Final **MINUTES**

LAFCO REGULAR MEETING
Wednesday, January 10, 2007, 9:00 a.m.
Planning Commission Hearing Room, Hall of Administration
10 Civic Center Plaza
Santa Ana, CA

(Any member of the public may request to speak on any agenda item at the time that item is being considered by the Commission.)

1. CALL TO ORDER

Chair Bill Campbell called the regular meeting of the Local Agency Formation Commission (LAFCO) to order at 9:05 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner John Withers led the pledge of allegiance.

3. ROLL CALL

The following commissioners and alternates were present:

- **Chair Bill Campbell**
- **Commissioner Robert Bouer**
- **Commissioner Peter Herzog**
- **Commissioner Arlene Schafer**
- **Commissioner Susan Wilson**
- **Commissioner John Withers**
- **Alternate Commissioner Patsy Marshall**
- **Alternate Commissioner Rhonda McCune**

The following LAFCO staff members were present:

- Legal Counsel Michael Colantuono
- Assistant Executive Officer Bob Aldrich
- Project Manager Carolyn Emery
- Office Manager/Commission Clerk Amy de la Roza
- Intern Christian Page

4. APPROVAL OF MINUTES

December 13, 2006 – Regular Commission Meeting Minutes

MOTION: **Approve minutes from December 13, 2006, as presented and without revision (Arlene Schafer)**
SECOND: **Susan Wilson**
FOR: **Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Susan Wilson, John Withers.**
AGAINST: **None**
ABSTAIN: **None**
MOTION PASSED

5. PUBLIC COMMENT

Chair Bill Campbell requested public comments on any non-agenda item. Receiving no comments, he then closed the public comment agenda.

6. CONSENT CALENDAR

Talega Annexation No. 32 to the City of San Clemente (CA 05-05)
Senior Project Manager Carolyn Emery presented the brief staff report and recommendations. There was no discussion from the Commission and the motion was called.

MOTION: **Approve consent calendar. (John Withers)**
SECOND: **Peter Herzog**
FOR: **Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Susan Wilson, John Withers**
AGAINST: **None**
ABSTAIN: **None**
MOTION PASSED

7. CONTINUED PUBLIC HEARING

Item 7.a.—Sphere of Influence Review for the City of Los Alamitos (SOI 05-31)
Assistant Executive Officer Bob Aldrich briefly summarized the staff report for the City of Los Alamitos sphere of influence review. He reminded the Commission that the item had been continued several times. He presented the options recommended for consideration by the Commission. He stated that staff is recommending that the Rossmoor community be placed in the City of Los Alamitos sphere of influence. He added that placing Rossmoor in the City's sphere does not preclude the Commission from considering alternative governance options in the future.

Commissioner Susan Wilson asked if placing Rossmoor in the Los Alamitos sphere would require or obligate the City to take any action or provide services to the area. Staff responded that including the area in the sphere is a Commission action and does not require the City to take any action.

Chair Bill Campbell opened the public hearing for agenda item "7.a":

The following speakers ceded their comments to Mark Nitikman: Russ Lightcap, Don Brown, Mike Bullock, and Erin Anisman.

Mark Nitikman, Rossmoor Planning Committee (RPC), gave a presentation for the Rossmoor community. He indicated that the RPC was not asking for a continuance but for a vote against the inclusion of Rossmoor in the Los Alamitos sphere. He stated that the Commission has considered this in the past, but Rossmoor residents remain opposed to this change as well as annexation. He stated that including Rossmoor in the City's sphere required Los Alamitos to amend their General Plan.

Meeting was interrupted at 9:25 a.m. due to a fire drill.

Chair Bill Campbell reconvened meeting at 9:35 a.m.

Mr. Nikman continued his presentation and indicated that Rossmoor residents are currently exploring filing an application for incorporation with LAFCO. He concluded with requesting that the Commission deny staff's recommendation to include Rossmoor in the City of Los Alamitos sphere of influence.

Commissioner Susan Wilson asked if the application for incorporation would be filed soon and if so would it include a fiscal analysis based on real figures as required. Mr. Nikman indicated that the fiscal analysis would be overseen by LAFCO staff, although the RPC would work with LAFCO. He added it is anticipated additional taxation would be required for incorporation.

Commissioner Susan Wilson stated she would need more information in order to dedicate additional staffing to study this given the current staffing level. Assistant Executive Officer Bob Aldrich responded that the applicant for incorporation would be required to provide the funding to study the incorporation option, and LAFCO would hire a consultant to conduct the fiscal analysis.

Commissioner Arlene Schafer asked for the name of the consulting firm used for the Rossmoor Governance Options study. Mr. Nikman responded that Beverly Burr of Burr Consulting along with Walter Kieser of Economic & Planning Systems, Inc.(EPS) completed the financial study.

Commissioner Arlene Schafer asked if the study indicated there was enough revenue to incorporate. Mr. Nikman responded due to the enactment of recent legislation, it was determined with those funds, and a user tax, Rossmoor as its own city would be fiscally viable. Assistant Executive Officer Bob Aldrich responded that the study completed by Burr and EPS was preliminary, and the report indicates that more analysis would be needed before a final determination could be made.

Henry Taboada summarized a resolution adopted by the Rossmoor Community Services District Board indicating their opposition to Rossmoor being included within the City of Los Alamitos sphere of influence. He requested that the following paragraphs be noted in the record:

"WHEREAS, the District believes that it is in the best interests of the community of Rossmoor to submit an Application for Incorporation to LAFCO and to conduct analyses to determine the feasibility of incorporation, to become self-governing through incorporation, and to work with LAFCO staff to achieve that end. Therefore, the District would consider funding the application process to incorporate. The District also supports the efforts of the County of Orange to study whether consolidation of Rossmoor, Los Alamitos, and Seal Beach into a single city would be economically, politically and legally feasible and in the best interests of the residents of the area. Placing Rossmoor in the Los Alamitos Sphere of Influence could interfere with such efforts.

BE IT RESOLVED, that the Rossmoor Community Services District hereby reaffirms its position that the Community of Rossmoor not be placed in the Los Alamitos Sphere of Influence."

County Supervisor John M. W. Moorlach from the Orange County Board of Supervisors discussed the additional option of the formation of a super city that would encompass the cities of Los Alamitos and Seal Beach, as well as the communities of Rossmoor, Sunset Beach, and Surfside. He suggested an amendment to staff recommendation that would place Rossmoor in the Los Alamitos Sphere of Influence on an interim basis until December 31, 2008, to allow time to study the super-city option.

Larry Jones, a 20 year Rossmoor resident, stated there is a special sense of community in Rossmoor and urged the Commission to let them continue to be Rossmoor.

Janet Hayes, 34-year Rossmoor resident, stated she was attracted to Rossmoor because of its independence. She added she would like to see Rossmoor remain unincorporated or incorporate as its own city. She stated she does not support Rossmoor being placed in the Los Alamitos sphere of influence or the super-city option. She added she is confident that Rossmoor residents would support an additional tax to fund self governance.

Judy Klabouch, a 36-year Rossmoor resident, stated that Rossmoor is a unique community. She added that while she has a business in Los Alamitos, she strongly supports Rossmoor maintaining its independence.

Dr. Mike Curry summarized the survey sent to Rossmoor residents regarding future governance for the area. He added the survey response was very strong and indicated Rossmoor residents continue to desire their independence.

Joel Rattner, a 40 year resident of Rossmoor, summarized the characteristics of the Rossmoor community. He added he also recognized the county is having financial difficulties and some changes must be made. He stated placing Rossmoor in the Los Alamitos sphere of influence will annoy residents.

Sherry Duke indicated that as a Rossmoor resident she did not want Rossmoor included in the sphere with Los Alamitos. She stated Los Alamitos represents themselves, not the interests of others.

Brenda Gorman, a Rossmoor resident and realtor, stated that Rossmoor is a very unique community and is different than Los Alamitos. She added that Rossmoor residents favor the option of incorporation. She stated that if they are required to be placed in a sphere, it should be with Seal Beach and not Los Alamitos.

Commissioner Susan Wilson asked if there was a representative from the Burr/EPS Consulting firm to address and respond to questions on the Rossmoor Planning Study prepared by the firm. It was stated there was not a representative present from Burr/EPS Consulting.

Chair Bill Campbell closed the public hearing and called for Commissioner discussion on the item.

Commissioner Rhonda McCune stated she supported staff recommendation for the inclusion of the Rossmoor community in the Los Alamitos sphere. She added that the governance of the area has been a long-standing issue and the reality is things have changed and the Commission has been charged with moving these areas into cities. She stated incorporation of an area continues to be difficult, but placing the area within the City's sphere does not preclude the Commission from looking at incorporation at a date in the future. She added that because she is an alternate, she cannot vote on the item.

Commissioner Patsy Marshall stated she also supported staff's recommendation to include the Rossmoor community in the Los Alamitos sphere of influence. She added that the level of services within the area is presently unsatisfactory and not likely to improve given the current climate, but with Los Alamitos support the services may be improved. She added that because she is also an alternate, she is not able to vote on the item.

Commissioner Susan Wilson stated that she has visited the Rossmoor community and understands the Rossmoor residents' desire to maintain their community's independence. She added that because the County is moving away from providing municipal services to unincorporated areas, she believes the Rossmoor residents would receive a better level of services from the City. She stated keeping the status quo, would allow those services to continue to deteriorate. **Commissioner Wilson** added should Rossmoor residents desire to explore incorporation with the Commission in the future, consideration of this will be a priority for the Commission.

Commissioner Arlene Schafer stated she too had visited Rossmoor and felt it is a beautiful area with a strong sense of community. She added the community is lacking financial resources which would make incorporation viable. She stated there have been four continuances on this item and the Commission must move forward. She stated Rossmoor residents still have the option of returning to the Commission with additional studies in the future but at this time she supports staff recommendation to include Rossmoor in the Los Alamitos sphere of influence.

Commissioner Peter Herzog stated this item has been pending since January 2005. He requested the letter from RCSD which indicates that service levels in the area are declining and there is a need for change, be placed in the LAFCO file. He added Rossmoor's own study highlights the need for changes, and the status quo is not an option. He summarized the difference in response times of police services between what Rossmoor currently receives and what the City of Los Alamitos could offer. **Commissioner Herzog** added that inclusion of the Rossmoor community in the Los Alamitos sphere does not change any future plans the community may have. He added should the community decide to file for incorporation, it is required they provide current and accurate numbers. He echoed support for staff recommendation.

Commissioner Robert Bouer stated he appreciated Rossmoor's interest in self governance and summarized the similar efforts of Laguna Woods. He added incorporation of an area can be difficult, and thanked Rossmoor representatives for their effort.

Commissioner John Withers commented he was interested in exploring the super-city option suggested by Supervisor Moorlach. He stated it appears there is a need for change within the area as service levels are declining. He added he was unsure of the incorporation option, but would not cancel it out as an option. He stated he was not opposed to giving more time on this item if meaningful work, and exploration of the options, are being done.

Chair Bill Campbell indicated he was interested in the alternative recommendation of delaying the decision on the area until the end of the year in order to explore the super-city option. Assistant Executive Officer Bob Aldrich suggested the Commission may want to consider placing Rossmoor in the Los Alamitos sphere today, with the provision if an application for other options was filed, analysis and consideration of the application would be a priority for the staff and Commission. **Chair Bill Campbell** disclosed he was a prior property owner within nearby Seal Beach, and provided a brief history of the area. He stated the Commission has continued this decision numerous times and should move forward. He added that he supports the staff recommendation.

MOTION: **Approve staff recommendations for the Sphere of Influence Review for the City of Los Alamitos (SOI 05-31) including placing the unincorporated community of Rossmoor within the City of Los Alamitos Sphere of Influence (Susan Wilson)**
SECOND: **Peter Herzog**
FOR: **Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Susan Wilson**
AGAINST: **John Withers**
ABSTAIN: **None**
MOTION PASSED

8. PUBLIC HEARING

None

9. COMMISSION DISCUSSION AND ACTION

Item 9.a—Possible Legislation for Orange County LAFCO
Chair Bill Campbell summarized his interest in the Commission exploring legislation that would allow Orange LAFCO to adopt a local policy requiring the disclosure of contributions and expenditures in support of and opposition to LAFCO proposals. He stated that lobbying by a certain organization played a large factor in terminating the annexation attempt of the West Anaheim island last year. He asked if the Commission would support this effort.

Commissioners Susan Wilson and Rhonda McCune indicated their support of Chair Campbell's recommendation.

With the support of the Commission, **Chair Bill Campbell** requested that **Commissioner Peter Herzog** present this item at the CALAFCO meeting tomorrow in Sacramento. He requested that input before the January 23rd Board of Supervisor's meeting.

MOTION: **Approve recommendation to explore legislation that would allow Orange LAFCO to adopt a local policy requiring the disclosure of contributions and expenditures in support of, and opposition to, LAFCO proposals. (Robert Bouer)**
SECOND: **Arlene Schafer**
FOR: **Robert Bouer, Bill Campbell, Peter Herzog, Arlene Schafer, Susan Wilson, John Withers**
AGAINST: **None**
ABSTAIN: **None**
MOTION PASSED

10. COMMISSIONER COMMENTS

Commissioner Susan Wilson requested a quick summary of VLF legislation (AB1602). Counsel Michael Colantuono provided a summary of the legislation.

Commissioner Rhonda McCune recommended the City of Laguna Woods provide an update to the Commission on how they are doing since incorporation. Assistant Executive Officer Bob Aldrich stated he would consult with Executive Officer Crosthwaite to get this item scheduled.

Commissioner Arlene Schafer requested an update on the Orange County Leadership Symposium (OCLS) plans for 2007. She stated it is a valuable effort and would like to see it continue. Assistant Executive Officer Aldrich stated that he would coordinate with the Executive Officer Crosthwaite to report back on this item.

11. INFORMATION ITEMS & ANNOUNCEMENTS

The Commission was reminded of the upcoming 2007 Strategic Planning Session to be held on Friday, January 26, 2007, at the Irvine Ranch Water District, from 9 a.m. to 12 noon. Lunch will be provided.

Assistant Executive Officer Bob Aldrich introduced new employee and student intern, Christian Pape.

12. CLOSED SESSION

There was no closed session.

13. ADJOURNMENT

Chair Bill Campbell adjourned the meeting at 11:00 a.m.

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BILL CAMPBELL
Chair
Orange County Local Agency Formation Commission

By: _____
for Amy de la Roza
Commission Clerk