

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, April 12, 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 Bucknum led the Pledge of Allegiance.

3. 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 Fislser
Kathryn Freshley **(Alt.)**

Public Members

Derek J. McGregor

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

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

Commission Clerk Cheryl Carter-Benjamin noted that supplemental communication was received for Agenda Item 8c. She noted that the communication was subsequently posted on the agency’s website, provided to the Commissioners, and copies made available to the public.

5. PUBLIC COMMENT

Chair Davert requested public comments on any non-agenda items. The Commission Clerk 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 that there were no requests from the public to speak on the consent calendar. **Vice Chair Wagner** motioned for approval of the consent calendar, and **Commissioner McGregor** seconded the motion.

6a. – March 8, 2023 Regular Commission Meeting Minutes

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

6c. – Orange County Employees Retirement System (OCERS) Revised FY 2023-24 Contribution Rates

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

MOTION PASSED: 7-0.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

8a. – Changes to Retiree Medical Program

Executive Officer Carolyn Emery presented the staff report and recommended actions involving changes to the Retiree Medical Program currently available to Commission employees. She noted the impacts to the Commission and added that the Commission may want to explore alternative platforms to the current program.

Chair Davert called for Commission discussion and public comments. There were no comments 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 item and noted that consideration of alternative platforms can be brought back to the Commission at a future meeting. **Commissioner Fisler** motioned to approve the staff recommended action, and **Vice Chair Wagner** seconded the motion.

MOTION: Confirm that OC LAFCO will mirror the HRA contribution amounts established by the County and provide appropriate notification to the County. (James Fisler)

SECOND: Donald Wagner

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0.

8b. – Legislative Report (April 2023)

Chair Davert referenced the staff report and recommended actions within the legislative report and asked if Commissioners desired to have a staff presentation or any requests from the public to speak on the item. There were no requests or comments from Commissioners, and the Commission Clerk noted no requests from the public to speak on the item.

Chair Davert commented on Assembly Bill 1637 and added that the bill proposes to require local government agencies to change website domains and other information to “.gov” or “.ca.gov.” He requested staff to review the bill and bring it back for discussion by the Commission. **Chair Davert** called for a motion on the item. **Vice Chair Wagner** motioned to approve the staff recommended actions, and **Commissioner Bucknum** seconded the motion.

MOTION: Adopt a “Support” position on AB 1753 and SB 360; Direct staff to send position letters to respective bill authors. (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.

8c. – Professional Consultant Services Agreements for the Orange County Water District Municipal Service Review

Assistant Executive Officer Luis Tapia gave the staff presentation on the competitive process and consultants selected by staff to conduct the MSR process for the Orange County Water District. He noted staff recommended actions and non-substantive revisions made to legal consultant's agreement after agenda publishing. Mr. Tapia closed with the acknowledgment of both consultants' presence at the meeting.

Chair Davert called for Commission discussion and public comments.

Commissioners made general comments and asked questions regarding OCWD's application, the Commission's requirements involving the MSR process, and additional information on the consultants' backgrounds and qualifications.

Staff and general counsel addressed Commissioners' questions.

Chair Davert emphasized that the application is a study and does not require the Commission to decide on a change in governance. The Chair invited the consultants to introduce their firms and address questions of the Commission.

Stephanie Standerfer (Vice President) and Autumn DeWoody (Project Manager) of Webb Associates and Attorney John Schatz addressed the Commission.

The Commission Clerk noted the public speakers requesting to address the Commission on the item.

Michael Van Dyke, Community Relations Manager, Irvine Ranch Water District commented that IRWD was a recipient of services provided by OWCD and MWDOC and would consider IRWD to be a resource as this project progresses.

Al Nederhood, Board Director, Municipal Water District of Orange County made general comments and expressed his concerns with the MSR being conducted.

Karl Seckel, Board Director, Municipal Water District of Orange County made general comments and noted issues involving the MSR scope of services.

Saundra Jacobs, Board Director, Santa Margarita Water District noted the history of past discussions on consolidation and that scope should include all alternatives.

Cathy Green, Board President, Orange County Water District made general comments and requested that the Commission approve staff's recommendations.

Mike Markus, General Manager, Orange County Water District made general comments and requested the Commission to approve staff's recommendations.

Chair Davert closed the public comments and called for any further discussion from the Commission.

Commissioners made general comments. **Commissioner Do** asked that it be included in the record that the scope of services for the MSR process does not require the Commission to reach a conclusion on the outcome of consolidation. **Chair Davert** added that the study is to look at the feasibility of consolidation, and the only action the Commission is being asked to consider today is to retain consultants to prepare the study.

Chair Davert called for a motion on the item. **Commissioner Bucknum** motioned to approve the staff recommended actions, and **Vice Chair Wagner** seconded the motion. **Commissioner Do** noted his abstention on the item.

- MOTION:** Approve the professional services agreement with Albert A. Webb Associates (WEBB) and authorize the Executive Officer to execute the agreement; Approve the professional services agreement with John J. Schatz and authorize the Executive Officer to execute the agreement. (Wendy Bucknum)
- SECOND:** Donald Wagner
- FOR:** Wendy Bucknum, Donald Wagner, James Fisler, Derek J. McGregor, Carol Moore, Douglass Davert
- AGAINST:** None
- ABSTAIN:** Andrew Do

MOTION PASSED: 6-0-1.

9. COMMISSIONER COMMENTS

Commissioners made general comments.

10. EXECUTIVE OFFICER'S REPORT

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

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

11a. – Bi-Annual Ethics Training and Sexual Harassment Avoidance Training Requirements

The Commission Clerk Carter-Benjamin noted the deadline for completion of the bi-annual ethics and sexual harassment avoidance training and requested Commissioners send certifications directly to the Commission Clerk.

12. CLOSED SESSION

12a. – Closed Session

General Counsel Scott Smith noted that the Commission would not adjourn to closed session, and the item would be noted for closed session on May 10.

Conference with Legal Counsel- Anticipated Litigation

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

Number of potential cases: 1

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:26 a.m. to May 10, 2023.

Douglas Davert, Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk