

## DRAFT MINUTES

### OC LAFCO REGULAR MEETING

Wednesday, January 11, 2023  
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

Former Senator Richard Ackerman was requested by Chair Davert to lead the Pledge of Allegiance.

#### 3. ROLL CALL

The following Commissioners were present:

City Member

Wendy Bucknum

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 submitted to speak from the public. **Chair Davert** opened the hearing of public comments and noted that he did receive a request by text from Stacy Taylor to speak to the Commission.

Stacy Taylor, from Mesa Water District, provided general comments regarding a legislative effort involving Government Code Section 56133 in the CKH Act that governs new or added services by a city or district outside its jurisdictional boundary. She noted that OC LAFCO has a standing policy for the implementation of this section that was last updated nine years ago and seems to contradict current law. Ms. Taylor mentioned that the Commission's constituents, including Mesa Water District, as members of the California Special District Association, are part of a statewide advocacy group to oppose this effort. She ended her comments with requesting the Commission to take another look at its policy and discuss it at the next regular meeting.

**Chair Davert** asked general counsel to review the policy and report back to the Commission as appropriate.

**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 that there were no requests from the public to speak on the item. **Chair Davert** called for a motion on the consent calendar. **Vice Chair Wagner** motioned for approval of the consent calendar, and **Commissioner McGregor** seconded the motion.

**6a. – Approval of Minutes – December 14, 2022 Regular Commission Meeting Minutes**

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

**6c. – Quarterly Legislative Report**

**6d. – Appointment Processes for OC LAFCO Expiring Term and Vacancies**

**MOTION: Approve the Consent Calendar. (Donald Wagner)**

**SECOND: Derek J. McGregor**

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

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 5-0.**

## **7. PUBLIC HEARING**

No public hearing items scheduled.

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

### **8a. – OC LAFCO 2022-2025 Workplan Mid-Year Update**

Executive Officer Carolyn Emery provided an update on the progress of the projects and activities included in the current Work Plan.

**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 the FY 2022-2025 Work Plan Mid-Year Update. (Donald Wagner)

**SECOND:** Wendy Bucknum

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

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 5-0.**

### **8b. – OC LAFCO Professional Services Agreements Update and First Amendment to Agreement with Berkson and Associates**

Policy Analyst Gavin Centeno provided a brief summary of the current professional services agreements and the proposed First Amendment to the agreement between OC LAFCO and Berkson & Associates. He noted that the proposed amendment to the agreement is for continued development and technical support with the Fiscal Indicators web-based program and Municipal Service Reviews.

**Chair Davert** called for Commission discussion and public comments. Commissioners asked questions and made general comments. 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 actions. **Commissioner Bucknum** motioned to approve the staff recommended actions, and **Vice Chair Wagner** seconded the motion.

**MOTION:** Receive and file the annual OC LAFCO Professional Services Update; Approve the First Amendment to OC LAFCO Professional Consultant Services Agreement with Berkson Associates and authorize the Executive Officer to execute the amendment. (Donald Wagner)

**SECOND:** Wendy Bucknum

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

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 5-0.**

**8c. – Adoption of a Resolution Approving the Third Agreement to Memorandum of Agreement for the Position of Executive Officer with Carolyn Emery**

General Counsel Scott Smith presented the staff report on the Third Amendment to the Memorandum of Agreement with Executive Officer, Carolyn Emery.

**Chair Davert** called for Commission discussion and public comments. Commissioners made general comments. 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 recommended actions. **Vice Chair Wagner** motioned to approve the recommended actions and, **Commissioner Bucknum** seconded the motion.

**MOTION:** Adopt Resolution No. CP 23-01 approving the Third Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer with Carolyn Emery; Authorize Commission Chair Douglass Davert to execute and the Commission Clerk to attest to these documents. (Donald Wagner)

**SECOND:** Wendy Bucknum

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

**AGAINST:** None

**ABSTAIN:** None

**MOTION PASSED: 5-0.**

**8d. – Election of OC LAFCO Officers for 2023**

**Chair Davert** called for nominations for the LAFCO Chair and Vice Chair for 2023.

**Vice Chair Wagner** nominated **Commissioner Davert** to serve another term as the Chair.

**Chair Davert** called for any additional nominations. There were no additional nominations.

**MOTION: Appoint Commissioner Davert to serve as OC LAFCO Chair for 2023.  
(Donald Wagner)**  
**SECOND: Wendy Bucknum**  
**FOR: Donald Wagner, Wendy Bucknum, James Fidler,  
Derek J. McGregor, Douglass Davert**  
**AGAINST: None**  
**ABSTAIN: None**

**MOTION PASSED: 5-0.**

**Chair Davert** nominated **Commissioner Wagner** to serve another term as the Vice Chair.

**Chair Davert** called for any additional nominations. There were no additional nominations.

**MOTION: Appoint Commissioner Wagner to serve as OC LAFCO Vice Chair for 2023.  
(Douglass Davert)**  
**SECOND: Derek J. McGregor**  
**FOR: Douglass Davert, Derek J. McGregor, Wendy Bucknum,  
James Fidler, Donald Wagner**  
**AGAINST: None**  
**ABSTAIN: None**

**MOTION PASSED: 5-0.**

**9. COMMISSIONER COMMENTS**

General comments were made by the Commissioners.

**10. EXECUTIVE OFFICER'S REPORT**

The Executive Officer provided an update on the City Selection Committee appointment process for the regular and alternate member vacancies that will be conducted on February 9.

**11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

No informational items and announcements.

**12. CLOSED SESSION**

No closed session items scheduled.

**13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING**

**Chair Davert** adjourned the Regular Commission Meeting at 8:33 a.m. to February 8, 2023.

Douglass Davert, Chair  
Orange County Local Agency Formation Commission

By: \_\_\_\_\_  
Cheryl Carter-Benjamin  
Commission Clerk