

## FINAL 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

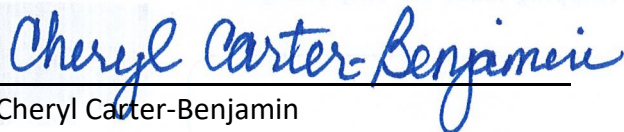
The Commission reconvened in open session at 8:55 a.m. General Counsel Scott Smith noted that the Commission discussed the closed session items, and there were no reportable actions.

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

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

Douglas Davert, Chair  
Orange County Local Agency Formation Commission

ATTEST:

By:   
Cheryl Carter-Benjamin  
Commission Clerk