

**LOCAL AGENCY FORMATION COMMISSION OF  
ORANGE COUNTY**

**REGULAR MEETING AGENDA**

**Wednesday, November 8, 2023  
8:15 a.m.**

**County Administrative North (CAN)  
First Floor Multipurpose Room 101  
400 W. Civic Center Drive, Santa Ana, CA 92701**

*Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.*

**1. CALL THE MEETING TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION**

**(Communications received after agenda distribution for agendized items.)**

**5. PUBLIC COMMENT**

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

**6. CONSENT CALENDAR**

**a.) October 11, 2023 – Regular Commission Meeting Minutes**

The Commission will consider approval of the October 11, 2023 meeting minutes.

**b.) OC LAFCO 2024 Meeting and Events Calendar**

The Commission will consider adoption of the OC LAFCO 2024 Calendar.

**c.) Orange County Employees Retirement System (OCERS) Fiscal Year 2024-25 Retirement Contribution Rates and Prepayment Program**

The Commission will consider adoption of the FY 2024-25 retirement contribution rates, as approved by the Orange County Employees Retirement System (OCERS) Board of Retirement and receive a report on the OCERS prepayment program.

**d.) CALAFCO Update**

The Commission will receive an update on the recent activities of CALAFCO.

**7. PUBLIC HEARING**

No public hearing items scheduled.

**8. COMMISSION DISCUSSION AND ACTION**

**a.) Fiscal Year 2022-23 OC LAFCO Audited Financial Statements**

The Commission will receive a presentation from the independent auditor, Davis Farr LLP, on the agency's audited financial statements for Fiscal Year 2022-23.

**b.) Legislative Report (November 2023)**

The Commission will receive a report on anticipated efforts and legislation of LAFCO interest for the 2024 legislative session.

**9. COMMISSIONER COMMENTS**

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

**10. EXECUTIVE OFFICER'S REPORT**

Executive Officer's announcement of upcoming events and a brief report on activities of the Executive Officer since the last meeting.

**11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

No informational items and announcements scheduled.

**12. CLOSED SESSION**

**a.) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: Executive Officer

**b.) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representatives: Commission Chair Douglass Davert and William Kelly of Kelly Associates Management Group

Unrepresented employee: Executive Officer

**c.) 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 REGULAR COMMISSION MEETING**

The next Regular Commission Meeting will be held on Wednesday, December 13, 2023, at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701.

#### **PUBLIC PARTICIPATION:**

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at [ccarter-benjamin@oclafco.org](mailto:ccarter-benjamin@oclafco.org). Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at [www.oclafco.org](http://www.oclafco.org).

State law requires that a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

All regular meeting agendas and associated reports are available at [www.oclafco.org](http://www.oclafco.org). Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

## DRAFT MINUTES

### OC LAFCO REGULAR MEETING

Wednesday, October 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 8:17 a.m.

#### 2. PLEDGE OF ALLEGIANCE

**Commissioner Wagner** led the Pledge of Allegiance.

#### 3. ROLL CALL

The following Commissioners were present:

City Members

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

County Members

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

Special District Members

Douglass Davert **(Chair)**  
James Fisler  
Kathryn Freshley **(Alt.)**

Public Member

Derek J. McGregor

The following staff members and general counsel were present:

- Executive Officer Carolyn Emery
- 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)**

The Commission Clerk noted that no supplemental communication was received.

**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 items. **Vice Chair Wagner** motioned for approval of the consent calendar, and **Commissioner Do** seconded the motion.

**6a. – September 13, 2023 - Regular Commission Meeting Minutes**

**6b. – Fiscal Year 2023-24 Quarterly Financial Report (First Quarter)**

**6c. – Legislative Report (October 2023)**

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

**MOTION PASSED: 7-0.**

**7. PUBLIC HEARING**

No public hearing items scheduled.

**8. COMMISSION DISCUSSION AND ACTION**

**8a. – Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission**

Executive Officer Carolyn Emery presented the staff report and recommended action for Commission consideration.

**Chair Davert** called for Commission discussion and public comments. There was no Commission 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 approve staff recommended action, and **Commissioner Bucknum** seconded the motion.

**MOTION:** Adopt the Policy and Procedures for the Initiation of Proposals by the Orange County Local Agency Formation Commission, as amended. (Donald Wagner)  
**SECOND:** Wendy Bucknum  
**FOR:** Donald Wagner, Wendy Bucknum, Andrew Do, James Fisler, Derek J. McGregor, Bruce Whitaker, Douglass Davert  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0.**

**8b. – Personnel Policies and Procedures of the Orange County Local Agency Formation Commission (Part 4 – Time Off)**

Executive Officer Carolyn Emery presented the staff report and recommended action for Commission consideration, noting a single correction on page five of the policy.

**Chair Davert** called for Commission discussion and public comments. Commissioners made general comments regarding budget impacts, recruitment and retention, and comparisons of time off with other LAFCOs. **Commissioner Whitaker** asked what comparisons to other agencies were used to determine whether an update was necessary for the policy. Executive Officer Emery responded that the Commission’s current vacation accrual policy was reviewed in comparison with the County’s current policy for its managers’ unit. She also noted that the review was done as an opportunity to enhance OC LAFCO’s benefits package in line with the Commission’s identifying employee retention and recruitment as a key objective of its strategic plan. 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 Bucknum** motioned to approve the staff recommended action with the correction noted by the Executive Officer, and **Vice Chair Wagner** seconded the motion.

**MOTION:** Adopt amendments to Part 4 – Time Off section of the OC LAFCO Personnel Policies and Procedures, including noted correction. (Wendy Bucknum)  
**SECOND:** Donald Wagner

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

**AGAINST:** Bruce Whitaker

**ABSTAIN:** None

**MOTION PASSED: 6-1.**

## **9. COMMISSIONER COMMENTS**

There were no general comments from the Commissioners.

## **10. EXECUTIVE OFFICER'S REPORT**

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

## **11. INFORMATIONAL ITEMS & ANNOUNCEMENTS**

No informational items and announcements scheduled.

## **12. CLOSED SESSION**

**Commissioner Do** noted he would not be participating in the closed session. The Commission adjourned to closed session at 8:38 a.m. on the following items:

### **12a. – PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: Executive Officer

### **12b. – CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Commission Chair

Unrepresented employee: Executive Officer

### **12c. – 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 8:55 a.m. General Counsel Scott Smith noted that the Commission discussed the closed session items, and there were no reportable actions.



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

**Chair Davert** adjourned the Regular Commission Meeting at 8:55 a.m. to November 8, 2023.

Douglass Davert, Chair  
Orange County Local Agency Formation Commission

ATTEST:

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

**6b** | Consent  
Calendar

**REGULAR MEMBERS**

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
**Derek J. McGregor**  
Public Member

**Wendy Bucknum**  
City Member

**James Fisler**  
Special District Member

**Bruce Whitaker**  
City Member

**VACANT**  
County Member

**ALTERNATES**

**Katrina Foley**  
County Member

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

**STAFF**

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** November 8, 2023

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Office Manager/Commission Clerk

**SUBJECT:** OC LAFCO 2024 Meeting and Events Calendar

In accordance with the OC LAFCO Bylaws, each year, the Commission adopts an annual meeting calendar. The proposed 2024 Meeting and Events Calendar is attached for Commission approval. The calendar reflects the dates of the Commission's regular meetings and indicates dates of office closure in observance of legal holidays and the Commission's flexible work schedule. The OC LAFCO regular meetings are held on the second Wednesday of every month at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 West Civic Center Drive in Santa Ana. For reference, the calendar also highlights the next CALAFCO Annual Conference, which will take place in Fish Camp, California, at the Tenaya Lodge at Yosemite from October 16-18 in 2024.

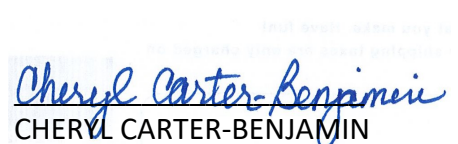
**RECOMMENDED ACTION**

Staff recommends the Commission:

1. Adopt the 2024 Meeting and Events Calendar.

Respectfully Submitted,

  
\_\_\_\_\_  
CAROLYN EMERY

  
\_\_\_\_\_  
CHERYL CARTER-BENJAMIN

Attachment 1: OC LAFCO 2024 Meeting and Events Calendar

# 2024 MEETING AND EVENTS CALENDAR

Approved \_\_\_\_\_ 2023

2024



January						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

October						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

September						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)  
**Location:** County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 16 - 18, 2024 at Tenaya Lodge at Yosemite.

## REGULAR MEMBERS

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
**Derek J. McGregor**  
Public Member

**Wendy Bucknum**  
City Member

**James Fisler**  
Special District Member

**Bruce Whitaker**  
City Member

**VACANT**  
County Member

## ALTERNATES

**Katrina Foley**  
County Member

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

## STAFF

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** November 8, 2023

**6c** | Consent  
Calendar

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Orange County Employees Retirement System --  
Fiscal Year 2024-2025 Contribution Rates and  
Prepayment Program

### BACKGROUND

The Local Agency Formation Commission of Orange County (OC LAFCO) has been an independent member of the Orange County Employees Retirement System (OCERS) since July 1, 2001. As an independent member, the Commission is required to annually adopt employer and employee contribution rates approved by the OCERS Board of Retirement for retirement plans available to OC LAFCO employees. Additionally, the OCERS board annually reviews and adopts a discount rate for the system's prepayment program which allows OCERS members to experience cost-savings in employer contributions.

The next sections of this report provide additional information on the contribution and discount rates for fiscal year 2024-25.

### Fiscal Year 2024-25 Contribution Rates

On June 19, 2023, the OCERS Board of Retirement adopted new employer and employee contribution rates for Fiscal Year 2024-25. The adopted rates are for three retirement plans that are available to current and future OC LAFCO employees. The employer contribution rates for all three plans include an increase of approximately one percent from the current rates.

The Commission's current employees participate in two of the retirement plans available, the 2.7% @ 55 plan and the 1.62% @ 65 "PEPRA" plan. There are currently no Commission employees enrolled in the third plan, which is the 1.62% @ 65 "non-PEPRA" plan. The PEPRA and non-PEPRA retirement plans are a result of the enactment of the Public Employees' Pension Reform Act ("PEPRA") in 2013. Depending on certain qualifications, employees hired after the PEPRA Act may enroll in one of the two 1.62% @ 65 retirement plans.

The Fiscal Year 2024-25 employer contribution rate for the 1.62% @ 65 non-PEPRA plan, which is available to OC LAFCO employees who are not new members to OCERS, is 33.31%. The Fiscal Year 2024-25 employer contribution rate for the 1.62% @ 65 PEPRA plan, which is available to OC LAFCO employees who are new members to OCERS, is 34.43%. The Fiscal Year 2024-25 employer contribution rate for the 2.7 @ 55 plan is 41.71%.

The contribution rates for the three plans available to OC LAFCO are referenced in **Attachment 1**. Staff recommends the Commission adopt the resolution, referenced as **Attachment 2**, approving the contribution rates adopted by OCERS for Fiscal Year 2024-25.

### **OCERS PREPAYMENT PROGRAM**

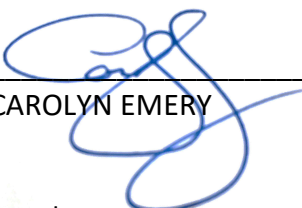
Since 2005, the Commission has participated in the OCERS Prepayment Program to realize savings in the agency's retirement costs. The program allows members to prepay all or a portion of their retirement contribution at a discounted rate. The discount rate has historically been tied to the approved long-term rate of return on the retirement system's investments. On July 17, 2023, the OCERS board approved a discount rate of seven percent for early payment of employer contributions received by January 11, 2024. To realize some savings in retirement costs, staff will submit prepayment of the retirement employer contributions subsequent to the Commission's adoption of the OCERS contribution rates and prior to the OCERS deadline.


### **RECOMMENDED ACTION**

Staff recommends the Commission:

1. Adopt Resolution No. CP 23-04 approving the contribution rates adopted by OCERS for Fiscal Year 2024-25.

Respectfully submitted,

  
\_\_\_\_\_  
CAROLYN EMERY

  
\_\_\_\_\_  
LUIS TAPIA

Attachments:

1. OCERS FY 24-25 Contribution Rates
2. OC LAFCO Resolution No. CP 23-04



**Orange County Local Agency Formation Commission  
Employer Contribution Rates  
Effective Pay Period 15, June 28, 2024**

Rate Group	Plan	Rate	
#2	I & J **	Normal	14.57%
		UAAL	<u>27.14%</u>
		<b>Total</b>	<b>41.71%</b>
#2	P	Normal	6.17%
		UAAL	<u>27.14%</u>
		<b>Total</b>	<b>33.31%</b>
#2	T - PEPRA	Normal	7.29%
		UAAL	<u>27.14%</u>
		<b>Total</b>	<b>34.43%</b>

**\*\* Reverse Pickups:**

Orange County LAFCO bargaining units under the 2.7% at 55 plans are subject to an employee-paid reverse pickup which has not been accounted for in the employer rate above. Any reverse pickup arrangements are between the plan sponsors and employee bargaining units. The reverse pickup rate schedule is available online at:

<https://www.ocers.org/sites/main/files/file-attachments/reversepickups.pdf>



**Orange County Local Agency Formation Commission  
Employee Contribution Rates  
Effective Pay Period 15, June 28, 2024**

Entry Age	Plan I	Plan J	Plan P	PEPRA Plan T
	(2.7% @ 55)	(2.7% @ 55)	(1.62% @ 65)	(1.62% @ 65)
15	10.37%	9.96%	6.45%	5.15%
16	10.37%	9.96%	6.45%	5.15%
17	10.56%	10.14%	6.56%	5.24%
18	10.74%	10.31%	6.68%	5.33%
19	10.93%	10.50%	6.80%	5.43%
20	11.12%	10.68%	6.92%	5.53%
21	11.32%	10.87%	7.04%	5.62%
22	11.52%	11.06%	7.16%	5.72%
23	11.72%	11.25%	7.29%	5.82%
24	11.93%	11.45%	7.42%	5.93%
25	12.14%	11.65%	7.55%	6.03%
26	12.36%	11.86%	7.68%	6.14%
27	12.58%	12.07%	7.81%	6.25%
28	12.80%	12.28%	7.95%	6.36%
29	13.03%	12.50%	8.09%	6.47%
30	13.26%	12.72%	8.23%	6.58%
31	13.50%	12.95%	8.38%	6.70%
32	13.75%	13.19%	8.53%	6.82%
33	14.00%	13.43%	8.68%	6.94%
34	14.26%	13.67%	8.83%	7.07%
35	14.53%	13.93%	8.99%	7.19%
36	14.80%	14.19%	9.15%	7.32%
37	15.09%	14.45%	9.32%	7.46%
38	15.39%	14.71%	9.49%	7.59%
39	15.66%	14.96%	9.66%	7.74%
40	15.95%	15.20%	9.84%	7.88%
41	16.21%	15.44%	10.03%	8.03%
42	16.48%	15.69%	10.21%	8.18%
43	16.76%	15.94%	10.39%	8.33%
44	17.05%	16.20%	10.57%	8.47%
45	17.36%	16.44%	10.74%	8.62%
46	17.69%	16.65%	10.91%	8.76%
47	17.93%	16.80%	11.09%	8.90%
48	18.17%	16.89%	11.26%	9.05%
49	18.32%	16.88%	11.45%	9.21%
50	18.39%	16.77%	11.62%	9.35%
51	18.34%	16.53%	11.77%	9.48%
52	18.16%	16.17%	11.87%	9.58%
53	17.83%	16.70%	11.93%	9.64%



**Orange County Local Agency Formation Commission  
Employee Contribution Rates  
Effective Pay Period 15, June 28, 2024  
(continued)**

Entry Age	Plan I	Plan J	Plan P	PEPRA Plan T
	(2.7% @ 55)	(2.7% @ 55)	(1.62% @ 65)	(1.62% @ 65)
54	17.25%	17.25%	11.93%	9.66%
55	17.25%	17.25%	11.85%	9.62%
56	17.25%	17.25%	11.68%	9.53%
57	17.25%	17.25%	11.43%	9.38%
58	17.25%	17.25%	11.80%	9.69%
59	17.25%	17.25%	12.19%	10.01%
60	17.25%	17.25%	12.19%	10.01%
61	17.25%	17.25%	12.19%	10.01%
62	17.25%	17.25%	12.19%	10.01%
63	17.25%	17.25%	12.19%	10.01%
64	17.25%	17.25%	12.19%	10.01%
65	17.25%	17.25%	12.19%	10.01%
66 and thereafter	17.25%	17.25%	12.19%	10.01%

Average entry age and discounted percentages applicable to employee contributions paid under Section 31581.1 are:

Rate Group	Plan	Discounted Percentage	Average Entry Age
#2	Plan I (General)	100.00%	38
#2	Plan J (General)	99.06%	38
#2	Plan P (General)	98.52%	38



CP 23-04

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF ORANGE  
COUNTY, CALIFORNIA

ADOPTING RETIREMENT RATES FOR FY 2024-25

November 8, 2023

On motion of Commissioner \_\_\_\_\_, duly seconded by and carried, the following resolution was adopted:

WHEREAS, the California State Legislature adopted AB 2838 in its 1999-2000 legislative session, which, in part, required that Local Agency Formation Commissions throughout the State of California become independent public agencies effective January 1, 2001; and

WHEREAS, the Local Agency Formation Commission of Orange County ("OC LAFCO") applied and was accepted as an independent member agency under the Orange County Employees Retirement System ("OCERS") on or about July 1, 2001; and

WHEREAS, as a result of OC LAFCO being an independent member agency under OCERS since 2001, OC LAFCO must annually adopt both the employee and employer rates as approved by OCERS; and

WHEREAS, in August 2004, the County of Orange reached agreement with a number of General Member bargaining units and certain unrepresented employees to implement a 2.7% at 55 retirement formula for both past and future service; and

WHEREAS, on February 9, 2005, OC LAFCO approved implementation of a 2.7% at 55 retirement formula, for future service only, beginning July 1, 2005; and

WHEREAS, the cost to migrate to the 2.7% at 55 retirement formula was paid for by OC LAFCO employees and did not result in additional cost to OC LAFCO except for an annual employer contribution of 0.51 percent and annual modifications made in the retirement rates as determined by OCERS; and

WHEREAS, on December 12, 2012, OC LAFCO rescinded the 2.7% at 55 retirement formula for employees hired by OC LAFCO on or after December 12, 2012; and

WHEREAS, the new 2.7% at 55 retirement formula only applies to active employees and new employees hired between July 1, 2005 and December 11, 2012; and

WHEREAS, on April 20, 2010, the County of Orange approved implementation of a 1.62% at 65 retirement formula for new County employees hires only effective on or after July 1, 2010; and

WHEREAS, on June 9, 2010, OC LAFCO approved implementation of a 1.62% at 65 retirement formula, for new OC LAFCO employees hires only, beginning July 1, 2010; and

WHEREAS, on February 9, 2011, OC LAFCO adopted a temporary resolution establishing that new employees enrolled in the 1.62% at 65 retirement formula are subject to pay the reverse pickup cost; and

WHEREAS, on June 8, 2011, OC LAFCO adopted a revised resolution replacing the February 9, 2011 resolution, establishing OC LAFCO as responsible for the employee reverse pickup, the annual employer contribution of 0.51 percent and annual modifications made in the retirement rates for the 1.62% at 65 as determined by OCERS; and

WHEREAS, on September 12, 2012, the California Public Employees' Pension Reform Act (AB 340) was chaptered into law and became effective January 1, 2013; and

WHEREAS, the California Public Employees' Pension Reform Act (AB 340) imposed certain limitations on public employee pension formulas for public employees considered new members, as that term is defined by Government Code Section 7522.04(f) ("New Members"); and

WHEREAS, the enactment of the California Public Employees' Pension Reform Act (AB 340) required OCERS to establish two versions of the 1.62% at 65 retirement plan, one for new OC LAFCO employees that are not New Members ("non-PEPRA 1.62 Plan") and one for new OC LAFCO employees that are New Members ("PEPRA 1.62 Plan"); and

WHEREAS, the employer retirement rate for the 1.62% at 65 retirement plan, as established by OCERS, for 2024-25 is 33.31 percent for new OC LAFCO employees that are not New Members ("non-PEPRA" 1.62 Plan); and

WHEREAS, the employer retirement rate for the "PEPRA 1.62 Plan," as established by OCERS, for 2024-25 is 34.43 percent; and

WHEREAS, the employer retirement rate for the 2.7% at 55 retirement plan, as established by OCERS, for 2024-25 is 41.71 percent.

NOW, THEREFORE, the Local Agency Formation Commission of Orange County DOES  
HEREBY RESOLVE, DETERMINE AND ORDER as follows:

OC LAFCO adopts and approves implementation of 2024-25 retirement rates as  
established by OCERS, effective July 1, 2024.

AYES:

NOES:

STATE OF CALIFORNIA         )  
  ) SS.  
COUNTY OF ORANGE         )

I, Douglass Davert, Chair of the Local Agency Formation Commission of Orange County,  
hereby certify that the above and foregoing resolution was duly and regularly adopted by said  
Commission at a regular meeting thereof, held on the 8<sup>th</sup> day of November 2023.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November 2023.

Douglass Davert  
Chair of the Local Agency Formation Commission of  
Orange County

By: \_\_\_\_\_  
Douglass Davert

### REGULAR MEMBERS

CHAIR

**Douglass Davert**  
Special District Member

VICE CHAIR

**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR

**Derek J. McGregor**  
Public Member

**Wendy Bucknum**  
City Member

**James Fisler**  
Special District Member

**Bruce Whitaker**  
City Member

**VACANT**  
County Member

### ALTERNATES

**Katrina Foley**  
County Member

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

### STAFF

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** November 8, 2023

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Commissioner/CALAFCO Board Director  
Executive Officer

**SUBJECT:** CALAFCO Update

### CONFERENCE RECAP

The 2023 California Association of Local Agency Formation Commissions (CALAFCO) Conference held in Monterey, October 18-20, was well attended with approximately 270 attendees from each of the CALAFCO regions (northern, coastal, central and southern). Eight commissioners and staff represented OC LAFCO at the conference, and the southern region collectively provided a strong presence with 35 commissioners and staff.

The annual event lived up to the conference theme, “Celebrating 60 Years of LAFCOs” through informative sessions and currently relevant topics that included: agencies extending services outside of their jurisdictional boundaries, use of MSRs to guide agencies back on course, the history of LAFCOs and special districts, and evolution opportunities for MSRs in the 21<sup>st</sup> Century. The conference program also included engaging sessions on the challenges of disaster prevention and recovery efforts involving key municipal services and elevating the partnership of staff and commissioners, each intended to stretch attendees thinking beyond LAFCO. The conference kicked off with a visit to the Monterey Peninsula Airport, where attendees learned about the history and upcoming expansion of the airport and the functions of the County’s Airport District.

### BOARD ELECTIONS

During the annual conference, the CALAFCO Board of Directors also conducted regional elections and the Board’s annual business meeting, which highlighted CALAFCO’s significant accomplishments over the past year and legislative committee and other staff appointments. This year’s elections brought two new members to represent the southern region on the CALAFCO Board – Riverside County Supervisor Yxstian Gutierrez and San Bernardino Special District Member Kimberly Cox. During the conference, the two members were officially seated on the CALAFCO

Board, and along with the other members indicated below, will be representing the southern region during the 2023-2025 term:

CALAFCO Directors – Southern Region			
Board Member	LAFCO	Category	Term
Kimberly Cox	San Bernardino	Special District	2025
Yxstian Gutierrez	Riverside	County	2025
<b>Derek McGregor</b>	<b>Orange</b>	<b>Public</b>	<b>2024</b>
Acquanetta Warren	San Bernardino	City	2024

During the conference, CALAFCO board officers and legislative committee staff member appointments were also approved. Emphasized below are the Board officers and committee members representing the CALAFCO Southern Region. The terms of these appointments are for one year and considered by the Board annually.

**CALAFCO Board of Directors Officers**

*Chair:* Margie Mohler (Coastal Region)

***Vice Chair:* Acquanetta Warren (Southern Region)**

*Treasurer:* Gay Jones (Central Region)

*Secretary:* Blake Inscore (Northern Region)

**CALAFCO Legislative Committee**

Paula Graf, Imperial LAFCO

Priscilla Mumpower, San Diego LAFCO

Adriano Romo, Los Angeles LAFCO

**Luis Tapia, Orange LAFCO (Advisory Committee)**

Carolanne Ieromnimon, San Diego LAFCO (Advisory Committee)

The Board of Directors meets quarterly, and at their next meeting on December 1, 2023 will appoint directors to the legislative committee and other committees. The legislative committee will conduct its first meeting on December 8, 2023 to discuss anticipated efforts for the new legislative session.

**UPCOMING WEBINARS**

In part to its mission, through the association’s university (“CALAFCO U”), CALAFCO hosts a series of educational webinars highlighting current events and engaging topics for member LAFCOs. Below are some general CALAFCO U topics developed by the association with Commissioners in mind:

- Two Agencies in Dispute: What is LAFCO’s Role in Assisting to Resolve the Conflict?
- The New Era: State of the State in terms of extreme weather, fire and water issues.
- Sharing the Wealth: A Deep Dive into Tax Exchange.

- Proactively Navigating Economic and Service Crisis Realities
- Being a LAFCO Commissioner: What does it really mean?
- When LAFCO Opinions Collide: Exploring the unique perspectives of LAFCO Commissioners, Legal Counsel and Staff.

As CALAFCO gears up to host more sessions in 2024, Commissioners are encouraged to share ideas for future topics with Commissioner McGregor or staff.

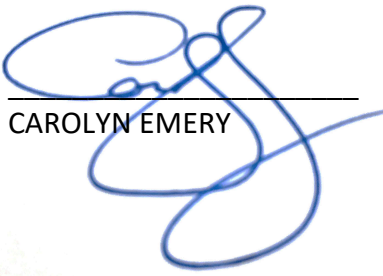
**RECOMMENDED ACTION**

Staff recommends the Commission:

1. Receive and file the CALAFCO Update.

Respectfully submitted,

  
DEREK J. MCGREGOR

  
CAROLYN EMERY

### REGULAR MEMBERS

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
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**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

### STAFF

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** November 8, 2023

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Fiscal Year 2022-23 OC LAFCO Audited Financial  
Statements

### BACKGROUND

The Fiscal Year 2022-23 OC LAFCO Audited Financial Statements, provided as **Attachment 2**, consists of seven parts:

- **Independent Auditor's Report:** An audit report cover letter from Davis Farr outlining the auditor's professional responsibilities, accounting basis, and opinion on whether the financial statements comply with Generally Accepted Accounting Practices. (Pages 1-3)
- **Management's Discussion and Analysis:** This section summarizes the financial statements and explains any major changes from the prior fiscal year to the current fiscal year. (Pages 4-8)
- **OC LAFCO Government Wide Financial Statements:** These two statements are different from the rest of the financial statements in that they include the long-term assets and long-term liabilities of the Commission. (Pages 9-10)
- **OC LAFCO Fund Financial Statement:** A depiction of the agency's government activities and each major fund for FY 2022-23. These statements differ from the government wide statements in that they have a current resource/boundary focus and, as such, exclude the long-term assets and liabilities. (Pages 11-14)
- **Notes to the Basic Financial Statements:** The footnotes provide information in greater detail on OC LAFCO's financial policies, other post-employment benefits, and other financial matters. (Pages 15-38)
- **Required Supplemental Information:** This includes various schedules and details for the agency's pension liability, OPEB liability, the Schedule of Revenues, Expenditures and Changes in

Fund Balance – Budget and Actual, and notes to the required supplementary information. (Pages 40-47)

- Independent Auditor’s Report on Internal Control: A report identifying and disclosing any material weaknesses or significant deficiencies in internal control. (Pages 49-50)

In preparation for and during the audit, OC LAFCO’s staff and accountant jointly prepared materials and worked directly with the team from the independent auditor’s firm, Davis Farr LLP. In addition to a review of these documents, the audit team performed fieldwork at the OC LAFCO office to complete the audit process.

### **OC LAFCO’S FISCAL YEAR 2022-23 AUDITED FINANCIAL STATEMENTS**

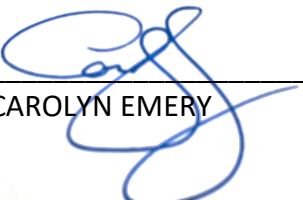
The auditor found OC LAFCO’s financial reporting to be in compliance with Generally Accepted Accounting Principles and expressed an Unqualified Opinion, which is the highest level of opinion an entity can receive. Additionally, the Report on Internal Controls noted that no material weaknesses or significant deficiencies in internal controls were identified during the audit process.

### **RECOMMENDED ACTION**

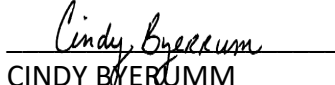
Staff recommends the Commission:

1. Receive and file OC LAFCO’s Fiscal Year 2022-23 audited financial statements prepared by Davis Farr LLP.

Respectfully submitted,

  
\_\_\_\_\_  
CAROLYN EMERY

  
\_\_\_\_\_  
LUIS TAPIA

  
\_\_\_\_\_  
CINDY BIVERUM

Attachments:

1. Auditor Communications to Those in Governance
2. OC LAFCO Audited Financial statements for Fiscal Year 2022-23





To the Board of Commissioners  
Orange County Local Agency Formation Commission  
Santa Ana, California

We have audited the financial statements of the governmental activities and each major fund of Orange County Local Agency Formation Commission (the "Commission") as of and for the year ended June 30, 2023, and have issued our report thereon dated October 26, 2023. Professional standards require that we advise you of the following matters relating to our audit.

### **Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated July 31, 2023, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Commission solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, and our firm have complied with all relevant ethical requirements regarding independence under the American Institute of Certified Public Accountants ("AICPA") independence standards, contained in the Code of Professional Conduct.

We identified independence threats related to the preparation of the financial statements and proposing journal entries. We have applied certain safeguards to reduce the threats to an acceptable level, including using an independent party within the firm to perform a quality control review of the financial statements, and obtaining confirmation from The Orange County Local Agency Formation Commission management that their review of the financial statements included comparing the financial statements and footnotes to the underlying accounting records.

### **Significant Risks Identified**

During the planning of the audit, we identified the implementation of Governmental Accounting Standards Board No. 96 – Subscription Based Information Technology Arrangements as a significant risk.

### **Qualitative Aspects of the Entity’s Significant Accounting Practices<sup>2</sup>**

#### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Commission is included in Note 1 to the financial statements. There has been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2023. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management’s current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management’s current judgments.

The most sensitive accounting estimates affecting the financial statements include:

- Management’s estimate of transactions related to net pension liabilities based on actuarial information. We evaluated the key factors and assumptions used to develop the amounts by the actuary and determined that it is reasonable in relation to the financial statements taken as a whole.
- Management’s estimate of transactions related to net OPEB liabilities based on actuarial information. We evaluated the key factors and assumptions used to develop the amounts by the actuary and determined that it is reasonable in relation to the financial statements taken as a whole.

### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the Orange County Local Agency Formation Commission's financial statements relate to Pension and OPEB.

### **Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. There were no such misstatements.

### **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to Commission's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Representations Requested from Management**

We have requested certain written representations from management, which are included in the letter dated October 26, 2023.

### **Management's Consultations with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that they regularly consult with Eide Bailly LLP regarding auditing and accounting matters.

### **Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with the Commission, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Commission's auditors.

Our responsibility also includes communicating to you any information which we believe is a material misstatement of fact. Nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation, appearing in the financial statements.

This report is intended solely for the information and use of the Board of Commissioners, and management of the Commission and is not intended to be and should not be used by anyone other than these specified parties.

DavisFarr LLP

Irvine, California  
October 26, 2023

**ORANGE COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**Basic Financial Statements**

**Year ended June 30, 2023**

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Basic Financial Statements****Year ended June 30, 2023****TABLE OF CONTENTS**

	<u>Page</u>
Independent Auditor's Report	1
Management's Discussion and Analysis	4
Basic Financial Statements:	
Government-wide Financial Statements:	
Statement of Net Position	9
Statement of Activities	10
Fund Financial Statements:	
Governmental Funds:	
Balance Sheet	11
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position	12
Statement of Revenues, Expenditures and Changes in Fund Balances	13
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances to the Statement of Activities	14
Notes to the Basic Financial Statements	15
Required Supplementary Information:	
Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios of the Measurement Date	40
Schedule of Plan Contributions – Defined Benefit Pension Plan	42
Schedule of the Proportionate Share of the Net OPEB Liability and Related Ratios as of the Measurement Date	44
Schedule of Contributions – OPEB Plan	45
Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – General Fund	46
Notes to Required Supplementary Information	47
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	49

## **Independent Auditor's Report**

Board of Commissioners  
Orange County Local Agency Formation Commission  
Santa Ana, California

### **Report on the Audit of the Financial Statements**

#### ***Opinion***

We have audited the financial statements of the governmental activities and each major fund of the Orange County Local Agency Formation Commission (the "Commission"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Orange County Local Agency Formation Commission as of June 30, 2023, and the respective changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Basis for Opinion***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Orange County Local Agency Formation Commission and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### ***Emphasis of Matter***

During the year ended June 30, 2023, the Commission implemented Governmental Accounting Standards Board (GASB) Statement No. 96, Subscription Based Information Technology Arrangements. Our opinion is not modified with respect to this matter.

#### ***Responsibilities of Management for the Financial Statements***

The Commission's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Orange County Local Agency Formation Commission's ability to continue as a going concern for one year after the date that the financial statements are issued.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Commission's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the *Management's Discussion and Analysis, Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – General Fund, the Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios of the Measurement Date, the Schedule of Plan Contributions – Defined Benefit Pension Plan, the Schedule of the Proportionate Share of the Net OPEB Liability and Related Ratios of the Measurement Date, and the Schedule of Contributions – OPEB Plan* be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.



We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

***Report on Summarized Comparative Information***

We have previously audited the Orange County Local Agency Formation Commission's June 30, 2022 financial statements, and we expressed an unmodified audit opinion on those audited financial statements in our report dated October 28, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2022 is consistent, in all material respects, with the audited financial statements from which it has been derived.

***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated October 26, 2023 on our consideration of the Commission's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Commission's internal control over financial reporting and compliance.

DavisFarrLLP

Irvine, California  
October 26, 2023

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2023

The following management's discussion and analysis of the financial performance of the Orange County Local Agency Formation Commission (the Commission) provides an overview of the Commission's financial activities for the fiscal year ended June 30, 2023. Please read it in conjunction with the financial statements identified in the accompanying table of contents.

Using the Accompanying Financial Statements

This annual report consists of a series of financial statements. The Statement of Net Position and the Statement of Activities provide information about the activities of the Commission as a whole and present a longer-term view of the Commission's finances. Also included in the accompanying report are fund financial statements. For governmental activities, the fund financial statements tell how these services were financed in the short-term as well as what remains for future spending. Fund financial statements also report the Commission's operations in more detail than the government-wide statements by providing information about the Commission's most significant revenues and expenditures.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

The annual report consists of two parts - *management's discussion and analysis* (this section), and the *basic financial statements*. The basic financial statements include two kinds of statements that present different views of the Commission.

The first two statements are *government-wide financial statements* that provide both *long-term* and *short-term* information about the Commission's overall financial status. The remaining statements are *fund financial statements* that focus on *individual parts* of the Commission, reporting the Commission's operations in *more detail* than the government-wide statements. The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data.

Reporting the Commission as a Whole

The accompanying **government-wide financial statements** include two statements that present financial data for the Commission as a whole. One of the most important questions asked about the Commission's finances is, "Is the Commission as a whole better off or worse off as a result of the year's activities?" The Statement of Net Position and the Statement of Activities report information about the Commission as a whole and about its activities in a way that helps answer this question. These statements include *all* assets and liabilities using the *accrual basis of accounting*, which is similar to the accounting used by most private sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the Commission's net position and changes in net position. You can think of the Commission's net position - the difference between assets and liabilities - as one way to measure the Commission's financial health, or *financial position*. Over time, *increases and decreases* in the Commission's net position are one indicator of whether its *financial health* is improving or deteriorating. You will need to consider other nonfinancial factors, such as changes in the Commission's revenues, to assess the *overall health* of the Commission.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2023

**OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)**Reporting the Commission's Major Funds

The **fund financial statements** provide detailed information about the Commission's most significant funds - not the Commission as a whole. Some funds are required to be established by State law or by bond covenants. However, the Commission establishes other special funds to help it control and manage money for particular purposes or to show that it is meeting administrative responsibilities for using certain revenues.

*Governmental funds* - All of the Commission's basic services are reported in governmental funds, which focus on how money flows into and out of those funds and the balances left at year end that are available for spending. These funds are reported using an accounting method called *modified accrual* accounting, which measures cash and all other *current financial* assets that can readily be converted to cash. The governmental fund statements provide a detailed *short-term view* of the Commission's general government operations and the basic services it provides. Governmental fund information helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the Commission's programs. We describe the relationship or differences between *governmental activities* (reported in the Statement of Net Position and the Statement of Activities) and *governmental funds* in a reconciliation following the fund financial statements.

**GOVERNMENT-WIDE FINANCIAL STATEMENTS**

A summary of the government-wide *Statement of Net Position* follows:

**Table 1**  
**Statements of Net Position**  
**June 30, 2023 and 2022**

	<u>2023</u>	<u>2022</u>	<u>Change</u>
Assets:			
Current assets	\$ 1,725,489	1,692,330	33,159
Capital assets, net	744,634	821,612	(76,978)
Total assets	<u>2,470,123</u>	<u>2,513,942</u>	<u>(43,819)</u>
Deferred outflow of resources	<u>563,618</u>	<u>438,934</u>	<u>124,684</u>
Liabilities:			
Current liabilities	361,715	92,313	269,402
Non-current liabilities	<u>2,500,713</u>	<u>1,885,514</u>	<u>615,199</u>
Total liabilities	<u>2,862,428</u>	<u>1,977,827</u>	<u>884,601</u>
Deferred inflows of resources	<u>252,870</u>	<u>790,724</u>	<u>(537,854)</u>
Net position:			
Net investment in capital assets	4,901	(1,714)	6,615
Unrestricted	<u>(86,458)</u>	<u>186,039</u>	<u>(272,497)</u>
Total net position	<u>\$ (81,557)</u>	<u>184,325</u>	<u>(265,882)</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2023

**GOVERNMENT-WIDE FINANCIAL STATEMENTS (CONTINUED)**

A closer examination reveals that Net Position between the years decreased by \$265,882. This decrease is caused primarily by an increase in the net pension liability.

A summary of the government-wide *Statement of Activities* follows:

**Table 2**  
**Statement of Activities**  
**Years Ended June 30, 2023 and 2022**

	<u>2023</u>	<u>2022</u>	<u>Change</u>
Revenues:			
Apportionments	\$ 1,227,730	1,158,240	69,490
Charges for Services	52,652	46,774	5,878
Interest and Other Revenues	<u>40,465</u>	<u>(8,760)</u>	<u>49,225</u>
Total revenues	<u>1,320,847</u>	<u>1,196,254</u>	<u>124,593</u>
Expenses:			
General Government	1,563,172	1,163,782	399,390
Interest	<u>23,557</u>	<u>26,124</u>	<u>(2,567)</u>
Total expenditures	<u>1,586,729</u>	<u>1,189,906</u>	<u>396,823</u>
Changes in net position	(265,882)	6,348	(272,230)
Beginning net position, as restated	<u>184,325</u>	<u>177,977</u>	<u>6,348</u>
Ending net position	<u>\$ (81,557)</u>	<u>184,325</u>	<u>(265,882)</u>

The increase or decrease in net position can provide an indication as to whether the overall financial position of the Commission improved or deteriorated during the year. In fiscal year 2023, the Commission saw increased apportionments. Offset by an increase in expenses due to the increase in the net pension liability.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2023

**GENERAL FUND BUDGET**

Major deviations between the budget of the General Fund and its actual operating results were as follows:

- Total general fund revenues were slightly higher than budgeted due to unrealized investment gains.
- Several pension and retiree health year-end calculations are not budgeted for and are prepared mainly for audited financial statement presentation.
- Total expenditures were lower than budget by approximately \$51,682 mainly due to lower-than-expected expenditures for salaries and benefits, offset by an increase in rent expense including the principal and interest payments on leases under GASB 87.

**CAPITAL ASSETS**

**Capital Assets - Governmental Activities  
Years Ended June 30, 2023 and 2022**

	<u>2023</u>	<u>2022</u>	<u>Change</u>
Capital assets:			
Furniture and fixtures	\$ 19,530	19,530	-
Equipment	60,573	53,119	7,454
Leasehold improvements	103,169	103,169	-
Right to use asset	901,560	901,560	-
Construction in progress	<u>22,500</u>	<u>-</u>	<u>22,500</u>
Total capital assets	<u>1,107,332</u>	<u>1,077,378</u>	<u>29,954</u>
Accumulated depreciation	<u>(362,698)</u>	<u>(255,766)</u>	<u>(106,932)</u>
Capital assets, net	<u>\$ 744,634</u>	<u>821,612</u>	<u>(76,978)</u>

Additional information on capital assets and leases can be found in Notes 3 and 5 of the notes to the financial statements, respectively.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Management's Discussion and Analysis

Year ended June 30, 2023

**LONG-TERM LIABILITIES**

**Long-term Liabilities**  
**Years Ended June 30, 2023 and 2022**

	<u>2023</u>	<u>2022</u>	<u>Change</u>
Compensated Absences	\$ 54,334	46,394	7,940
Lease Liability	<u>739,733</u>	<u>823,326</u>	<u>(83,593)</u>
Total Liabilities	<u>\$ 794,067</u>	<u>869,720</u>	<u>(75,653)</u>

The compensated absences liability represents the value of unused vacation pay that employees have accrued as of the end of the fiscal year. Additional information on long-term liabilities may be found in Note 5 of the notes to financial statements.

**CONTACTING THE COMMISSION'S FINANCIAL MANAGEMENT**

This financial report is designed to provide our citizens, taxpayers, customers, and creditors with a general overview of the Commission's finances and to show the Commission's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the Executive Officer at 2677 North Main Street, Suite 1050, Santa Ana, CA 92705.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Statement of Net Position

June 30, 2023

(with comparative information for prior year)

	Governmental Activities	
	2023	2022
Assets:		
Cash and investments (note 2)	\$ 1,485,159	1,463,447
Due from other governments	-	735
Interest receivable	5,689	1,464
Prepaid costs	234,641	226,684
Capital assets - not depreciated (note 3)	22,500	821,612
Capital assets - depreciated, net (note 3)	722,134	-
Total assets	<u>2,470,123</u>	<u>2,513,942</u>
Deferred outflow of resources:		
Deferred amounts from pension (note 6)	515,973	396,140
Deferred amounts from OPEB (note 7)	47,645	42,794
Total deferred outflow of resources	<u>563,618</u>	<u>438,934</u>
Liabilities:		
Accounts payable	29,152	45,848
Accrued liabilities	41,026	30,291
Unearned revenue	291,537	16,174
Noncurrent liabilities:		
Due within one year:		
Compensated absences (note 5)	36,223	30,929
Lease liability (note 5)	89,116	83,593
Due in more than one year:		
Compensated absences (note 5)	18,111	15,465
Lease liability (note 5)	650,617	739,733
Net pension liability (note 6)	1,587,646	912,794
Net OPEB liability (note 7)	119,000	103,000
Total liabilities	<u>2,862,428</u>	<u>1,977,827</u>
Deferred inflow of resources:		
Deferred amounts from pension (note 6)	229,870	746,724
Deferred amounts from OPEB (note 7)	23,000	44,000
Total deferred inflow of resources	<u>252,870</u>	<u>790,724</u>
Net position (deficit):		
Net investment in capital assets	4,901	(1,714)
Unrestricted	(86,458)	186,039
Total net position (deficit)	<u>\$ (81,557)</u>	<u>184,325</u>

See accompanying notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Statement of Activities

Year ended June 30, 2023  
(with comparative information for prior year)

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position	
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	
					2023	2022
Governmental activities:						
General government	\$ 1,563,172	52,652	-	-	(1,510,520)	(1,117,008)
Interest	23,557	-	-	-	(23,557)	(26,124)
Total governmental activities	\$ 1,586,729	52,652	-	-	(1,534,077)	(1,143,132)
		General revenues:				
		Apportionments			1,227,730	1,158,240
		Investment income (loss)			40,360	(11,724)
		Other revenues			105	2,964
		Total general revenues			1,268,195	1,149,480
		Change in net position			(265,882)	6,348
		Net position (deficit), beginning of year			184,325	177,977
		Net position (deficit), end of year			\$ (81,557)	184,325

See accompanying notes to the basic financial statements



## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Balance Sheet - Governmental Funds

**June 30, 2023**  
**(with comparative information for prior year)**

	General Fund	Special Revenue Fund	Total Governmental Funds	
			2023	2022
<u>Assets</u>				
Cash and investments	\$ 1,193,622	291,537	1,485,159	1,463,447
Due from other governments	-	-	-	735
Interest receivable	5,689	-	5,689	1,464
Prepaid costs	234,641	-	234,641	226,684
Total assets	<u>\$ 1,433,952</u>	<u>291,537</u>	<u>1,725,489</u>	<u>1,692,330</u>
<u>Liabilities and Fund Balance</u>				
Liabilities:				
Accounts payable	\$ 29,152	-	29,152	45,848
Accrued liabilities	41,026	-	41,026	30,291
Unearned revenue	-	291,537	291,537	16,174
Total liabilities	<u>70,178</u>	<u>291,537</u>	<u>361,715</u>	<u>92,313</u>
Fund balance:				
Nonspendable:				
Prepaid costs	234,641	-	234,641	226,684
Assigned for:				
Contingency	100,000	-	100,000	100,000
Litigation	75,000	-	75,000	75,000
Unfunded liabilities	30,000	-	30,000	30,000
Restricted for:				
Retirement benefits	57,285	-	57,285	54,032
Unassigned	866,848	-	866,848	1,114,301
Total fund balance	<u>1,363,774</u>	<u>-</u>	<u>1,363,774</u>	<u>1,600,017</u>
Total liabilities and fund balance	<u>\$ 1,433,952</u>	<u>291,537</u>	<u>1,725,489</u>	<u>1,692,330</u>

See accompanying notes to the basic financial statements

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**Reconciliation of the Balance Sheet of Governmental Funds  
to the Statement of Net Position**

**June 30, 2023**

Fund balances of governmental funds	\$ 1,363,774
Amounts reported for governmental activities in the Statement of Net Position are different because:	
<i><u>Capital Related Items</u></i>	
Capital assets and depreciation have not been included as financial resources in the government fund statements:	
Capital assets	1,107,332
Accumulated depreciation	(362,698)
<i><u>Long-Term Liability Transactions</u></i>	
Long-term liabilities are not due and payable in the current period and, accordingly, are not reported in the government fund statements:	
Net pension liability	(1,587,646)
Net OPEB liability	(119,000)
Lease liability	(739,733)
Compensated absences	(54,334)
<i><u>Deferred Outflows and Inflows of Resources</u></i>	
Certain deferred outflows and inflows of resources are not due and payable in the current period and are not current assets or financial resources, therefore these items are not reported in the governmental funds:	
Deferred outflows - pensions	515,973
Deferred outflows - OPEB	47,645
Deferred inflows - pensions	(229,870)
Deferred inflows - OPEB	<u>(23,000)</u>
Net position of governmental activities	\$ <u>(81,557)</u>

See accompanying notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Governmental FundsYear ended June 30, 2023  
(with comparative information for the prior year)

	General Fund	Special Revenue Fund	Total Governmental Funds	
			2023	2022
Revenues:				
Apportionments	\$ 1,227,730	-	1,227,730	1,158,240
Filing fees	-	52,652	52,652	46,774
Investment income (loss)	40,360	-	40,360	(11,724)
Other	105	-	105	2,964
Total revenues	<u>1,268,195</u>	<u>52,652</u>	<u>1,320,847</u>	<u>1,196,254</u>
Expenditures:				
General government:				
Salaries and benefits	916,160	15,991	932,151	867,641
Service and supplies	481,128	33,342	514,470	302,043
Refund of unused deposits	-	3,319	3,319	287
Debt service:				
Principal	83,593	-	83,593	78,234
Interest	23,557	-	23,557	26,124
Total expenditures	<u>1,504,438</u>	<u>52,652</u>	<u>1,557,090</u>	<u>1,274,329</u>
Excess (deficiency) of revenues over/(under) expenditures	<u>(236,243)</u>	<u>-</u>	<u>(236,243)</u>	<u>(78,075)</u>
Net change in fund balances	(236,243)	-	(236,243)	(78,075)
Fund balances at beginning of year	<u>1,600,017</u>	<u>-</u>	<u>1,600,017</u>	<u>1,678,092</u>
Fund balances at end of year	<u>\$ 1,363,774</u>	<u>-</u>	<u>1,363,774</u>	<u>1,600,017</u>

See accompanying notes to the basic financial statements.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION**

**Reconciliation of the Statement of Revenues, Expenditures, and  
Changes in Fund Balance of Governmental Funds to the Statement of Activities**

**Year ended June 30, 2023**

Net changes in fund balances - total governmental funds \$ (236,243)

Amounts reported for governmental activities in the Statement of Activities are different because:

Capital Related Items

When capital assets that are to be used in governmental activities are purchased or constructed, the resources expended for those assets are reported as expenditures in governmental funds. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.

Capital expenditures	29,954
Depreciation expense	(106,932)

Long-Term Liability Transactions

Some expenses reported in the Statement of Activities do not require the use of current financial resources:

Net change in compensated absences	(7,940)
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Pension and OPEB expense reported in the governmental funds include the actual contributions made in the fiscal year. Pension and OPEB expense reported in the Statement of Activities includes the changes in the liabilities and related deferred outflows/inflows of resources.

Net change in net pension liability	(38,165)
Net change in net OPEB liability	9,851

The proceeds of long-term debt are recorded as other financing sources in governmental funds and as a fund liability in the Statement of Activities. Amounts paid to reduce long-term indebtedness are reported as fund expenditures in governmental funds and as a reduction of the liability in the Statement of Activities.

Lease principal payments	<u>83,593</u>
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Change in net position of governmental activities	<u>\$ (265,882)</u>
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See accompanying notes to the basic financial statements.

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2023****(1) Summary of Significant Accounting Policies**

The financial statements of the Orange County Local Agency Formation Commission (Commission) have been prepared in conformity with generally accepted accounting principles (GAAP). The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the government's accounting policies are described below.

**(a) Description of the Reporting Entity**

Following the end of World War II, California entered a new era of demographic growth and diversity, and economic development. With this growth came the need for housing, jobs and public services. To provide for these services, California experienced a wave of newly formed cities and special districts, but with little forethought as to how the new agencies should plan for services. The lack of coordination and adequate planning for future governance led to a multitude of overlapping, inefficient jurisdictional and service boundaries.

In 1963, the State Legislature created Local Agency Formation Commissions (LAFCO) to help direct and coordinate California's growth in a logical, efficient, and orderly manner. Each county within California is required to have a LAFCO. The Commissions are charged with the responsibility of making difficult decisions on proposals for new cities and special districts, spheres of influence, consolidations, and annexations.

Prior to July 1, 2001, the Commission was a department of the County of Orange (County). The Commission has separated from the County and is now independent. The Commission's governing board consists of seven appointed board members, and four alternates. Two members are selected by the Orange County Board of Supervisors from their own membership, two are selected by the cities in the County, two are selected from special districts by the independent special district selection committee and one member is selected to represent the general public, who is appointed by the other members of the Commission.

Funding for the Commission operations is equally shared by the County, the 34 Orange County cities and the 27 independent special districts. Although the County of Orange contributes one-third of the Commission funding, the Commission is an independent agency and its budget is not subject to County approval. The Commission is staffed by 5 full-time staff.

**(b) Basis of Accounting and Measurement Focus**

The *basic financial statements* of the Commission are composed of the following:

- (a) Government-wide financial statements
- (b) Fund financial statements
- (c) Notes to the basic financial statements

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Commission.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a function or segment. Program revenues include charges for services that are restricted to meeting the operational or capital requirements of a particular function or segment. Use of money and other items not properly included among program revenues are reported instead as general revenues.

Government-wide financial statements are presented using the *economic resources measurement focus* and the *accrual basis of accounting*. Under the economic resources measurement focus, all (both current and long-term) economic resources and obligations of the reporting government are reported in the government-wide financial statements. *Basis of accounting* refers to when revenues and expenses are recognized in the accounts and reported in the financial statements. Under the *accrual basis of accounting*, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement No. 33.

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures.

In the fund financial statements, governmental funds are presented using the *modified accrual basis of accounting*. Revenues are recognized when they become *measurable* and *available* as net current assets. *Measurable* means that the amounts can be estimated or otherwise determined. *Available* means that the amounts were collected during the reporting period or soon enough thereafter to be available to finance the expenditures accrued for the reporting period. The Commission uses an availability period of 60 days for all revenues.

Charges for services and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period to the extent normally collected within the availability period.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)**

Other revenue items are considered to be measurable and available when cash is received from the government.

In the fund financial statements, governmental funds are presented using the *current financial resources measurement focus*. This means that only current assets and current liabilities are generally included on their balance sheets. The reported fund balance (net current assets) is considered to be a measure of "available spendable resources." Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of "available spendable resources" during a period.

Due to the nature of their spending measurement focus, expenditure recognition for governmental fund types excludes amounts represented by noncurrent liabilities. Since they do not affect net current position, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities.

Amounts expended to acquire capital assets are recorded as *expenditures* in the year that resources were expended, rather than as fund assets. The proceeds of long-term debt are recorded as *other financing sources* rather than as a fund liability. Amounts paid to reduce long-term indebtedness are reported as fund expenditures.

Net Position Flow Assumption – When an expenditure is incurred for purposes for which both restricted and unrestricted net position is available, the Commission's policy is to apply restricted fund balance first.

Fund Balance Flow Assumption – When an expenditure is incurred for purposes for which committed, assigned or unassigned fund balances are available, the Commission's policy is to apply committed fund balance first, then assigned fund balance, and finally unassigned fund balance.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as a separate column in the fund financial statements.

**(c) Fund Classifications**

Fund balances are reported in the fund statements in the following classifications:

Nonspendable Fund Balance – This includes amounts that cannot be spent because they are either not spendable in form (such as prepaid expenses) or legally or contractually required to be maintained intact.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)**

Restricted Fund Balance – This includes amounts that can be spent only for specific purposes stipulated by constitution, external resource providers, or through enabling legislation. If the Commission action limiting the use of funds is included in the same action (legislation) that created (enables) the funding source, then it is restricted.

Committed Fund Balance – this includes amounts that can be used only for the specific purposes determined by a formal action of the Commission. It includes legislation (Commission action) that can only be overturned by new legislation requiring the same type of voting consensus that created the original action. Therefore, if the Commission action limiting the use of the funds is separate from the action (legislation) that created (enables) the funding source, then it is committed, not restricted. The Commission considers a resolution, to constitute a formal action of the Board of Commissioners for the purposes of establishing committed fund balance.

Assigned Fund Balance – this includes amounts that are designated or expressed by the Commission but does not require a formal action like a resolution or ordinance. The Commission may delegate the ability of an employee or committee to assign uses of specific funds, for specific purposes. Such delegation of authority has not yet been granted.

Unassigned Fund Balance – this includes the remaining spendable amounts which are not included in one of the other classifications.

The Commission reports the following major governmental funds:

The General Fund is used to account for resources traditionally associated with the organization, which are not required legally or by sound financial management to be accounted for in another fund.

The Special Revenue Fund is used to account for resources derived from the specific revenue sources which are usually required by law or administrative regulation to be accounted for in separate funds. The Commission utilizes this fund to account for the different special projects.



## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)****(d) Cash and Investments**

Cash and cash equivalents include amounts in demand deposits as well as short-term investments with a maturity date within three months of the date acquired by the government. Investments are reported in the accompanying balance sheet at fair value.

**(e) Fair Value Measurements**

Certain assets and liabilities are required to be reported at fair value. The fair value framework provides a hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements). The three levels of fair value hierarchy are described as follows:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets.

Level 2 - Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly and fair value is determined through the use of models or other valuation methodologies including:

- Quoted prices for similar assets or liabilities in active markets;
- Quoted prices for identical or similar assets or liabilities in markets that are inactive;
- Inputs other than quoted prices that are observable for the asset or liability;
- Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement. These unobservable inputs reflect the Commission's own assumptions about the inputs market participants would use in pricing the asset or liability (including assumptions about risk). These unobservable inputs are developed based on the best information available in the circumstances and may include the Commission's own data.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)****(f) Capital Assets**

Capital assets are reported in the governmental activities column of the government-wide financial statements. Capital assets are defined by the Commission as assets with an initial cost of more than \$2,000 and a useful life of greater than one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated acquisition value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Capital assets of the Commission are depreciated using the straight-line method over the following estimated useful lives:

Furniture and fixtures	10 years
Equipment	3 to 5 years
Leasehold improvements	Life of lease
Software	3 years

Right to use capital assets are depreciated over the estimated useful life of the leased asset or the contract term, whichever is shorter.

**(g) Compensated Absences**

All regular full-time and regular part-time Commission employees earn from 10 to 20 vacation days a year, depending upon their length of employment, and 9 to 12 sick days a year. Employees can carry forward up to 240 hours in earned but unused vacation days. Upon termination or retirement, employees are entitled to receive compensation at their current base salary for all unused vacation leave. There is no payout for unused accumulated sick leave and as such is not accrued for at year-end.

**(h) Pensions**

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Commission's Orange County Employees' Retirement System (OCERS) plans (Plans) and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by OCERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the Plans terms. Investments are reported at fair value.

OCERS audited financial statements are publicly available reports that can be obtained at OCERS' website under Forms and Publications.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)**

Generally accepted accounting principles require that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date (VD)	December 31, 2021
Measurement Date (MD)	December 31, 2022
Measurement Period (MP)	January 1, 2022 to December 31, 2022

**(i) Other Post-Employment Benefits (OPEB)**

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of Commission's plan (Plan) additions to/deductions from the OPEB Plan's fiduciary net position have been determined by an independent actuary. For this purpose, benefit payments are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value.

Generally accepted accounting principles require that the reported results must pertain to liability and fiduciary net position information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date (VD)	June 30, 2022
Measurement Date (MD)	December 31, 2022
Measurement Period (MP)	January 1, 2022 to December 31, 2022

**(j) Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Commission reports deferred outflows related to pensions and OPEB resulting from actuarial calculations.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Commission reports deferred inflows related to pensions and OPEB resulting from actuarial calculations.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(1) Summary of Significant Accounting Policies (Continued)****(k) Leases**

The Commission is a lessee for right to use assets as detailed in Footnote 5. The Commission recorded a lease payable in the financial statements.

At the commencement of the lease, the Commission initially measures the lease payable at the present value of payments expected to be paid during the lease term. Subsequently, the lease payable is reduced by the principal portion of lease payments made.

Key estimates and judgments include how the Commission determines the discount rate it uses to discount the expected lease receipts and payments to present value, lease term and lease receipts.

- The Commission used the estimated borrowing rate as the discount rate for leases.
- The lease term includes the noncancellable period of the lease.

**(l) Estimates**

The presentation of basic financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenditures during the reporting period. Actual results could differ from those estimates.

**(m) Comparative Data**

Selected information regarding the prior year has been included in the accompanying financial statements. This information has been included for comparison purposes only and does not represent a complete presentation in accordance with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the government's prior year financial statements, from which this selected financial data was derived.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(2) Cash and Investments**

Cash and investments held at June 30, 2023 consisted of the following:

Demand deposits	\$ 570,745
County Payroll Deposit	303,351
Orange County Investment Pool	504,280
Local Agency Investment Fund	49,498
Mutual Fund – PARS Trust	<u>57,285</u>

Total cash and investments	<u>\$ 1,485,159</u>
----------------------------	---------------------

Investments Authorized by the Commission's Investment Policy

The Commission's investment policy is reviewed by the Commission each year. Regarding allowable investment types, the investment policy is more conservative and restrictive than the investment vehicles authorized by Section 53600.5 of the California Government Code. Investment vehicles not specifically identified in the Commission's investment policy are not authorized unless the policy is amended by the Board of Commissioners. Investments are limited to:

<u>Authorized Investment Type</u>	<u>Maximum Maturity</u>	<u>Percentage of Portfolio</u>	<u>Investment in One Issuer</u>
United States Government			
Sponsored Agency Securities	5 years	None	None
Negotiable Certificates of Deposit*	5 years	30%	None
Local Agency Investment Fund	N/A	None	None
Orange County Investment Pool	N/A	None	None

N/A - Not Applicable

\* - Issued by a nationally or state-chartered bank, a state or federal savings and loan association, or savings bank with ratings equivalent by Fitch to be F1 or better.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

(2) Cash and Investments (Continued)Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the Commission manages its exposure to interest rate risk is by investing in the portfolio of the State Local Agency Investment Fund (LAIF), Orange County Investment Pool and PARS, which purchase a combination of shorter term and longer term investments.

<u>Investment Type</u>	<u>Total</u>	<u>Remaining Maturity (in Months)</u>
		<u>12 Months Or Less</u>
County investment pool	\$ 504,280	504,280
State investment pool	49,498	49,498
Mutual Fund – PARS Trust	<u>57,285</u>	<u>57,285</u>
Total	<u>\$ 611,063</u>	<u>611,063</u>

Disclosure Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization.

<u>Investment Type</u>	<u>Total</u>	<u>Minimum Legal Rating</u>	<u>AAA</u>	<u>Not Rated</u>
County investment pool	\$ 504,280	N/A	504,280	-
State investment pool	49,498	N/A	-	49,498
Mutual Fund – PARS Trust	<u>57,285</u>	N/A	<u>-</u>	<u>57,285</u>
Total	<u>\$ 611,063</u>		<u>504,280</u>	<u>106,783</u>

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to the Basic Financial Statements****Year ended June 30, 2023****(Continued)****(2) Cash and Investments (Continued)**Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g. broker-dealer) to a transaction, a government will not be able to recover the value of its investments or collateral securities that are in the possession of another party. Deposits may be covered by federal deposit insurance. The California Government Code and the Commission's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits made by state or local government units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the government unit). The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure Commission deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits. Any deposits in excess of depository insurance limits at the end of the year are collateralized by securities held at the depository financial institution's trust department. \$303,351 of deposits is held by the County as uncollateralized.

With respect to investments, custodial credit risk generally applies only to direct investments in marketable securities. Custodial risk does not apply to a local government's indirect investment in securities through the use of mutual funds or government investment pools (such as LAIF and the Orange County Investment Pool).

Fair Value Measurement

The Commission is a participant in the County Treasurer's Orange County Investment Pool (OCIP). The OCIP is an external investment pool and is rated and registered with the Securities and Exchange Commission (SEC). The County Treasury Oversight Committee conducts OCIP oversight. Cash on deposit in the OCIP at June 30, 2023, is stated at fair value. The OCIP values participant shares on an amortized cost basis during the year and adjusts to fair value at year-end. For further information regarding the OCIP, refer to the County of Orange Annual Comprehensive Financial Report.

The fair value of the Commission's investment in the Local Agency Investment Fund (LAIF) that is regulated by the California Government Code under the oversight of the Treasurer of the State of California is reported at amounts based upon the Commission's pro rata share of the fair value provided by LAIF for the entire LAIF portfolio (in relation to the amortized cost of that portfolio). The balance

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(2) Cash and Investments (Continued)**

available for withdrawal is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis.

The Commission has a mutual fund investment in a trust with the Public Agency Retirement Service (PARS). Mutual Fund investments are not subject to fair value measurements.

**(3) Capital Assets**

A summary of changes in capital assets follows:

	Balance at <u>July 1, 2022</u>	<u>Additions</u>	<u>Deletions</u>	Balance at <u>June 30, 2023</u>
Non-depreciable capital assets :				
construction-in-progress	\$ -	22,500	-	22,500
Total non-depreciable capital assets	<u>-</u>	<u>22,500</u>	<u>-</u>	<u>22,500</u>
Capital assets, being depreciated:				
Furniture and fixtures	19,530	-	-	19,530
Equipment	53,119	7,454	-	60,573
Leasehold improvements	103,169	-	-	103,169
Right to use assets	<u>901,560</u>	<u>-</u>	<u>-</u>	<u>901,560</u>
Total capital assets, being depreciated	<u>1,077,378</u>	<u>7,454</u>	<u>-</u>	<u>1,084,832</u>
Less accumulated depreciation for:				
Furniture and fixtures	(19,077)	(454)	-	(19,531)
Equipment	(43,010)	(3,099)	-	(46,109)
Leasehold improvements	(91,704)	(1,404)	-	(93,108)
Right to use assets	<u>(101,975)</u>	<u>(101,975)</u>	<u>-</u>	<u>(203,950)</u>
Total accumulated depreciation	<u>(255,766)</u>	<u>(106,932)</u>	<u>-</u>	<u>(362,698)</u>
Capital assets, net	<u>\$ 821,612</u>	<u>(99,478)</u>	<u>-</u>	<u>744,634</u>

Depreciation expense of \$106,932 was included in general government expense on the statement of activities.



## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(4) Insurance**

Worker's Compensation Insurance is provided on behalf of the Commission by the County of Orange's insurance policy. The Commission pays its pro-rata share of insurance costs to the County. For coverage limits see the County of Orange Comprehensive Annual Financial Report. This report can be obtained at the Auditor-Controller County of Orange office located at Hall of Finance and Records, 1770 N. Broadway, Santa Ana, CA 92706.

The Commission has an insurance policy with the California Association of Mutual Water Companies Joint Powers Risk and Insurance Management Authority (JPRIMA) for excess liability insurance and property insurance. For general liability, the Commission maintains excess insurance coverage of \$10,000,000 with a self-insured retention of \$1,000,000 per occurrence.

**(5) Long-Term Liabilities**

The following is a summary of changes in long-term liabilities for the year ended June 30, 2023:

	Balance <u>July 1, 2022</u>	<u>Additions</u>	<u>Deletions</u>	Balance <u>June 30, 2023</u>	Due Within <u>One Year</u>
Compensated absences	\$ 46,394	36,784	(28,844)	54,334	36,223
Lease – property	812,396	-	(78,210)	734,186	83,569
Lease – copier	<u>10,930</u>	<u>-</u>	<u>(5,383)</u>	<u>5,547</u>	<u>5,547</u>
Total	<u>\$ 869,720</u>	<u>36,784</u>	<u>(112,437)</u>	<u>794,067</u>	<u>125,339</u>

Leases

In October 2019, the Commission entered into a Second Amendment to Office Lease (property lease). Pursuant to the lease, the Commission is leasing approximately 2,700 square feet of office space located in Santa Ana, California. The lease term is extended through August 31, 2030. Monthly lease payments per the agreement range from \$7,997 to \$10,682. An annual discount rate of 3% was used in calculating the lease liability.

In February 2019, the Commission entered into an Agreement with Toshiba Financial Services to lease certain copier equipment. The lease had a term of 63 months with minimum monthly payments of \$470. An annual discount rate of 3% was used in calculating the lease liability.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(5) Long-Term Liabilities (Continued)**

Annual debt service requirements are as follows:

Fiscal Year	Property			Copier		
	Principal	Interest	Total	Principal	Interest	Total
2024	\$ 83,569	21,008	104,577	5,547	91	5,638
2025	89,091	18,415	107,506	-	-	-
2026	95,113	15,644	110,757	-	-	-
2027	101,123	12,692	113,815	-	-	-
2028	107,652	9,486	117,138	-	-	-
2029-30	<u>257,638</u>	<u>8,864</u>	<u>266,502</u>	-	-	-
Totals	<u>\$734,186</u>	<u>86,109</u>	<u>820,295</u>	<u>5,547</u>	<u>91</u>	<u>5,638</u>

**(6) Retirement Plan***Plan Description*

All qualified full-time employees are eligible to participate in the Commission's General Employee Pension Plan, a cost-sharing multiple employer defined benefit pension plan administered by the Orange County Employees Retirement System (OCERS). Benefit provisions under the Plans are established by State statute and Commission resolution. OCERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions, and membership information that can be found on the OCERS website.

*Benefits Provided*

OCERS provides service retirement, disability, death, and survivor benefits to eligible employees. All regular full-time employees of the Commission who work a minimum of 20 hours per week become members of OCERS effective on the first day of employment in an eligible position. New members employed after January 1, 2013 are designated as PEPRAs subject to the provisions of California Government Code 7522 et seq. and AB 197. Members hired prior to January 1, 2013 are eligible to retire once they attain the age of 50 and have acquired 10 or more years of retirement service credit. A member with 30 years of service is eligible to retire regardless of age. Members who are hired on or after January 1, 2013 are eligible to retire once they have attained the age of 52, and have acquired 5 years of retirement service credit. All members can also retire at the age of 70 regardless of service. The retirement benefit the member will receive is based upon age at retirement, final average compensation, years of retirement service credit, and retirement plan and tier.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(6) Retirement Plan (Continued)**

OCERS provides an annual cost-of-living benefit to all retirees that is based upon the Consumer Price Index for All Urban Consumers for the Orange County-Riverside-Orange County Area and is capped at 3.0%.

The Plans' provisions and benefits in effect at June 30, 2023 are summarized as follows:

Hire date	Prior to <u>December 12, 2012</u>	After December 12, 2012 (Legacy OCERS Members) Plan P	On or After January 1, 2013 (New OCERS Members) Plan T PEPRA Compliant
Benefit formula	2.7%@55	1.62%@65	1.62%@65
Benefit vesting schedule	10 years of service	10 years of service	10 years of service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 - 55	50 - 65	52-65
Monthly benefits, as a % of eligible	2.0% to 2.7%	0.79% to 1.62%	0.79% to 1.62%
Required employee contribution rates	10-16%	6-12%	5-9%
Required employer contribution rates	43.66%	28.97%	36.03%

Contributions

Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate.

Funding contributions for all Plans are determined annually on an actuarial basis as of December 31 by OCERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The Commission is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

Actuarial Methods and Assumptions used to determine Total Pension Liability

The Net Pension Liability was measured as of December 31, 2022. The plan's Fiduciary Net Position (plan assets) was valued as of the measurement date while the Total Pension Liability was determined based on rolling forward the actuarial valuation as of December 31, 2021.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(6) Retirement Plan (Continued)**

The following actuarial assumptions were applied to the December 31, 2022 measurement date:

Actuarial Cost Method	Entry-Age in accordance with the requirements of GASB Statement No. 68
Inflation	2.50%
Salary increases	General: 4.00% to 11.00%, vary by service, including inflation
Investment rate of return	7.00% net of pension plan investment expenses, including inflation

Discount Rate

The discount rate used to measure the Total Pension Liability was 7.00% as of December 31, 2022. The projection of cash flows used to determine the discount rate assumed plan member contributions will be made at the current contribution rates and that employer contributions will be made at rates equal to the actuarially determined contribution rates. For this purpose, only employer contributions that are intended to fund benefits for current plan members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs for future plan members and their beneficiaries, as well as projected contributions from future plan members, are not included. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments for current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability as of December 31, 2022.

The long-term expected rate of return on pension plan investments, was determined using a building-block method in which expected future real rates of return (expected returns, inflation) are developed for each major asset class. These returns are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the target asset allocation percentage and by adding expected inflation and deducting expected investment expenses and a risk margin.

The target allocation and projected arithmetic real rates of return for each major asset class, after deducting inflation, but before investment expenses, used in the derivation of the long-term expected investment rate of return assumptions are summarized as:

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

(6) Retirement Plan (Continued)

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Large Cap Equity	23.10%	5.43%
Small Cap Equity	1.90%	6.21%
International Developed Equity	13.00%	6.67%
Emerging Markets Equity	9.00%	8.58%
Core Bonds	9.00%	1.10%
High Yield Bonds	1.50%	2.91%
TIPS	2.00%	0.65%
Emerging Market Debt	2.00%	3.25%
Corporate Credit	1.00%	0.53%
Long Duration Fixed Income	2.50%	1.44%
Real Estate	3.01%	4.42%
Private Equity	13.00%	9.41%
Value Added Real Estate	3.01%	7.42%
Opportunistic Real Estate	0.98%	10.18%
Energy	2.00%	9.68%
Infrastructure (Core Private)	1.50%	5.08%
Infrastructure (Non-Core Private)	1.50%	8.92%
CTA – Trend Following	2.50%	2.38%
Global Macro	2.50%	2.13%
Private Credit	2.50%	5.47%
Alternative Risk Premia	<u>2.50%</u>	2.50%
Total	<u>100.0%</u>	

*Allocation of Net Pension Liability*

The proportion of the net pension liability was based on a projection of the Commission's long-term share of contributions to the pension plans relative to the projected contributions of all participating employers, actuarially determined. The following table shows the Commission's proportionate share of the net pension liability over the measurement period:

	<u>Net Pension Liability</u>
Balance at: December 31, 2021	\$ 912,794
Balance at: December 31, 2022	<u>1,587,646</u>
Net change during 2022	<u>674,852</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(6) Retirement Plan (Continued)**

The Commission's proportionate share of the net pension liability for the Plan was as follows:

Proportion – December 31, 2021	0.045%
Proportion – December 31, 2022	0.029%
Change – Increase (Decrease)	(0.016)%

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net pension liability of the Plan as of the Measurement Date, calculated using the discount rate of 7.00 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.00 percent) or 1 percentage-point higher (8.00 percent) than the current rate:

	Discount Rate – <u>1% (6.00%)</u>	Current Discount Rate (7.00%)	Discount Rate + <u>1% (8.00%)</u>
Actuarially-Determined Net Pension Liability	<u>\$ 2,431,582</u>	<u>1,587,646</u>	<u>899,273</u>

*Amortization of Deferred Outflows and Deferred Inflows of Resources*

Under GASB 68, deferred inflows and deferred outflows of resources related to pensions are recognized in pension expense systematically over time.

The first amortized amounts are recognized in pension expense for the year the gain or loss occurs. The remaining amounts are categorized as deferred inflows and deferred outflows to be recognized in future pension expense.

The amortization period differs depending on the source of the gain or loss:

Difference between projected and actual earnings	5 year straight-line amortization
All other amounts	Straight-line amortization over the average expected remaining service lives of all members that are provided with benefits (active, inactive, and retired as of the beginning of the measurement period).

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(6) Retirement Plan (Continued)**Pension Expense and Deferred Outflows and Deferred Inflows of Resources Related to Pensions

For the measurement period ending December 31, 2022 (the measurement date), the Commission recognized pension expense of \$203,166 for the Plan.

As of the December 31, 2022 measurement date, the Commission reports other amounts for the Plan as deferred outflow and deferred inflow of resources related to pensions as follows:

	Deferred Outflows of <u>Resources</u>	Deferred Inflows of <u>Resources</u>
Differences between Actual Contributions and Proportionate Share of Contributions	\$ 196,618	220,544
Differences between Expected and Actual Experience	24,181	9,326
Change of Assumptions	41,027	-
Net Difference between Projected and Actual Earnings on Pension Plan Investments	<u>254,147</u>	<u>-</u>
Total	<u>\$ 515,973</u>	<u>299,870</u>

Amounts reported as deferred outflows and deferred inflows of resources in the previous chart will be recognized in future pension expense as follows:

<u>Fiscal Year ended</u> <u>June 30</u>	Deferred (Outflows) <u>Inflows of Resources</u>
2024	\$ 4,079
2025	58,086
2026	83,480
2027	154,062

**(7) Other Post-Employment Benefits**Plan Description

The Commission's employees with at least one year of credit service may participate in a Retiree Medical Plan (Plan), a cost-sharing multiple-employer defined benefit post-employment healthcare plan. The plan is offered and administered by the County of Orange. The County identifies this plan as a single-employer plan, as it is considered the primary plan participant and the other participating entities are considered immaterial to the plan as a whole.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(7) Other Post-Employment Benefits**

The plan assists retirees with the cost of retiree health insurance premiums and/or Medicare premiums.

The County has the authority to establish and amend benefit provisions to the Retiree Medical Plan. The County issues a publicly available financial report that includes financial statements and required supplementary information for the Retiree Medical Plan. That report may be obtained by writing Auditor-Controller's Office; County of Orange, 1770 N. Broadway, Santa Ana, California 92706 or accessed at its website: <http://www.ac.ocgov.com>.

*Subsequent Event*

As of July 1, 2023, Commission employees participate in the County of Orange-sponsored Health Reimbursement Arrangement ("HRA"). The HRA is offered and administered through the County of Orange, and funds within the HRA are available only upon employment separation with the Commission and can only be used to reimburse substantiated eligible medical expenses.

*Benefits Provided*

On December 20, 2022, the County amended the benefit provisions of the Retiree Medical Plan with an effective date of June 1, 2023. The modified Plan allows Commission employees with at least one year of credited service as of June 1, 2023 to participate in the Plan. Employees who are actively retired from the Commission and receiving a monthly retirement allowance from the Orange County Employees Retirement System (OCERS) are entitled to a monthly grant to be used to offset the cost of OPEB. Beginning July 1, 2023, the Commission began contributing \$60 each pay period for each full-time employee through the Health Reimbursement Arrangement offered and administered by the County of Orange. Part-time employees are eligible to receive \$30 per pay period. There is no service requirement for the HRA benefit, and funds within the HRA are only available to employees upon separation and to assist with eligible medical expenses.

*Employees Covered*

As of the December 31, 2022 measurement date, the following current and former employees were covered by the benefit terms under the Retiree Healthcare Plan:

Active employees	5
Inactive employees or beneficiaries currently receiving benefits	-
Inactive employees entitled to, but not yet receiving benefits	-
Total	<u>5</u>



## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(7) Other Post-Employment Benefits (Continued)**Contributions

Contribution requirements of the Commission are established by the County of Orange. The Commission's contractually required contribution rate for the year-ended June 30, 2023 was 3.75 percent of covered payroll, actuarially determined as an amount that is expected to cover normal costs each year and amortize any unfunded actuarial liabilities (or funding excess) of the plan over a period not to exceed thirty years.

Contributions to the OPEB plan from the Commission were \$9,645 for the fiscal year ended June 30, 2023. Currently, contributions are not required from plan members.

OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At June 30, 2023, the Commission reported a liability of \$119,000 for its proportionate share of the collective net OPEB liability. The collective net OPEB liability was measured as of December 31, 2022, and the total OPEB liability used to calculate the collective net OPEB liability was determined by an actuarial valuation as of June 30, 2022. The Commission's proportion of the collective net OPEB liability was based on a projection of the Commission's share of contributions to the OPEB plan relative to the project contributions of all participating employers, actuarially determined. At December 31, 2022 and 2021, the Commission's proportion was 0.040% percent.

For the fiscal year ended June 30, 2023, the Commission recognized OPEB expense of \$10,206. As of fiscal year ended June 30, 2023, the Commission reported deferred outflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
	<u>                    </u>	<u>                    </u>
OPEB contributions subsequent to measurement date	\$ 9,645	-
Changes of assumptions	2,000	5,000
Change in proportion	26,000	3,000
Difference between expected and actual experience	-	15,000
Net difference between projected and actual earnings on OPEB plan investments	<u>10,000</u>	<u>-</u>
Total	<u>\$ 47,645</u>	<u>23,000</u>

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(7) Other Post-Employment Benefits (Continued)**

The \$9,645 reported as deferred outflows of resources related to contributions subsequent to the December 31, 2022 measurement date will be recognized as a reduction of the net OPEB liability during the fiscal year ending June 30, 2023. Other amounts reported as deferred inflows of resources related to OPEB will be recognized as expense as follows:

<u>Fiscal Year ended</u> <u>June 30</u>	<u>Deferred Outflows/ (Inflows) of Resources</u>
2024	\$ 1,000
2025	2,000
2026	4,000
2027	8,000
2028	5,000
Thereafter	(5,000)

Actuarial Assumptions

The Commission's total OPEB liability was determined by an actuarial valuation as of June 30, 2022 using the following actuarial methods and assumptions:

Discount Rate	7.00%
Long-Term Expected Rate of Return on Investments	7.00%, net of investment expenses
Inflation	2.50% annually
Salary Increases	3.00%, annually
Grant Increase Rate	AFSCME – lesser of 5% and Medical Trend Non-AFSCME – lesser of 3% and Medical Trend
Medical Trend	Non-Medicare – 6.5% for 2023, decreasing to an ultimate rate of 3.75% in 2076 Medicare (Non-Kaiser) – 5.65% for 2023, decreasing to an ultimate rate 3.75% in 2076 Medicare (Kaiser) – 4.60% for 2023, decreasing to an ultimate rate 3.75% in 2076

Mortality rates were based on the OCERS 2014-2016 Experience Study, as appropriate, with adjustments for mortality improvements based on Scale MP-16.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(7) Other Post-Employment Benefits (Continued)**

The target asset allocation and expected long term rate of return were based on Segal Consulting's 2014-2016 Experience Study for OCERS. The long term expected real rate of return assumptions are presented as arithmetic means as follows:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Large Cap Equity	23.10%	5.43%
Small Cap Equity	1.90%	6.21%
International Developed Equity	13.00%	6.67%
Emerging Markets Equity	9.00%	8.58%
Core Bonds	9.00%	1.10%
High Yield Bonds	1.50%	2.91%
TIPS	2.00%	0.65%
Emerging Market Debt	2.00%	3.25%
Corporate Credit	1.00%	0.53%
Long Duration Fixed Income	2.50%	1.44%
Real Estate	3.01%	4.42%
Private Equity	13.00%	9.41%
Value Added Real Estate	3.01%	7.42%
Opportunistic Real Estate	0.98%	10.18%
Energy	2.00%	9.68%
Infrastructure (Core Private)	1.50%	5.08%
Infrastructure (Non-Core Private)	1.50%	8.92%
CTA – Trend Following	2.50%	2.38%
Global Macro	2.50%	2.13%
Private Credit	2.50%	5.47%
Alternative Risk Premia	<u>2.50%</u>	2.50%
Total	<u>100.0%</u>	
Assumed Long-term Rate of Inflation		2.50%
Expected Long-term Rate of Inflation		7.00%

Discount Rate

The discount rate used to measure the total OPEB liability was 7.00 percent. The projection of cash flows used to determine the discount rate assumed that Authority contributions will be made at rates equal to the actuarially determined contribution rates. Based on those assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected OPEB payments for current active and inactive employees and beneficiaries. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Notes to the Basic Financial Statements

Year ended June 30, 2023

(Continued)

**(7) Other Post-Employment Benefits (Continued)***OPEB Plan Fiduciary Net Position*

Detailed information about the OPEB plan's fiduciary net position is available in the separately issued OCERS financial report.

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net OPEB liability of the Plan as of the Measurement Date, calculated using the discount rate of 7.00 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.00 percent) or 1 percentage-point higher (8.00 percent) than the current rate:

	Discount Rate – 1% (6.00%)	Current Discount Rate (7.00%)	Discount Rate + 1% (8.00%)
Commission's proportionate share of the Net OPEB Liability	<u>\$144,000</u>	<u>119,000</u>	<u>98,000</u>

*Sensitivity of the Net OPEB Liability to Changes in the Healthcare Cost Trend Rates*

The following presents the net OPEB liability of the Commission if it were calculated using health care cost trend rates that are one percentage point lower or one percentage point higher than the current rate, for measurement period ended December 31, 2022:

	1% decrease 6.5%/5.5% decreasing to 3%	Current Healthcare Cost Trend Rate 7.5%/6.5% decreasing to 4%	1% increase 8.5%/7.5% decreasing to 5%
Commission's proportionate share of the Net OPEB Liability	<u>\$113,000</u>	<u>119,000</u>	<u>127,000</u>

**(8) Related Party Transactions**

The Commission and the County entered into a County Services Agreement to provide workers' compensation insurance, employee benefits administration, payroll, information technology support, and billing and collection services. The total amount paid by the Commission to the County for the year ended June 30, 2023 was \$18,163.

REQUIRED SUPPLEMENTARY INFORMATION

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios as of the Measurement Date

## Last Ten Fiscal Years \*

	<u>Measurement Date</u>			
	<u>December 31, 2022</u>	<u>December 31, 2021</u>	<u>December 31, 2020</u>	<u>December 31, 2019</u>
Proportion of the Collective Net Pension Liability	0.029%	0.045%	0.030%	0.029%
Proportionate Share of the Collective Net Pension Liability	\$ 1,587,646	912,794	1,248,133	1,489,642
Covered Payroll	\$ 488,433	445,095	463,507	475,099
Proportionate Share of the Collective Net Pension Liability as percentage of covered payroll	325.05%	205.08%	269.28%	313.54%
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	73.88%	91.45%	76.95%	73.18%

## Notes to Schedule:

Benefit Changes – There were no changes in benefits

Changes in Assumptions – The discount rate was reduced from 7.25% as of December 31, 2016 to 7.00% as of December 31, 2017. The inflation rate was reduced from 3.00% as of December 31, 2016 to 2.75% as of December 31, 2017. Salary increases were increased from 4.50% to 13.50% as of December 31, 2016 to 4.25% to 12.25% as of December 31, 2017.

*\*Fiscal year 2015 was the first year of implementation, therefore only nine years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of the Plan's Proportionate Share of the Net Pension Liability and Related Ratios as of the Measurement Date

Last Ten Fiscal Years \*

(Continued)

Measurement Date

	<u>December 31, 2018</u>	<u>December 31, 2017</u>	<u>December 31, 2016</u>	<u>December 31, 2015</u>	<u>December 31, 2014</u>
Proportion of the Collective Net Pension Liability	0.026%	0.026%	0.026%	0.020%	0.026%
Proportionate Share of the Collective Net Pension Liability	\$1,582,703	1,267,133	1,340,888	1,156,534	\$1,303,484
Covered Payroll	\$ 419,538	394,760	374,792	287,698	\$ 334,804
Proportionate Share of the Collective Net Pension Liability as percentage of covered payroll	377.25%	320.99%	357.77%	402.00%	389.33%
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	67.06%	74.93%	68.69%	64.73%	67.15%

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of Plan Contributions – Defined Benefit Pension Plan

## Last Ten Fiscal Years\*

	Fiscal Year <u>2022-23</u>	Fiscal Year <u>2021-22</u>	Fiscal Year <u>2020-21</u>	Fiscal Year <u>2019-20</u>
Actuarially Determined Contribution	\$182,000	184,000	145,000	139,000
Contributions in Relation to the Actuarially Determined Contribution	<u>182,000</u>	<u>184,000</u>	<u>145,000</u>	<u>139,000</u>
Contribution Deficiency (Excess)	\$ <u>      -</u>	<u>      -</u>	<u>      -</u>	<u>      -</u>
Covered Payroll	\$556,543	512,901	445,095	488,943
Contributions as a Percentage of Covered Payroll	32.70%	35.87%	32.58%	28.43%

## Notes to Schedule:

Fiscal Year End: June 30, 2022  
Valuation Date: December 31, 2020

## Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age
Amortization Method	Level Percent of Payroll
Asset Valuation Method	5-year smooth market
Discount Rate	7.00%
Projected Salary Increase	4.25% to 12.25% depending on age, service, and type of employment
Inflation	2.75%
Payroll Growth	3.25%
Individual Salary Growth	4.25%

\*Fiscal year 2015 was the first year of implementation, therefore only nine years are shown.



## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of Plan Contributions – Defined Benefit Pension Plan

Last Ten Fiscal Years\*

(Continued)

	Fiscal Year <u>2018-19</u>	Fiscal Year <u>2017-18</u>	Fiscal Year <u>2016-17</u>	Fiscal Year <u>2015-16</u>	Fiscal Year <u>2014-15</u>
Actuarially Determined Contribution	\$120,000	116,000	115,921	93,000	104,000
Contributions in Relation to the Actuarially Determined Contribution	<u>120,000</u>	<u>116,000</u>	<u>115,921</u>	<u>93,000</u>	<u>104,000</u>
Contribution Deficiency (Excess)	<u>\$ -</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Covered Payroll	\$ 411,308	405,196	389,422	340,997	352,758
Contributions as a Percentage of Covered Payroll	27.19%	28.63%	29.77%	27.27%	29.48%

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Schedule of the Proportionate Share of the Net OPEB Liability and Related Ratios  
as of the Measurement Date

## Last Ten Fiscal Years\*

	Measurement Date					
	December <u>31, 2022</u>	December <u>31, 2021</u>	December <u>31, 2020</u>	December <u>31, 2019</u>	December <u>31, 2018</u>	December <u>31, 2017</u>
Proportion of the Collective Net OPEB Liability	0.0400%	0.0400%	0.0328%	0.0311%	0.0305%	0.0324%
Proportionate Share of the Collective Net OPEB Liability	\$119,000	103,000	109,593	110,526	126,448	130,408
Covered-Employee Payroll	\$474,000	433,000	440,000	435,000	407,000	387,000
Proportionate Share of the Collective Net OPEB Liability as a Percentage of Covered-Employee Payroll	25.11%	23.79%	24.91%	25.41%	31.07%	33.70%
Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability	56.74%	65.43%	54.93%	51.87%	42.55%	42.30%

## Notes to Schedule:

Benefit Changes – There were no changes in benefits.

Changes in Assumptions – Participation at Retirement assumption was updated based on April 2019 participation experience study. Spouse Participation at Retirement assumption was updated based on recent plan experience for retirees under age 65.

*\*Fiscal year 2018 was the first year of implementation, therefore only six years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

## Schedule of Contributions – OPEB Plan

Year ended June 30, 2023

	Fiscal Year <u>2022-23</u>	Fiscal Year <u>2021-22</u>	Fiscal Year <u>2020-21</u>	Fiscal Year <u>2019-20</u>	Fiscal Year <u>2018-19</u>	Fiscal Year <u>2017-18</u>
Actuarially Determined Contribution	\$ 17,000	16,000	14,000	18,000	17,440	16,354
Contributions in Relation to the Actuarially Determined Contribution	<u>17,000</u>	<u>16,000</u>	<u>14,000</u>	<u>18,000</u>	<u>17,440</u>	<u>16,354</u>
Contribution Deficiency (Excess)	<u>\$ -</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Covered-Employee Payroll	\$ 509,000	501,000	433,000	483,000	440,000	396,000
Contributions as a Percentage of Covered-Employee Payroll	3.34%	3.19%	3.23%	3.73%	4.06%	4.13%

## Notes to Schedule:

Fiscal Year End: June 30, 2022  
Valuation Date: June 30, 2020

## Methods and assumptions used to determine contribution rates:

Actuarial Cost Method	Entry Age
Amortization Method	Level Percent of Payroll
Asset Valuation Method	5-year smooth market
Discount Rate	7.00%
Inflation	2.50%
Mortality	OCERS 2017-2019 experience study
Medical Trend	Non-Medicare – 6.5% for 2023, decreasing to an ultimate rate 3.75% in 2076
	Medicare (Non-Kaiser) – 5.65% for 2023, decreasing to an ultimate rate 3.75% in 2076
	Medicare (Kaiser) – 4.60% for 2023, decreasing to an ultimate rate 3.75% in 2076

*\*Fiscal year 2018 was the first year of implementation, therefore only six years are shown.*

## ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Schedule of Revenues, Expenditures, and Changes in Fund Balance  
Budget and Actual - General FundYear ended June 30, 2023  
(with comparative information for the prior year)

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)	Prior Year Actual
	Original	Final			
Revenues:					
Apportionments	\$ 1,227,730	1,227,730	1,227,730	-	1,158,240
Investment income (loss)	6,300	6,300	40,360	34,060	(11,724)
Other	-	-	105	105	2,964
Total revenues	<u>1,234,030</u>	<u>1,234,030</u>	<u>1,268,195</u>	<u>34,165</u>	<u>1,149,480</u>
Expenditures:					
General government:					
Salaries and benefits	990,960	990,960	916,160	74,800	846,812
Service and supplies	565,160	565,160	481,128	84,032	276,385
Debt service:					
Principal	-	-	83,593	(83,593)	78,234
Interest	-	-	23,557	(23,557)	26,124
Total expenditures	<u>1,556,120</u>	<u>1,556,120</u>	<u>1,504,438</u>	<u>51,682</u>	<u>1,227,555</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(322,090)</u>	<u>(322,090)</u>	<u>(236,243)</u>	<u>85,847</u>	<u>(78,075)</u>
Net change in fund balances	(322,090)	(322,090)	(236,243)	85,847	(78,075)
Fund balances at beginning of year	<u>1,600,017</u>	<u>1,600,017</u>	<u>1,600,017</u>	-	<u>1,678,092</u>
Fund balances at end of year	<u>\$ 1,277,927</u>	<u>1,277,927</u>	<u>1,363,774</u>	<u>85,847</u>	<u>1,600,017</u>

See accompanying notes to the required supplementary information

**ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION****Notes to Required Supplementary Information****Year ended June 30, 2023****(1) Budgetary Reporting**

The Commission established accounting control through formal adoption of an annual budget for the General Fund. The budget is prepared on a basis consistent with generally accepted accounting principles. The adopted budget can be amended by the Commission to change both appropriations and estimated revenues as unforeseen circumstances come to management's attention. Increases and decreases in revenue and appropriations and transfers between funds require Commission's approval. However, the Executive Officer may authorize changes within funds. Expenditures may not exceed total appropriations at the individual fund level. It is the practice of the Commission's management to review the budget monthly and provide quarterly updates to the Commission. A budget is not prepared for the Special Revenue Fund.

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**Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards***

Board of Commissioners  
Orange County Local Agency Formation Commission  
Santa Ana, California

**Independent Auditor's Report**

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the Orange County Local Agency Formation Commission (the "Commission"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Commission's basic financial statements, and have issued our report thereon dated October 26, 2023.

**Report on Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Commission's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Commission's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

DavisFarrLLP

Irvine, California  
October 26, 2023



## REGULAR MEMBERS

CHAIR  
**Douglass Davert**  
Special District Member

VICE CHAIR  
**Donald P. Wagner**  
County Member

IMMEDIATE PAST CHAIR  
**Derek J. McGregor**  
Public Member

**Wendy Bucknum**  
City Member

**James Fisler**  
Special District Member

**Bruce Whitaker**  
City Member

**Andrew Do**  
County Member

## ALTERNATES

**Katrina Foley**  
County Member

**Kathryn Freshley**  
Special District Member

**Carol Moore**  
City Member

**Lou Penrose**  
Public Member

## STAFF

**Carolyn Emery**  
Executive Officer

**Scott Smith**  
General Counsel

**MEETING DATE:** November 8, 2023

**TO:** Local Agency Formation Commission  
of Orange County

**FROM:** Executive Officer  
Assistant Executive Officer

**SUBJECT:** Legislative Report (November 2023)

**8b** | Commission  
Discussion

## BACKGROUND

Prior to the start of a new legislative session, the California Association of LAFCOs (CALAFCO) Board of Directors identifies efforts of potential sponsorship of legislation and other topics of LAFCO interest expected to surface in the chambers of the Legislature. To get ahead of the quickly approaching date of the Legislature reconvening on January 3, 2024, the CALAFCO Legislative Committee, which serves in an advisory role to the Board, will meet on November 3<sup>rd</sup> to discuss these items with recommendations to the Board for consideration in early December. The Committee meets quarterly to maintain regular monitoring of legislation of LAFCO interest.

With an active legislative year anticipated, this report provides a sneak-peek of priorities already noted by the CALAFCO Board, things to come on the legislative front, and a look back at the outcome of AB 399.

## Bill Sponsorship

The CALAFCO Board has identified the following efforts for the 2024 legislative session:

- Annual Omnibus Bill  
Legislation co-sponsored by CALAFCO and the Assembly Committee on Local Government to effect technical and non-substantive amendments to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”). This year’s bill includes proposed amendments to clarify LAFCO processes and authority in the following areas: (1) continued clarifying of when an application becomes a proposal, (2) establishment of timing requirement for a request to extend the protest period for proposals seeking to establish a subsidiary district, (3) improvement of the tax exchange

process for special district boundary changes whereby the exchange of property tax revenue is waived or not requested by the subject agencies, and (4) inclusion of a definition for “zone” to provide consistency and clarity within the CKH Act.

- Extension of Services Outside Jurisdictional Boundaries

A legislative priority identified by the CALAFCO Board to involve an effort to clarify LAFCO’s approval and exemption authority involving agencies extending services outside of their jurisdictional boundaries. This effort was initiated by San Diego LAFCO and is expected to move forward with the assistance of CALAFCO during the next legislative session. The varying and seriousness of the issues with the current CKH Act provisions were highlighted during a recent session at the CALAFCO conference in Monterey. One of the next steps in this effort will be for CALAFCO, in partnership with San Diego LAFCO, to obtain an author to sponsor legislation to address the issues associated with current state law.

- LAFCO Indemnification

A second legislative priority identified by the CALAFCO Board to involve an effort to solidify LAFCO’s explicit authority to require indemnity from applicants involving proposals for changes of organization and reorganization and other actions. The effort stems from a recent ruling by the California Court of Appeals in the case of *San Luis Obispo LAFCO v. City of Pismo Beach*, in which the court opined that it was not the authority of San Luis Obispo LAFCO to require indemnification by the applicant as a condition for processing an application.

#### **Other Anticipated Legislation for 2024**

The 2024 legislative session is expected to also include other legislation of LAFCO interest, including two-year bills involving legislative bodies conducting of meetings by teleconference and the consolidation of wastewater service purveyors serving within disadvantaged communities.

#### **Summary of AB 399 – Water Ratepayers Protection Act of 2023: County Water Authority Act**

A bill of interest to the Commission this past legislative session was AB 399. The proposed legislation that is now law (signed by Governor Newsom on October 13, 2022) amends voting provisions in the County Water Authority Act for special district detachments from the San Diego County Water Authority (SDCWA). Beginning January 1, 2024, the amended provisions require confirmation votes from the majority registered voters within the affected territory and the entire SDCWA’s boundary for special district detachment proposals processed by San Diego LAFCO. Additionally, the new provisions require a fiscal impact statement on water rates, exit fees, and debt obligations to be included in the voter ballots for a special district detachment.

As the provisions enacted through AB 399 will only apply to special district detachments within the SDCWA, the law has no direct impact on special district detachment proposals processed by OC LAFCO. However, prior to the bill being signed into law by the Governor, staff noted concerns with AB 399 setting a precedence for local agencies seeking of special legislation when they


disagree with a Commission action and the dilution of votes by the registered voters mostly impacted by a proposal for a change of organization or reorganization.

**RECOMMENDED ACTION**

Staff recommends the Commission:

1. Receive and file the November 8, 2023 legislative report.

Respectfully submitted,



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CAROLYN EMERY



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LUIS TAPIA

- Attachment:
1. 2024 Legislative Calendar

2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 11/4/22

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	<u>1</u>	2	<u>3</u>	4	5	6
7	8	9	<u>10</u>	11	<u>12</u>	13
14	<u>15</u>	16	17	18	<u>19</u>	20
21	22	23	24	25	26	27
28	29	30	<u>31</u>			

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 3](#) **Legislature Reconvenes** (J.R. 51(a)(4)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- [Jan. 12](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- [Jan. 15](#) Martin Luther King, Jr. Day.
- [Jan. 19](#) Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).  
  
Last day to **submit bill requests** to the Office of Legislative Counsel.
- [Jan. 31](#) Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	23	24
25	26	27	28	29		

- [Feb. 16](#) Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- [Feb. 19](#) Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	<u>21</u>	22	23
24	25	26	27	28	<u>29</u>	30
31						

- [Mar. 21](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- [Mar. 29](#) Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	<u>26</u>	27
28	29	30				

- [Apr. 1](#) Legislature Reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- [Apr. 26](#) Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
			1	2	<u>3</u>	4
5	6	7	8	9	<u>10</u>	11
12	13	14	15	16	<u>17</u>	18
19	<u>20</u>	21	22	23	<u>24</u>	25
26	<u>27</u>	<u>28</u>	29	30	31	

- [May 3](#) Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- [May 10](#) Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- [May 17](#) Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).  
  
Last day for **fiscal committees** to meet prior to May 28 (J.R. 61(b)(9)).
- [May 20- 24](#) **Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).
- [May 24](#) Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- [May 27](#) Memorial Day.
- [May 28](#) Committee meetings may resume (J.R. 61(b)(12)).

\*Holiday schedule subject to Senate Rules committee approval

2024 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE AND THE OFFICE OF THE ASSEMBLY CHIEF CLERK  
Revised 11/4/22

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	<u>15</u>
16	17	18	19	20	21	22
23	24	25	26	<u>27</u>	28	29
30						

[June 15](#) Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

[June 27](#) Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
	1	2	<u>3</u>	<u>4</u>	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

[July 3](#) Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

**Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

[July 4](#) Independence Day.

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	<u>5</u>	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	<u>23</u>	24
25	26	27	28	29	30	<u>31</u>

[Aug. 5](#) Legislature Reconvenes from **Summer Recess** (J.R. 51(b)(2)).

[Aug. 16](#) Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

[Aug. 19-31](#) **Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(15)).

[Aug. 23](#) Last day to **amend** on the floor (J.R. 61(b)(16)).

[Aug. 31](#) Last day for **each house to pass bills.** (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).

**Final Recess** begins upon adjournment (J.R. 51(b)(3)).

\*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING FINAL STUDY RECESS

**2024**

[Sept. 30](#) Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

[Nov. 5](#) General Election

[Nov. 30](#) Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

[Dec. 2](#) 12 Noon convening of the 2025-26 Regular Session (Art. IV, Sec. 3(a)).

**2025**

[Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).