

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, April 10, 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 8:15 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Fisler 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

The following staff members and general counsel were present:

- Executive Officer Carolyn Emery
- Assistant Executive Officer Luis Tapia
- Policy Analyst II Gavin Centeno
- General Counsel Scott Smith

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

The Executive Officer noted that no supplemental communication was received.

5. PUBLIC COMMENT

Chair Wagner requested public comments on any non-agenda items. The Executive Officer 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. **Commissioner Fisler** requested agenda item 6c be pulled. **Chair Wagner** called for a motion on the approval of the balance of the consent calendar, and there were no requests from the public to speak on the item. **Commissioner Whitaker** motioned for approval of the balance of the consent calendar, and **Commissioner Bucknum** seconded the motion.

6a. – March 13, 2024 - Regular Commission Meeting Minutes

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

MOTION: Approve Consent Calendar Items 6a and 6b. (Bruce Whitaker)
SECOND: Wendy Bucknum
FOR: Bruce Whitaker, Wendy Bucknum, Douglass Davert, James Fisler,
Derek J. McGregor, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

Chair Wagner noted the item pulled by **Commissioner Fisler** and opened it for discussion by the Commission. **Commissioner Fisler** provided general comments on the status of H.R. 7525, noted the efforts of Mesa Water District and CSDA in supporting the legislation and motioned for the Commission to support H.R. 7525. **Commissioner Davert** seconded the motion. Commissioners engaged in discussion and made general comments. Executive Officer clarified that motion included direction to staff to prepare a letter of support for the legislation. **Chair Wagner** responded affirmatively.

6c. – Legislative Report (April 2024)

MOTION: Adopt “*Support*” position for H.R. 7525 – Special District Grant Accessibility Act and direct staff to prepare and send a position letter accordingly. (James Fisler)
SECOND: Douglass Davert
FOR: James Fisler, Douglass Davert, Wendy Bucknum, Derek J. McGregor, Bruce Whitaker, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

7. PUBLIC HEARING

Chair Wagner noted that there were no public hearing items scheduled for consideration by the Commission.

8. COMMISSION DISCUSSION AND ACTION

8a. – Transfer to OC LAFCO Public Trust

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

Chair Wagner called for Commission discussion and public comments. Commissioners asked questions involving the transfer amount relative to year-end projections and progress towards the agency’s unfunded liability. Staff responded that while the transfer amount of \$15K is conservative, it aligns with recent improvement in market volatility and the Commission’s three-year financial projections. Commissioners made additional comments, and there were no requests from the public to speak on the item.

Commissioner Davert motioned to approve the staff recommended action, and **Commissioner McGregor** seconded the motion.

MOTION: Approve transfer of \$15K to the OC LAFCO Trust administered by PARS. (Douglass Davert)
SECOND: Derek J. McGregor
FOR: Douglass Davert, Derek J. McGregor, Wendy Bucknum, James Fisler, Bruce Whitaker, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8b. – Commissioner Handbook

Consultant Bill Kelly stated that the draft handbook was presented at the February meeting, and at that time, Commissioners were asked to review the prepared draft in more detail for discussion at a future meeting. He noted that since that time, additional changes to the draft document had been made by himself, staff and general counsel, and the goal of the handbook is to support the Commission in conducting agency affairs at a high level through best practices.

Chair Wagner opened for Commission discussion. Commissioners asked questions and noted concerns regarding enforcement of items within the handbook, balance of responsibility for staff and the Commission, unintended consequences, and that other LAFCOs had not adopted a handbook. Commissioners expressed having guidelines in place to clarify OC LAFCO’s role and authority would be helpful and that more wordsmithing and time to review the draft is needed.

Commissioner Fisler motioned to table the item and start over with preparation of a new document for onboarding of new Commissioners. **Commissioner Davert** seconded the motion and added the draft, although well-intentioned, was not a good fit for the Commission. **Chair Wagner** opened for further discussion on tabling of the item, noting that it may not be the consensus of the majority, and asked for the consultant’s thoughts on how to move forward with a document that addresses the concerns stated. Mr. Kelly responded that the document is intended to be helpful to the Commission and staff and serves to communicate to agencies and the public how the Commission functions. He suggested that Commissioners note the specific sections of concern and send them to the Executive Officer for consultant and staff to attempt revisions to the document.

Commissioner Bucknum made a substitute motion to continue the item for a maximum of 90 days to allow Commissioners to provide input to staff on important sections to keep and others to remove. **Commissioner McGregor** seconded the motion. **Chair Wagner** clarified that the draft would be brought back to the Commission within 90 days. **Commissioner Bucknum** responded affirmatively.

- MOTION:** Continue consideration of the draft Commissioner Handbook for 90 days to allow Commissioners to provide input to staff. (Wendy Bucknum)
- SECOND:** Derek J. McGregor
- FOR:** Wendy Bucknum, Derek J. McGregor, Douglass Davert, James Fisler, Bruce Whitaker, Donald P. Wagner
- AGAINST:** None
- ABSTAIN:** None

MOTION PASSED: 6-0.

9. COMMISSIONER COMMENTS

There were no general comments from Commissioners.

10. EXECUTIVE OFFICER’S REPORT

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

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

Chair Wagner noted that there were no informational items or announcements.

12. CLOSED SESSION

Chair Wagner and general counsel noted that there was no closed session item scheduled for discussion by the Commission.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Wagner adjourned the Regular Commission Meeting at 9:24 a.m. to May 8, 2024.

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

ATTEST:

By: _____
Carolyn Emery
Executive Officer