the agency's audited financial statements for Fiscal Year 2021-2022.

Chair Davert called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Davert** closed the public comments and called for a motion on the staff recommended action. **Vice Chair Wagner** motioned to approve the staff recommended action, and **Commissioner Bucknum** seconded the motion.

MOTION: Receive and file OC LAFCO's Fiscal Year 2021-22 audited financial statements prepared by Davis Farr LLP. (Donald Wagner)
SECOND: Wendy Bucknum
FOR: Donald Wagner, Wendy Bucknum, Lisa Bartlett, James Fisler, Peggy Huang, Derek J. McGregor, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

8b. – Assembly Bill 2449 – Open Meetings and Teleconferencing for State and Local Agencies

General Counsel Scott Smith provided an overview on Assembly Bill 2449 set to take effect on January 1, 2023. Mr. Smith noted that AB 2449 provides additional remote access opportunities for Commission meetings subject to different justifications and procedures. He emphasized the provision that allows the Commission to hold full or partial virtual meetings and noted if the Commission chooses to do so that real time two-way public access must be available within the virtual platform.

Chair Davert called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Davert** closed the public comments and called for a motion to receive and file the report on AB 2449. **Vice Chair Wagner** motioned to receive and file the staff report, and **Commissioner Huang** seconded the motion.

MOTION: Receive and file the report. (Donald Wagner)
SECOND: Peggy Huang
FOR: Donald Wagner, Peggy Huang, Lisa Bartlett, Wendy Bucknum, James Fisler, Derek J. McGregor, Douglass Davert

AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0.

9. COMMISSIONER COMMENTS

Commissioner McGregor provided an oral update on the CALAFCO Annual Conference held in Newport Beach and acknowledged the Outstanding Leadership award presented to Executive Officer Carolyn Emery.

10. EXECUTIVE OFFICER'S REPORT

The Executive Officer noted that there were no items to report.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

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

Assistant Executive Officer Luis Tapia provided an overview on the protest hearing results for the OCSD Annexation, noting no written protests to the Commission's approval of the annexation were filed.

11b. – Video FAQs

Policy Analyst Gavin Centeno presented a virtual tour of the Commission's Video FAQs and noted that it was a key component of the Communication Plan.

12. PRESENTATIONS

Chair Davert presented resolutions to Commissioners Bartlett and Huang, recognizing their service and contributions during their tenure on the Commission. Both Commissioners expressed gratitude for the opportunity to serve.

Chair Davert called for a motion on the staff recommended action. **Vice Chair Wagner** motioned to approve the staff recommended action, and **Commissioner Huang** seconded the motion.

MOTION: Adopt resolutions for departing members of the Commission recognizing their service as OC LAFCO Commissioners. (Donald Wagner)
SECOND: Wendy Bucknum
FOR: Donald Wagner, Wendy Bucknum, Lisa Bartlett, James Fisler, Peggy Huang, Derek J. McGregor, Douglass Davert

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

13. CLOSED SESSION

No closed session items scheduled.

14. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 8:43 a.m. to December 14, 2022.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

By: _____

Cheryl Carter-Benjamin
Commission Clerk

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

December 14, 2022

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Policy Analyst II

SUBJECT: OC LAFCO Post-Municipal Service Review Survey

BACKGROUND

The Commission identified four key goals for OC LAFCO's 2022-2025 Strategic Plan. One of the goals includes improving the municipal service review (MSR) process for future MSRs. In part to effectively implementing this goal, staff was directed to develop a survey that would inform the Commission of the agencies' experiences and feedback involving the MSR process to assist the Commission in enhancing, as warranted, or maintaining any of the components of the process.

In November, the MSR survey was sent to agencies that have undergone the OC LAFCO MSR process during the fourth cycle review. To date, MSRs have been conducted for the Municipal Water District of Orange County, Orange County Cemetery District, Orange County Parks (CSA 13, 22, and 26), and the Orange County Sanitation District. The survey polled the agencies on the following:

1. Was your agency notified by OC LAFCO in advance of the MSR process commencing?
2. Did OC LAFCO provide regular or sufficient communication throughout the MSR process?
3. How many hours were required of your agency's staff during the MSR process (i.e., meetings, other communication with OC LAFCO, and other activities deemed relative)?
4. Overall, how would you rate the MSR process?
5. Please provide general comments here on the MSR process. Comments provided are intended to assist OC LAFCO in improving or sustaining components of the MSR process (optional).

The following is a summary of the responses provided by the four agencies:

<i>MSR Survey Responses Summary</i>			
Agency	Agency Responses	MSR Completed	Future MSR Date
Municipal Water District of Orange County	<ul style="list-style-type: none"> • Notified in advance. • Sufficient communication provided. • 20-30 hours of staff time required. • Very collaborative process. • We appreciated OC LAFCO's willingness to work collaboratively with us. Our prior MSR had not gone quite as smoothly, so we made a few requests of OC LAFCO staff early in the process this most recent time, and they were more than accommodating. We very much appreciated the time OC LAFCO staff gave us answering questions, etc. We also appreciated that the staff took the time to ask us to clarify questions instead of making their own assumptions. Lastly, giving an agency the option to review the draft MSR in the event there were accidental errors - was helpful to both parties. 	Sept 2020	2025
Orange County Sanitation District	<ul style="list-style-type: none"> • Notified in advance. • Sufficient communication provided. • More than 30 hours of staff time required. Mostly collaborative process. • There was a lot of back and forth between the EO and Commission staff. Most questions we had were answered; let me check with the EO. This slowed the process down significantly. Recommend the EO train staff further, so they are confident to make decisions. If this is not an option, then another option would be for the EO to be more involved with the process in order to mitigate the back-and-forth delays. 	Sept 2020	2025
Orange County Cemetery District	<ul style="list-style-type: none"> • Notified in advance. • Sufficient communication provided. • Less than 20 hours of staff time required. • Very collaborative process. • Gavin did an excellent job of taking provided data and putting it into the MSR so that the readers had a complete understanding of the District. 	Oct 2022	2027

<i>MSR Survey Responses Summary</i>			
Agency	Agency Responses	MSR Completed	Future MSR Date
Orange County Parks (CSA 13, 22 and 26)	<ul style="list-style-type: none"> Notified in advance. Sufficient communication provided. 20-30 hours of staff time required. Very collaborative process. OC Parks appreciates the continued collaboration between LAFCO and our department and the positive relationship between our teams. 	Aug 2022	2027

Next Steps

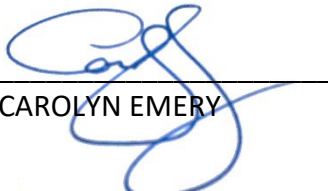
Staff completed the development of the post-MSR survey in accordance with the timeline of 2022 established within the Commission's three-year strategic plan. Overall, the survey is a great tool for the Commissioners to receive feedback from the cities and special districts involving one of the agency's mandates. The responses will be used to enhance, where applicable, and continue areas of the MSR process. As agencies complete the MSR process, they will be asked to complete the survey and the responses will be shared with the Commission in future updates.

RECOMMENDED ACTIONS

Staff recommends the Commission:

1. Discuss the MSR survey and responses, as warranted.
2. Receive and file OC LAFCO Post-Municipal Service Review Survey.

Respectfully Submitted,


CAROLYN EMERY


GAVIN CENTENO