

## FINAL MINUTES

### OC LAFCO REGULAR MEETING

Wednesday, August 9, 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 Do** led the Pledge of Allegiance.

#### 3. OATH OF OFFICE

The Oath of Office was administered to **Commissioner Do** by the Commission Clerk, and **Commissioner Foley's** oath was completed electronically.

#### 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  
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 Paula C. De Sousa

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

The Executive Officer noted that no supplemental communication was received.

**6. PUBLIC COMMENT**

**Chair Davert** requested public comments on any non-agenda items. The Commission Clerk noted two requests to speak from the public on Agenda Item 8b.

**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. – August 9, 2023 Regular Commission Meeting Minutes**

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

**MOTION PASSED: 7-0.**

**8. PUBLIC HEARING**

**8a. – Municipal Service Review and Sphere of Influence Reviews for West Region (MSR 22-09 and SOI 22-10)**

Assistant Executive Officer Luis Tapia introduced the municipal service review and noted that a 30-day public review and comment period was conducted for the West Region MSR draft and stated that agency comments were received from the City of La Palma and Midway City Sanitary District requesting non-substantive changes. Mr. Tapia introduced Consultant Mark

Sawicki, representing RSG, Inc., who gave a presentation on the West Region MSR and SOI. Mr. Tapia concluded the presentation with recommended actions for Commission consideration.

**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** closed the public hearing and called for a motion on the item.

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

**MOTION:** Receive and file the Municipal Service Review for the West Region; Approve OC LAFCO Resolution No. MSR 22-09 adopting the MSR Statement of Determinations; Approve OC LAFCO Resolution No. SOI 22-10 adopting the SOI Statement of Determinations and reconfirming the SOIs for the cities and special districts; Approve the Notice of Exemption for MSR 22-09 and SOI 22-10. (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.**

**8b. – Municipal Service Review and Sphere of Influence Reviews for Southwest Region (MSR 22-11 and SOI 22-12)**

Policy Analyst Gavin Centeno introduced the municipal service review and noted that a 30-day public review and comment period was conducted for the Southwest MSR draft and stated that comments were received by Emerald Bay Service District and Moulton Niguel Water District requesting non-substantive and substantive changes. Mr. Centeno introduced Consultant Wesley Smith, representing RSG, Inc., who gave a presentation on the Southwest Region MSR. Mr. Centeno concluded the presentation with recommended actions for Commission consideration and noted that the Commission consider postponing the sphere of influence review for the South Coast Water District to allow the stakeholders to continue discussions on a potential annexation of an area in South Laguna Beach to the District.

**Chair Davert** called for Commission discussion and public comments. Commissioners made general comments and asked questions related to housing projections, rezoning, the annexation timeline for the area in South Laguna Beach to the South Coast Water District,

agency reserves, and working capital. The Commission Clerk noted the public speakers requesting to address the Commission on the item.

Michael P. Dunbar, General Manager of Emerald Bay Service District, commended the MSR process and thanked OC LAFCO staff and consultant for the great work on the MSR.

Jody Brennan, Executive Services Manager/Clerk of the Board of South Coast Water District, made general comments and expressed the agency's support of the Southwest MSR.

**Chair Davert** closed the public hearing and called for any additional discussion by the Commission. Commissioners made general comments. **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:** Receive and file the Municipal Service Review for the West Region; Approve OC LAFCO Resolution No. MSR 22-09 adopting the MSR Statement of Determinations; Approve OC LAFCO Resolution No. SOI 22-10 adopting the SOI Statement of Determinations and reconfirming the SOIs for the cities and special districts; Approve the Notice of Exemption for MSR 22-09 and SOI 22-10. (Donald Wagner)

**SECOND:** Derek J. 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.**

## 9. COMMISSION DISCUSSION AND ACTION

### 9a. – Fiscal Year 2022-2023 Year-End Comprehensive Report

Executive Officer Carolyn Emery 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. **Vice Chair Wagner** left the meeting at 8:56 a.m.

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

**MOTION:** Receive and file the Year-End Comprehensive Report for Fiscal Year 2022-2023; Approve update to the 2022-2025 Work Plan. (Wendy Bucknum)  
**SECOND:** Andrew Do  
**FOR:** Wendy Bucknum, Andrew Do, James Fisler, Derek J. McGregor, Carol Moore, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 6-0.**

**9b. – Legislative Report (August 2023)**

General Counsel Paula De Sousa recused herself, stepped away from the dais after noting the representation of one of the two constituents discussed in the staff report, and was available to answer questions.

Assistant Executive Officer Luis Tapia presented the staff report and recommended action for Commission consideration. **Vice Chair Wagner** returned to the meeting at 9:04 a.m.

**Chair Davert** called for public comments and Commission discussion. The Commission Clerk noted that there were no requests from the public to speak on the item. Commissioners made general comments and asked questions involving ratepayers, water authorities, and member agencies. **Commissioner McGregor** recommended a substitute motion that the Commission take a watch position, and **Commissioner Do** seconded the motion.

**Chair Davert** called for a motion on the item. **Commissioner McGregor** motioned to adopt a watch position, and **Commissioner Do** seconded the motion.

**MOTION:** Adopt a *Watch* position on AB 399. (Derek J. McGregor)  
**SECOND:** Andrew Do  
**FOR:** Derek J. McGregor, Andrew Do, Wendy Bucknum, James Fisler, Carol Moore, Donald Wagner, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0.**

**9c. – Limited English Proficiency Services (LEP) Policy**

Policy Analyst Amanda Castro presented the staff report and recommended action 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. **Commissioner Do** motioned to approve the staff recommended action, and **Commissioner Bucknum** seconded the motion.

**MOTION:** Adopt the “Limited English Proficiency (LEP) Services Policy.” (Andrew Do)  
**SECOND:** Wendy Bucknum  
**FOR:** Andrew Do, Wendy Bucknum, James Fisler, Derek J. McGregor, Carol Moore, Donald Wagner, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0.**

#### **9d. – Bi-Annual News (“The Pulse”)**

**Commissioner Freshley** started the conversation by noting concerns about the distribution of the Pulse. Commissioners made general comments, and **Commissioner Bucknum** suggested including the city and special district clerks in the distribution process of the bi-annual newsletter. Executive Officer Emery stated that the city and special district clerks will be added to the list for future distributions.

#### **10. COMMISSIONER COMMENTS**

Commissioners made general comments.

#### **11. EXECUTIVE OFFICER’S REPORT**

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

#### **12. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

##### **12a. – CALAFCO Annual Conference**

**Chair Davert** noted that registration for the conference was open until August 31, and if interested in attending, contact staff.

#### **13. CLOSED SESSION**

##### **13a. – Closed Session**

The Commission adjourned to closed session at 9:40 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

**Vice Chair Wagner** and **Commissioner Do** left at 10:05 a.m. The Commission reconvened in open session at 10:10 a.m., and General Counsel Paula C. De Sousa 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 10:11 a.m. to September 13, 2023.

Douglass Davert, Chair

Orange County Local Agency Formation Commission

ATTEST:

By: \_\_\_\_\_

*Cheryl Carter-Benjamin*

Cheryl Carter-Benjamin  
Commission Clerk