



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

5f

**AGENDA REPORT**  
 Consent | Action

June 5, 2023

**TO:** Commissioners  
**FROM:** Holly O. Whatley, Commission Counsel  
**SUBJECT:** Designation of Labor Negotiators

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider designating its labor negotiators for purposes of negotiating the salary and benefits of the Executive Officer. Consistent with policy and practice, it is recommended the Commission formally designate Chair Desmond, Vice Chair Whitburn, and Past Chair Vanderlaan as its negotiators in step with their role as the Executive Officer Compensation Committee.

**DISCUSSION**

The Brown Act, the State’s open meeting law, authorizes LAFCO to discuss its Executive Officer’s compensation and benefits in closed session. “However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives” who will negotiate on behalf of LAFCO (Gov. Code, § 54957.6, subd. (a).)

LAFCO’s internal rules establish a procedure for negotiating the Executive Officer’s compensation and benefits. Under LAFCO Rule No. 6.20(6)(b), “The Executive Officer Compensation Committee shall periodically review and rate the performance of the Executive Officer and make recommendations to the full Commission for any adjustments to

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| <p><b>Administration:</b><br/>         Keene Simonds, Executive Officer<br/>         2550 Fifth Avenue, Suite 725<br/>         San Diego, California 92103<br/>         T 619.321.3380<br/>         E lafco@sdcountry.ca.gov<br/>         www.sdlafco.org</p> | <p><b>Chair Jim Desmond</b><br/>         County of San Diego</p> <p><b>Joel Anderson</b><br/>         County of San Diego</p> <p><b>Nora Vargas, Alt.</b><br/>         County of San Diego</p> | <p><b>Kristi Becker</b><br/>         City of Solana Beach</p> <p><b>Dane White</b><br/>         City of Escondido</p> <p><b>John McCann, Alt.</b><br/>         City of Chula Vista</p> | <p><b>Vice Chair Stephen Whitburn</b><br/>         City of San Diego</p> <p><b>Mami von Wilpert, Alt.</b><br/>         City of San Diego</p> | <p><b>Jo MacKenzie</b><br/>         Vista Irrigation</p> <p><b>Barry Willis</b><br/>         Alpine Fire Protection</p> <p><b>David A. Drake, Alt.</b><br/>         Rincon del Diablo</p> | <p><b>Andy Vanderlaan</b><br/>         General Public</p> <p><b>Harry Mathis, Alt.</b><br/>         General Public</p> |
|---|--|--|--|---|--|

the Executive Officer’s compensation.” LAFCO Rule No. 6.20(6)(a) states: “The Executive Officer Compensation Committee shall consist of three members of the Personnel Committee as provided under Rule No. 1.11 with the option of the Chair to add a fourth member at his or her discretion.” LAFCO Rule No. 1.11 reads, “The Commission establishes the Personnel Committee to review matters relating to the Personnel Rules outlined in Section 6. The Committee shall be composed of three members of the Commission consisting of the Chair, Vice Chair, and Immediate Past Chair. The Chair shall make an appointment to fill the Immediate Past Chair seat on the Personnel Committee should the Immediate Past Chair no longer be on the Commission.”

Therefore, consistent with the Brown Act and LAFCO Rule Nos. 1.11 & 6.20, LAFCO must designate in open session its Chair, Vice Chair, and Immediate Past Chair as labor negotiators. The Board may also appoint a fourth member, at the discretion of Chair Desmond.

**RECOMMENDATION**

It is recommended San Diego LAFCO designate by minute order Chair Desmond, Vice Chair Whitburn, and Commissioner Vanderlaan to serve as labor negotiators to negotiate the Executive Officer’s salary and benefits.

**ALTERNATIVES FOR ACTION**

The following alternatives are available to San Diego LAFCO through a single motion:

Alternative One (recommended):

Designate by minute order Chair Desmond, Vice Chair Whitburn, and Commissioner Vanderlaan to serve as labor negotiators to negotiate the Executive Officer’s salary and benefits.

Alternative Two:

Continue the agenda item to another meeting.

Respectfully,

Holly O. Whatley  
General Counsel