

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, March 13, 2024
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 Wagner called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:16 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Freshley led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

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

County Member

Donald P. Wagner **(Chair)**

Special District Members

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

Public Members

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

The following staff members and general counsel were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Luis Tapia
- Policy Analyst II Gavin Centeno
- 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 Wagner requested public comments on any non-agenda items. The Commission Clerk noted that there were no requests to speak from the public.

Chair Wagner closed the hearing of public comments.

6. CONSENT CALENDAR

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

6a. – February 14, 2024 - Regular Commission Meeting and Study Session Minutes

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

MOTION PASSED: 6-0.

7. PUBLIC HEARING

7a. – Fiscal Year 2024-25 OC LAFCO Proposed Budget and Fee Schedule

Assistant Executive Officer Luis Tapia and OC LAFCO accountant, Scott Nelsen presented the staff report and recommended actions for Commission consideration.

Chair Wagner opened the public hearing. The Commission Clerk noted that there were no requests from the public to speak on the item. **Chair Wagner** closed the public hearing.

Chair Wagner called for Commission discussion on the item. **Commissioner Fisler** inquired about the apportionment increase. Staff responded that the increase aligns with the practice approved by the Commission of drawing down the unreserved cash balance in line with

gradual increases to the apportionment until it fully funds the agency budget in accordance with State law. **Commissioner Moore** asked about appropriate planning for the agency’s future costs. Staff responded that in part to preparing the budget annually, the reserve funding levels set by the Commission are also reviewed and can be adjusted based on agency needs. There were other general comments made by Commissioners.

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

- MOTION:** Adopt the Proposed FY 2024-25 Budget and direct the Executive Officer to distribute the document for review and comment to the Board of Supervisors, cities, and independent special districts; Direct staff to schedule a public hearing for consideration and adoption of the Final FY 2024-25 OC LAFCO Budget at the May 8, 2024 regular meeting; and Adopt Resolution No. CP24-03 approving the 2024-25 OC LAFCO Fee Schedule. (Wendy Bucknum)
- SECOND:** Douglass Davert
- FOR:** Wendy Bucknum, Douglass Davert, Derek J. McGregor, James Fisler, Bruce Whitaker, Donald P. Wagner
- AGAINST:** None
- ABSTAIN:** None

MOTION PASSED: 6-0.

8. COMMISSION DISCUSSION AND ACTION

8a. – Legislative Report (March 2024)

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

Chair Wagner called for Commission discussion and public comments. Commissioners made general comments, and the Commission Clerk noted no requests received to speak on the item.

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

- MOTION:** Adopt a “*Watch*” position on AB 805 and “*Support*” position on AB 3277 and SB 1209; Direct staff to send position letters to bill authors. (Wendy Bucknum)
- SECOND:** Douglass Davert

FOR: Wendy Bucknum, Douglass Davert, Derek J. McGregor,
James Fidler, Bruce Whitaker, Donald P. Wagner

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0.

8b. – Processing Incorporation Applications and Implementing Revenue Neutrality Provisions Policy

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

Chair Wagner called for Commission discussion and public comments. **Commissioner Davert** made comments on the requirement of a pre-filing meeting for applicants and needed clarification of whether the document is a policy or guidelines. Executive Officer Carolyn Emery provided a response relative to the purpose and benefit of the pre-filing meeting requirement. Commissioners made general comments, and the Commission Clerk noted no requests received to speak on the item.

Chair Wagner called for a motion on the item. **Commissioner Davert** motioned to approve the staff recommended action with removal of guidelines reference from policy, and **Vice Chair Bucknum** seconded the motion.

MOTION: Adopt the Policy and Procedures for Processing Incorporation Applications and Implementing Revenue Neutrality Provisions, as amended, including noted revisions. (Douglass Davert)

SECOND: Wendy Bucknum

FOR: Wendy Bucknum, Douglass Davert, Derek J. McGregor,
James Fidler, Bruce Whitaker, Donald P. Wagner

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0.

8c. – Personnel Policies and Procedures

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

Chair Wagner called for Commission discussion and public comments. Commissioners made general comments and inquired if changes are mainly due to law changes. General counsel responded affirmatively and added that changes also include clearer reporting and other direction for staff in personnel areas. The Commission Clerk noted that there were no requests received to speak on the item.

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

MOTION: Adopt the OC LAFCO Personnel Policies and Procedures, as amended.
(Wendy Bucknum)
SECOND: Bruce Whitaker
FOR: Wendy Bucknum, Bruce Whitaker, Douglass Davert,
Derek J. McGregor, James Fisler, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8d. – California Public Records Act and Records Retention and Destruction Policies

Executive Officer Carolyn Emery presented the staff report and recommended actions. Commission Clerk Cheryl-Carter Benjamin added that reviews of the public records and retention policies are performed annually.

Chair Wagner called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted no requests received to speak on the item.

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

MOTION: Adopt the California Public Records Act Policy, as amended; Adopt the
Records Retention and Destruction Policy, as amended. (Douglass
Davert)
SECOND: Bruce Whitaker
FOR: Douglass Davert, Bruce Whitaker, Wendy Bucknum,
James Fisler, Derek J. McGregor, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9. COMMISSIONER COMMENTS

Commissioners made general comments.

10. EXECUTIVE OFFICER’S REPORT

Executive Officer Carolyn Emery provided a summary of the report prepared by the University of California Berkeley titled “LAFCO and Water System Consolidation: Bridging the Gap between Local and State Regulators to Stop and Reverse Water System Fragmentation.” She described her participation in surveys and exchanges with the university personnel during preparation of the report and concurred with their finding noting the need for more information sharing amongst local and state regulators. Ms. Emery added that discussion of the report was agendized as informational only and requires no Commission Action.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements scheduled.

12. CLOSED SESSION

No closed session items scheduled.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Wagner adjourned the Regular Commission Meeting at 9:01 a.m. to April 10, 2024.

Donald P. Wagner, Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk