

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, June 14, 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 Whitaker led the Pledge of Allegiance.

3. BOARD APPOINTMENT – COMMISSIONER WHITAKER

Chair Davert noted the recent board appointment, and the Oath of Office was administered to **Commissioner Whitaker** by Commission Clerk Cheryl Carter-Benjamin.

4. ROLL CALL

The following Commissioners were present:

City Members

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

County Member

Donald Wagner **(Vice Chair)**

Special District Members

Douglas Davert
James Fisler
Kathryn Freshley **(Alt.)**

Public Members

Derek J. McGregor
Lou Penrose **(Alt.)**

The following staff members and general counsel were present:

- 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)**

The Commission Clerk noted that no supplemental communication was received.

6. 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.

7. CONSENT CALENDAR

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

7a. – May 10, 2023 Regular Commission Meeting Minutes

MOTION: Approve the Consent Calendar. (Derek J. McGregor)
SECOND: Donald Wagner
FOR: Derek J. McGregor, Donald Wagner, Wendy Bucknum,
James Fidler, Douglass Davert
AGAINST: None
ABSTAIN: Bruce Whitaker

MOTION PASSED: 5-0-1.

8. PUBLIC HEARING

No public hearing items scheduled.

9. COMMISSION DISCUSSION AND ACTION

9a. – Professional Services Agreement with Chase Design, Inc.

Policy Analyst Gavin Centeno presented the staff report and recommended actions for Commission consideration.

Chair Davert called for Commission discussion and public comments. Commissioners made general comments and asked questions involving website analytics, maintenance, and cybersecurity. Policy Analyst Centeno provided relative responses, 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. **Vice Chair Wagner** motioned to approve staff recommended actions, and **Commissioner Bucknum** seconded the motion.

MOTION: Approve the professional services agreement with Chase Design, Inc.; Authorize the Executive Officer to execute the agreement. (Donald Wagner)
SECOND: Wendy Bucknum
FOR: Donald Wagner, Wendy Bucknum, James Fisler, Derek J. McGregor, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9b. – Legislative Policy and Guidelines

Policy Analyst Amanda Castro presented the staff report and recommended action for Commission consideration, including a minor change to the draft policy of the addition of the Orange County Council of Governments as an external stakeholder.

Chair Davert called for Commission discussion and public comments. There was no Commissioner discussion, 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. **Vice Chair Wagner** motioned to adopt the legislative policy, including noted amendment by staff, and **Commissioner McGregor** seconded the motion.

MOTION: Adopt the Legislative Policy and Guidelines, as amended. (Donald Wagner)
SECOND: Derek J. McGregor
FOR: Donald Wagner, Derek J. McGregor, Wendy Bucknum,

James Fisler, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9c. – Legislative Report (June 2023)

Assistant Executive Officer Luis Tapia presented the staff report and recommended actions for Commission consideration.

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 item. **Vice Chair Wagner** motioned to approve the staff recommended actions, and **Commissioner McGregor** seconded the motion.

MOTION: Adopt a support position on AB 557; Modify and adopt a neutral position on AB 1637; Direct staff to send position letters to bill authors. (Donald Wagner)
SECOND: Derek J. McGregor
FOR: Donald Wagner, Derek J. McGregor, Wendy Bucknum, James Fisler, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

10. COMMISSIONER COMMENTS

Commissioners made general comments and **Commissioner Freshley** requested agendaing distribution of the Pulse for discussion by the Commission. **Chair Davert** directed staff to agendaize the item for a future meeting.

11. EXECUTIVE OFFICER’S REPORT

11a. – Project/Application Updates *(oral reports and no action required by the Commission.)*

1) Orange County Water District (OCWD) MSR

The Assistant Executive Officer provided a brief update on the OCWD MSR, including a request from MWDOC to expand the scope of the MSR previously approved by the

Commission. He added that if the scope is modified, staff will agendize for consideration by the Commission at a future meeting.

2) **Fiscal Indicators – CALAFCO Conference Proposal**

Policy Analyst Centeno provided a brief report on a potential presentation of the agency’s fiscal indicator web-based program at the upcoming CALAFCO Annual Conference in October.

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

13. CLOSED SESSION

The Commission adjourned to closed session at 8:39 a.m. on the following item:

Conference with Legal Counsel- Anticipated Litigation

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

Number of potential cases: 1

The Commission reconvened in open session at 9:00 a.m., and General Counsel Scott Smith noted that the Commission discussed the closed session item, and there were no reportable actions.

14. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Davert adjourned the Regular Commission Meeting at 9:00 a.m. to July 12, 2023 in memoriam of former Commissioner Allan Bernstein.

Douglass Davert, Chair

Orange County Local Agency Formation Commission

ATTEST:

By: _____

Cheryl Carter-Benjamin

Commission Clerk