

FINAL MINUTES

OC LAFCO REGULAR MEETING

Wednesday, July 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. and noted the presence of Rebecca Lowery as the Acting Commission Clerk.

2. 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:

- Assistant Executive Officer Luis Tapia
- Policy Analyst II Gavin Centeno
- General Counsel Scott Smith
- Acting Commission Clerk Rebecca Lowery

3. PLEDGE OF ALLEGIANCE

Commissioner Penrose led the Pledge of Allegiance.

4. COMMISSION APPOINTMENTS

Chair noted the recent Commission appointments, and the Oath of Office was administered for the new appointments by Commission Clerk Rebecca Lowery.

5. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION (Received After Agenda Distribution)

The Commission Clerk noted that no supplemental communication was received.

6. 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.

7. CONSENT CALENDAR

Chair Wagner called for any requests to pull the consent calendar and from the public to speak on the item. There were no requests to pull the consent calendar or Commission discussion, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner McGregor** motioned for approval of the consent calendar, and **Vice Chair Bucknum** seconded the motion.

7a. – May 8, 2024 - Regular Commission Meeting Minutes

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

MOTION PASSED: 6-0.

8. PUBLIC HEARING

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

9. COMMISSION DISCUSSION AND ACTION

9a. – Fiscal Year 2023-2024 Year-End Comprehensive Report

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 protocols for anticipated absences and structure of the UC Berkeley working group referenced in the comprehensive report. Staff provided general responses, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner Davert** motioned to approve the staff recommended actions, and **Commissioner Bucknum** seconded the motion.

MOTION: Receive and file the Year-End Comprehensive Report for Fiscal Year 2023-2024; Approve update to the 2022-2025 Work Plan (Douglass Davert)
SECOND: Wendy Bucknum
FOR: Douglass Davert, Wendy Bucknum, James Fisler, Derek J. McGregor, Bruce Whitaker, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9b. – Legislative Report (July 2024)

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

Chair Wagner called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner Bucknum** motioned to approve the staff recommended action, and **Commissioner Wagner** seconded the motion.

MOTION: Adopt “Watch” position on SB 2661 (Wendy Bucknum)
SECOND: Donald P. Wagner
FOR: Wendy Bucknum, Donald P. Wagner, Douglass Davert, James Fisler, Derek J. McGregor, Bruce Whitaker
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9c. – Nomination and Appointments for 2024-2025 CALAFCO Elections Process

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 that there were no requests from the public to speak on the item.

Commissioner Davert motioned to approve resolution nominating Commissioner McGregor for the CALAFCO Board and appoint Commissioners McGregor (primary) and Whitaker (alternate) as the CALAFCO voting delegates. **Commissioner Bucknum** seconded the motion.

- MOTION:** Adopt OC LAFCO Resolution No. CP 24-05 approving nomination of Derek J. McGregor for the CALAFCO Board of Directors and appointment of primary and alternate voting delegates for CALAFCO conference voting matters; Direct staff to submit required election documents to CALAFCO. (Douglass Davert)
- SECOND:** Wendy Bucknum
- FOR:** Douglass Davert, Wendy Bucknum, James Fidler, Derek J. McGregor, Bruce Whitaker, Donald P. Wagner
- AGAINST:** None
- ABSTAIN:** None

MOTION PASSED: 6-0.

9d. – Alternate Appointment for the Southern Region Local Agency Formation Commissions

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

Chair Wagner called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner Davert** motioned to approve the staff recommended action, and **Commissioner Bucknum** seconded the motion.

- MOTION:** Appoint the OC LAFCO Executive Officer as the alternate member for activities of the southern region LAFCOs. (Douglass Davert)
- SECOND:** Wendy Bucknum
- FOR:** Douglass Davert, Wendy Bucknum, James Fidler, Derek J. McGregor, Bruce Whitaker, Douglass P. Wagner
- AGAINST:** None
- ABSTAIN:** None

MOTION PASSED: 6-0.

9e. – Orange County Grand Jury Report: “Emerging Opportunities in South County Water/Wastewater Systems”

Assistant Executive Officer Luis Tapia presented the staff report, noting this was a discussion item and did not require action from the Commission at this time. He also noted that general counsel would be providing comments and available to address questions from Commissioners on the item. General Counsel provided general comments on the recommendations that the Commission is required to respond to in accordance with State law. Commission discussion ensued and feedback and directions was provided to staff for preparation of the draft response for Commission consideration at the next regular meeting.

9f. – Commissioner Handbook

Consultant Bill Kelly presented the latest revisions to the draft handbook and stated the alternatives of action by the Commission.

Commission discussion ensued. Commissioners made various comments, and general consensus of the Commission was that a handbook is not needed and self-imposed accountability is the best way to move forward involving responsibilities required of a Commissioner. **Commissioner Davert** motioned to approve the alternative option to not adopt the Commissioner Handbook, and **Commissioner Whitaker** seconded the motion.

MOTION: To not adopt the Commissioner Handbook. (Douglass Davert)

SECOND: Bruce Whitaker

FOR: Douglass Davert, James Fisler, Derek J. McGregor, Bruce Whitaker, Donald P. Wagner

AGAINST: Wendy Bucknum

ABSTAIN: None

MOTION PASSED: 5-1.

10. COMMISSIONER COMMENTS

Commissioner Fisler requested an update on the Orange County Water District Municipal Service Review. Assistant Executive Officer Tapia responded that currently, the schedule for the MSR is on track to being presented to the Commission in November.

11. EXECUTIVE OFFICER’S REPORT

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

12. INFORMATIONAL ITEMS & ANNOUNCEMENTS

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

13. CLOSED SESSION

Chair Wagner and General Counsel Smith noted that there were no closed session items scheduled for discussion by the Commission. General counsel noted that the Executive Officer's employment agreement requires an annual evaluation, and he would like to initiate the process for the next closed session. He added that in years past, the Commission hired Bill Kelly to facilitate the process and asked if he could proceed with executing an agreement with Bill Kelly for these services. Noting no comments from Commissioners, **Chair Wagner** responded that general counsel could initiate the process.

14. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Wagner adjourned the Regular Commission Meeting at 9:28 a.m. to August 14, 2024.

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

ATTEST:

By: *Cheryl Carter-Benjamin* for
Rebecca Lowery
Acting Commission Clerk