

DRAFT MINUTES

OC LAFCO REGULAR MEETING

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

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

Vice Chair Wagner led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum
Bruce Whitaker (arrived at 8:20 a.m.)
Carol Moore **(Alt.)**

County Member

Donald Wagner **(Vice Chair)**

Special District Members

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

Public Members

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

The following staff members and general counsel were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Luis Tapia
- Policy Analyst Gavin Centeno
- Policy Analyst Amanda Castro
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

**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 item. 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. **Commissioner McGregor** motioned for approval of the consent calendar, and **Commissioner Bucknum** seconded the motion.

6a. – October 11, 2023 - Regular Commission Meeting Minutes

6b. – OC LAFCO 2024 Meeting and Events Calendar

6c. – Orange County Employees Retirement System (OCERS) Fiscal Year 2024-25 Retirement Contribution Rates and Prepayment Program

6d. – CALAFCO Update

MOTION: Approve the Consent Calendar. (Derek J. McGregor)

SECOND: Wendy Bucknum

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

8a. – Fiscal Year 2022-23 OC LAFCO Audited Financial Statements

Executive Officer Carolyn Emery introduced Shannon Ayala, Managing Partner with Davis Farr LLP, who presented an overview of the agency's audited financial statements for Fiscal Year ending June 30, 2023. Ms. Ayala stated that an unmodified opinion was issued for the FY 2022-23 OC LAFCO audit dated October 26, 2023, which is the highest level of opinion financial statements can receive.

Chair Davert commented that the annual budget reflected in the audit incorporates the Commission's approach of drawing down the agency's reserves to cover the expenditures until reserve levels are met. He then called for Commission discussion and public comments. There was no discussion from other Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Davert called for a motion on the item. **Vice Chair Wagner** motioned to approve the staff recommended action, and **Commissioner McGregor** seconded the motion.

MOTION: Receive and file OC LAFCO's Fiscal Year 2022-23 audited financial statements prepared by Davis Farr LLP. (Donald Wagner)
SECOND: Derek J. McGregor
FOR: Donald Wagner, Derek J. McGregor, Wendy Bucknum, James Fisler, Bruce Whitaker, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8b. – Legislative Report (November 2023)

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

Chair Davert called for Commission discussion and public comments. Commissioners made general comments. 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, and **Vice Chair Wagner** seconded the motion.

MOTION: Receive and file the November 8, 2023 legislative report. (Wendy Bucknum)

SECOND: Donald Wagner
FOR: Wendy Bucknum, Donald Wagner, James Fidler,
Bruce Whitaker, Derek J. McGregor, Douglass Davert
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9. COMMISSIONER COMMENTS

Commissioner McGregor provided an oral update on the CALAFCO Annual Conference held in Monterey, including the election for the southern region board seats. Other commissioners made general comments regarding their conference experiences.

Chair Davert noted that the Chair and Vice Chair appointments for next year will be scheduled for the December agenda.

10. EXECUTIVE OFFICER'S REPORT

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

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

12. CLOSED SESSION

The Commission adjourned to closed session at 8:32 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 9:00 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 9:00 a.m. to December 13, 2023.

Douglass Davert, Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk