

FINAL MINUTES

OC LAFCO REGULAR MEETING

Wednesday, March 8, 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

Commissioner McGregor led the Pledge of Allegiance.

3. BOARD APPOINTMENTS – COMMISSIONERS DO AND MOORE

Chair Davert noted the recent board appointments, and the Oaths of Office were administered for the new appointments by Commission Clerk Cheryl Carter-Benjamin.

4. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum
Carol Moore (**Alt.**)

County Members

Donald Wagner (**Vice Chair**)
Andrew Do

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

- Policy Analyst Amanda Castro
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

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

Executive Officer Carolyn Emery noted that no supplemental communication was received.

6. 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.

7. 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. **Commissioner Fisler** motioned for approval of the consent calendar, and **Commissioner Bucknum** seconded the motion.

7a. – Approval of Minutes – January 11, 2023 Regular Commission Meeting Minutes

MOTION: Approve the Consent Calendar. (James Fisler)
SECOND: Wendy Bucknum
FOR: James Fisler, Wendy Bucknum, Andrew Do, Derek J. McGregor,
Donald Wagner, Douglass Davert
AGAINST: None
ABSTAIN: Carol Moore

MOTION PASSED: 6-0-1.

8. PUBLIC HEARING

8a. – FY 2023-24 OC LAFCO Proposed Budget and Fee Schedule

Assistant Executive Officer Luis Tapia presented the staff report and recommended actions for the proposed budget and updated fee schedule for fiscal year 2023-24.

General questions and clarifications asked by the Commissioners were addressed by the staff and the Commission's accountant, Ian Berg. **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.

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

MOTION: Adopt the FY 2023-24 OC LAFCO Proposed Budget and direct the Executive Officer to distribute the document for review and comment to the Board of Supervisors, cities, and special districts; Direct staff to schedule a public hearing for consideration and adoption of the FY 2023-24 OC LAFCO Final Budget at the May 10, 2023 regular meeting; and Adopt Resolution No. CP23-02 approving the 2023-24 Fee Schedule. (Donald Wagner)

SECOND: Wendy Bucknum

FOR: Donald Wagner, Wendy Bucknum, Andrew Do, James Fisler, Derek J. McGregor, Carol Moore, Douglass Davert

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9. COMMISSION DISCUSSION AND ACTION

9a. – OC LAFCO Bylaws, Policies and Procedures Handbook Amendments

Commission Clerk Cheryl Carter-Benjamin gave an overview of the proposed amendments to OC LAFCO’s policies and procedures and noted some corrections to errors in the document and that staff and general counsel were available to address any questions.

Chair Davert called for Commission discussion and public comments. The Commissioners noted general comments and corrections. **Commissioner Do** requested staff to bring back amendments to current policies or a new one to address language access for non-English-speaking communities. 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 item. **Commissioner Moore** motioned to approve the staff recommended action with noted revisions, and **Commissioner Bucknum** seconded the motion.

MOTION: Adopt the OC LAFCO Handbook, as amended, including noted revisions. (Carol Moore)

SECOND: Wendy Bucknum

FOR: Carol Moore, Wendy Bucknum, Andrew Do, James Fisler, Derek J. McGregor, Donald Wagner, Douglass Davert

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

9b. – Legislative Report (March 2023)

Assistant Executive Officer Luis Tapia gave the staff presentation and provided staff recommended actions.

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

MOTION: Adopt a *“Support”* position on SB 878, 879, and 880 and *“Watch”* position on AB 557 and SB 411; Direct staff to a send position letter to bill author. (Donald Wagner)

SECOND: Andrew Do

FOR: Donald Wagner, Andrew Do, Wendy Bucknum, James Fisler, Derek J. McGregor, Carol Moore, Douglass Davert

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

10. COMMISSIONER COMMENTS

General comments were made by the Commissioners.

Commissioner McGregor provided an oral update on CALAFCO activities and their biannual strategic meeting and noted that the plan would be presented at the next CALAFCO Board meeting.

Chair Davert provided general comments on the MSR process for the OCWD application.

11. EXECUTIVE OFFICER’S REPORT

The Executive Officer noted her presentation during CSDA webinar and the opportunity it provided to highlight the great work of the Commission on the San Juan Capistrano utilities’ transfer to Santa Margarita Water District. Ms. Emery also noted the importance of informing

of MSRs to assist agencies and the public in understanding the mandate and the respective process.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements.

13. CLOSED SESSION

The Commission adjourned to closed session at 8:50 a.m.

The Commission reconvened in open session at 9:05 a.m., and General Counsel Scott Smith noted that there were no reportable actions.

14. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:05 a.m. to April 12, 2023.

Douglas Davert, Chair
Orange County Local Agency Formation Commission

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