

**APPROVED
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
JUNE 5, 2017**

There being a quorum present, the meeting was convened at 9:04 a.m. by Chairman, Mayor Sam Abed. Also present were: Regular Commissioners – Vice Chairwoman, Special District Member Jo MacKenzie; Supervisor Dianne Jacob; Supervisor Bill Horn; City Councilmember Lori Zapf (arrived 9:12 a.m.) and Public Member Andy Vanderlaan. Alternate Commissioners – City Commissioner, Mayor Racquel Vasquez and Special District Member Judy Hanson. LAFCO Staff – Executive Officer Michael Ott; Chief Analyst Joe Serrano; LAFCO Consultant Harry Ehrlich and Legal Counsel Michael Colantuono. Absent were: Regular Commissioner – Special District Member Ed Sprague. Alternate Commissioners – Supervisor Greg Cox; City Councilmember Chris Cate and Public Member Harry Mathis.

Item 1

Pledge of Allegiance

Supervisor Bill Horn led the Pledge of Allegiance at the meeting.

Item 2

Roll Call

The Commission Clerk performed the roll call for the June 5, 2017, LAFCO meeting. With the exception of Regular Commissioner Special District Member Ed Sprague; Alternate Commissioners: Supervisor Greg Cox; City Councilmember Chris Cate and Public Member Harry Mathis, all other Commissioners were present. Alternate Special District Member Judy Hanson voted in place of Commissioner Sprague, who was absent.

Item 3

New Commissioner Installation

Regular City Member, Mayor Catherine Blakespear

David Hall, Clerk of the Board of Supervisors, performed the installation of the new regular commissioner City Member, Mayor Catherine Blakespear.

Item 4

Approval of Minutes of Meeting Held May 1, 2017

On motion of Commissioner Horn, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present, the Commission dispensed with reading the minutes of May 1, 2017 and approved said minutes.

Item 5

Executive Officer's Recommended Agenda Revisions

Chairman Sam Abed asked the Executive Officer if there were any agenda revisions. Executive Officer Michael Ott said that there were no agenda revisions.

Item 6

Commissioner/Executive Officer Announcements

Chairman Sam Abed asked if there were any announcements from the Commissioners or the Executive Officer.

City Commissioner, Mayor Raquel Vasquez said that the City of Lemon Grove was incorporated 40 years ago and will be celebrating all year, beginning July 1, 2017.

Item 7

Ratification of County Wage and Benefit Changes Report

Michael Ott addressed the Commission regarding the County's Wage and Benefit changes for FY 2017-18 through FY 2021-22. Mr. Ott indicated that the County's new wage and benefit package is applicable to LAFCO staff per the Commission's adopted personnel rules and budget. He stated that the Commission should approve and ratify a new wage and benefit plan for LAFCO staff comparable to the plan approved for County employees. He said that the wage and range increases range from 2% – 3% annually for most positions for the next five years. Mr. Ott indicated that there will be lump sum payments for all staff to offset increased health benefit costs and other employee-related costs. He also said that in 2014, the Commission approved the elimination of the employee portion of employer paid retirement offset contributions, effective in 2017 for all LAFCO job classifications.

Commissioner Abed asked if the effective range and salary increases were for staff and not the Executive Officer position. In response to the question, Mr. Ott indicated that the changes will not increase the Executive Officer's base pay, only the salary band.

On motion of Commissioner Vanderlaan, seconded by Commissioner Hanson, and carried unanimously by the commissioners present, the Commission took the following actions:

Received the Executive Officer's report, approved and ratified the following LAFCO Wage and Benefit Plan for 2017-21 per the Executive Officer's Report.

Wage/Range Increase

LAFCO SD2 & SD6 – County MA & CE

Classifications: (Analyst I, II, III; Asst. Exec. Officer; Admin Asst.; Exec. Asst.)

FY 2017-18: 3% wage & range increase, effective June 23, 2017

FY 2018-19: 3% wage & range increase, effective June 22, 2018

FY 2019-20: 3% wage & range increase, effective June 21, 2019

FY 2020-21: 2% wage & range increase, effective June 19, 2020

FY 2021-22: 2% wage & range increase, effective June 18, 2021

LAFCO SD1 – County EM

Classifications: (Executive Officer)

FY 2017-18: 3% range increase only, effective June 23, 2017

FY 2018-19: 3% range increase only, effective June 22, 2018

FY 2019-20: 3% range increase only, effective June 21, 2019

FY 2020-21: 2% range increase only, effective June 19, 2020

FY 2021-22: 2% range increase only, effective June 18, 2021

Lump Sum Payment

LAFCO SD2 & SD6 – County MA & CE

Classifications: (Analyst I, II, III; Asst. Exec. Officer; Admin Asst.; Exec. Asst.)

FY 2015-16: \$750 lump sum for paid service 6/24/16 to 4/25/17, paid on 5/19/17

FY 2016-17: \$750 lump sum for paid service in FY 2016-17, paid on 7/28/17

FY 2017-18: \$750 lump sum for paid service in FY 2017-18, paid on 7/27/18

FY 2018-19: \$750 lump sum for paid service in FY 2018-19, paid on 7/26/19

FY 2019-20: \$1,500 lump sum for paid service in FY 2019-20, paid on 7/24/20

FY 2020-21: \$1,500 lump sum for paid service in FY 2020-21, paid on 7/23/21

LAFCO SD1 – County EM

Classifications: (Executive Officer)

FY 2015-16: \$750 lump sum for paid service 6/24/16 to 4/25/17, paid on 5/19/17

FY 2016-17: 1% lump sum payment for FY 2016-17 service, paid on 7/28/17

FY 2017-18: 1% lump sum payment for FY 2017-18 service, paid on 7/27/18

FY 2018-19: 1% lump sum payment for FY 2018-19 service, paid on 7/26/19

FY 2019-20: 2% lump sum payment for FY 2019-20 service, paid on 7/24/20

FY 2020-21: 2% lump sum payment for FY 2020-21 service, paid on 7/23/21

Flex Credits (Benefits)

The Board of Supervisors approved an increase in flexible benefit credits for employees in eligible non-represented classifications. Flex credits are employer contributions toward a flexible benefit plan that allows employees to use the funds combined with their own funds to pay insurance premium costs for medical, dental, life insurance, etc., coverage. Insurance premium costs are borne by the employee, except that the employer makes a specified contribution toward the Flexible Benefits Plan (which includes health insurance). The employee’s insurance premium costs will be reduced by the amount the employee elects to distribute to his or her insurance premium costs from the employer’s contribution toward the Flexible Benefits Plan. The amount approved by the Board of Supervisors for the County’s contribution toward employee the Flexible Benefits Plan is shown below:

Employees in classes designated SD2 &SD6 – County MA & CE

<u>Effective January 1, 2017:</u>	<u>Monthly</u>
Employee Only	\$ 587.00
Employee + 1 Dependent	877.00
Employee + 2 or More Dependents	1,247.00

<u>Effective January 1, 2018:</u>	<u>Monthly</u>
Employee Only	\$ 628.00
Employee + 1 Dependent	938.00
Employee + 2 or More Dependents	1,334.00

<u>Effective January 1, 2019:</u>	<u>Monthly</u>
Employee Only	\$ 672.00
Employee + 1 Dependent	1,004.00
Employee + 2 or More Dependents	1,427.00

<u>Effective January 1, 2020:</u>	<u>Monthly</u>
Employee Only	\$ 719.00
Employee + 1 Dependent	1,074.00
Employee + 2 or More Dependents	1,527.00

<u>Effective January 1, 2021:</u>	<u>Monthly</u>
Employee Only	\$ 769.00
Employee + 1 Dependent	1,149.00
Employee + 2 or More Dependents	1,634.00

<u>Effective January 1, 2022:</u>	<u>Monthly</u>
Employee Only	\$ 823.00
Employee + 1 Dependent	1,229.00
Employee + 2 or More Dependents	1,748.00

Employees in classes designated SD1 – County EM

<u>Effective January 1, 2017:</u>	<u>Monthly</u>
Employee Only	\$ 646.00
Employee + 1 Dependent	938.00
Employee + 2 or More Dependents	1,313.00

<u>Effective January 1, 2018:</u>	<u>Monthly</u>
Employee Only	\$ 691.00
Employee + 1 Dependent	1,004.00
Employee + 2 or More Dependents	1,405.00

<u>Effective January 1, 2019:</u>	<u>Monthly</u>
Employee Only	\$ 739.00
Employee + 1 Dependent	1,074.00
Employee + 2 or More Dependents	1,503.00

<u>Effective January 1, 2020:</u>	<u>Monthly</u>
Employee Only	\$ 791.00
Employee + 1 Dependent	1,149.00
Employee + 2 or More Dependents	1,608.00

<u>Effective January 1, 2021:</u>	<u>Monthly</u>
Employee Only	\$ 846.00
Employee + 1 Dependent	1,229.00
Employee + 2 or More Dependents	1,721.00

<u>Effective January 1, 2022:</u>	<u>Monthly</u>
Employee Only	\$ 905.00
Employee + 1 Dependent	1,315.00
Employee + 2 or More Dependents	1,841.00

Retirement Offset

Per the Commission's April 7, 2014 action, the Commission ratified the elimination of the employer paid retirement offset contributions, effective June 9, 2017 for all LAFCO job classifications. This is the same provision that applies to county employees.

Item 8

Ratification of Executive Officer Recruitment and Approval of Recruitment Committee (Task Force) Resolution

Chairman Sam Abed indicated that Item 8 and Item 16 will be heard together because both are related to the recruitment of the Executive Officer position.

Executive Officer Michael Ott explained that this item involves ratification of the Executive Officer recruitment contract. Mr. Ott indicated that he executed the contract in mid-May for the executive search services from the firm Peckham & McKenney. Mr. Ott said that Clay Phillips, Peckham & McKenney, will provide an update to the Commission regarding the recruitment schedule for the Executive Officer position. Mr. Phillips addressed the Commission regarding the progress of the schedule dates for the recruitment plans. He indicated that he met with the Task Force, finalized the recruitment brochure and that the mailing list is being developed. He said that preliminary interviews will begin on July 11, 2017; the Task Force review process will begin on July 20, 2017 and final interviews will begin on July 27, 2017, followed by background and reference checks. He said that an update will be presented to the Commission at the July 10, 2017 meeting.

Chairman Abed thanked Mr. Phillips and said that the Commission shares the same goal, and that is to get the best candidate.

Commissioner MacKenzie asked for clarification for the mailing date of the recruitment brochures. In response to the question, Mr. Phillips said that they should be mailed out by the end of the week.

On motion of Commissioner Zapf, seconded by Commissioner MacKenzie, and carried unanimously by the Commissioners present; the Commission took the following actions:

- (1) Receive the staff report and ratify the approval of the contract between the San Diego LAFCO and Peckham & McKenney for executive search services; and,
- (2) Approve/ratify the attached resolution creating the LAFCO ad hoc committee, known as the Executive Officer Recruitment Task Force.

Item 9

Public Records Archive Email Address Policy

Executive Officer Michael Ott provided information to the Commission regarding the Public Records Archive Email Address Policy. Mr. Ott said that this policy encourages Commissioners, when conducting LAFCO business on private servers, to forward email messages to an email address designated for preservation (sdlafco@sdcounty.ca.gov).

Legal Counsel Michael Colantuono discussed a public records request for web browser history. Mr. Colantuono indicated that because of a recent Supreme Court decision, public business on private devices is subject to the Public Records Act.

City Commissioner, Mayor Catherine Blakespear asked for clarification regarding disclosure of emails. In response to the question, Mr. Colantuono indicated that emails are subject to the Public Records Act and must be retained per the provisions in LAFCO Policy A-105.

This item is for information purposes only and no action was recommended by the Commission.

Item 10

Proposal and Major Jurisdictional Activity

Executive Officer Michael Ott indicated that this item is to update the Commission on LAFCO's major projects and activities.

This item is for information purposes only and no action was recommended by the Commission.

Item 11

Legislative Update Report

Harry Ehrlich, Director of Legislative Research, provided an update to the Commission regarding the following activities of the Legislative bills:

AB 464 (Gallagher) – Local government reorganization

This bill is sponsored by CALAFCO to address a situation in current law wherein Government Code Section 56653 does not address certain conditions of services currently provided when a plan for services is submitted for an annexation. This situation arose from a court decision on a lawsuit (City of Patterson v. Turlock Irrigation District) in Stanislaus County. Approved position: Support; Letter sent. Status: Passed Assembly and now in Senate for Assignment.

AB 979 (Lackey) Cortese-Knox-Hertzberg Act: Special District representation on LAFCO

This bill is sponsored by CSDA and cosponsored by CALAFCO addressing the procedure for special districts to propose to hold an election on having representation on a commission. Additionally, in July 2018, in counties where multiple Redevelopment Agency (RDA) Oversight Boards have existed, LAFCO is to administer an election process for selecting a representative to the county-wide RDA Oversight Board, in accordance with SB 107 enacted in 2016. The proposed method is to have the Special Districts Selection Committee (officers of each independent special district) vote to select the representative. San Diego LAFCO has already used this method to select representatives to the Commission. Amendments were proposed and made on May 15, 2017, to address concerns of CALAFCO. Approved position: Support; Letter sent. Status: Passed Assembly Second Reading May 15, 2017.

AB 1725 (ALGC) Omnibus Bill

This is the annual Assembly Local Government Committee (ALGC) bill that usually addresses any issues involving the Cortese-Knox-Hertzberg Act and LAFCO. The bill addresses non-controversial or clarification issues and currently only corrects one minor section. The bill is expected to be amended to address four more issues brought forward by CALAFCO but this

has not been processed as of this time. Staff will continue to monitor this bill and once amended, consider a position of support on the bill. Recommended position: Watch to See if Amended.

The Commission received this Legislative Update Report and provided direction to staff on the identified legislative bills as appropriate.

Item 12

San Diego LAFCO East County Fire Protection Committee and Stakeholder Committee Status Report

Chief Analyst Joe Serrano provided a brief presentation to the Commission regarding the San Diego LAFCO East County Fire Protection Committee. Mr. Serrano said several milestones have been completed with the ad hoc committee regarding the reorganization of CSA No. 115. He said LAFCO staff will compile all the reports and provide an update and recommendations for the Commission at the July 10, 2017 meeting.

This item is for information purposes only and no action was recommended by the Commission.

Item 13

LAFCO Meeting Reminder for July 10, 2017

Executive Officer Michael Ott indicated that LAFCO meetings are not normally held in the month of July, but because of the recruitment and other major projects, the Commissioners should plan on meeting on July 10, 2017.

Item 14

Public Comment

Chairman Sam Abed asked the public if anyone requested to speak on an item that is not related to the agenda. He indicated that there were no speaker slips received from members of the public for comments.

Item 15

CLOSED SESSION: ADJOURNED TO CLOSED SESSION (IF NECESSARY) TO CONFERENCE WITH LEGAL COUNSEL PURSUANT TO SUBDIVISION (D)(1) OF GOVERNMENT CODE SECTION 54956.9 – REGARDING EXISTING LITIGATION WITHIN THE RESPONSIBILITY OF THE SAN DIEGO LAFCO

Chairman Sam Abed indicated that the confidential draft settlement agreement regarding this item was distributed to Commissioners.

Legal Counsel Michael Colantuono gave a brief presentation in open session regarding litigation in the matter of *City of Coronado v. San Diego LAFCO and City of Imperial Beach (United States District Court Southern District of California, Case No.: 16-cv-3020-CAB-WVG)*. Mr.

Colantuono reported to the Commission that all parties have agreed to the settlement, except for one new provision that was recently proposed by the City of Coronado that pertains to the diversion of wastewater from the Navy through Coronado facilities.

On motion of Commissioner Zapf, seconded by Commissioner Horn, and carried unanimously by the Commissioners present; the Commission took the following actions:

- (1) Approve the draft agreement, and;
- (2) Delegate authority to the Executive Officer or his designee to approve a final agreement in consultation with Mr. Colantuono, when all parties reach concurrence.

Item 16

**CLOSED SESSION: ADJOURNED TO CLOSED SESSION
AS PERMITTED BY GOVERNMENT CODE SECTION 54950 ET. SEQ.,
TO CONSIDER MATTERS PERTAINING TO PUBLIC EMPLOYMENT
ASSOCIATED WITH THE EXECUTIVE OFFICER POSITION OF THE
SAN DIEGO LAFCO**

Chairman Abed indicated that no closed session was required for this item and that Item No. 16 was combined with agenda Item No. 8.

There being no further business to come before the Commission, the meeting adjourned at 9:31 a.m. to the July 10, 2017 meeting, in Room 302, County Administration Center.

The San Diego LAFCO's East County Fire Protection and Stakeholder Committee meeting convened at 9:41 a.m. and adjourned at 10:42 a.m.

**ERICA BLOM
ADMINISTRATIVE ASSISTANT
SAN DIEGO LOCAL AGENCY COMMISSION FORMATION**