



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT
Consent | Action

August 5, 2019

TO: Commissioners

FROM: Keene Simonds, Executive Officer

SUBJECT: Amendments to Commission Rules |
Reimbursements and Executive Officer Compensation Committee

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving non-substantive amendments to its adopted rules. The first and focal set of amendments involves establishing stand-alone reimbursement policies that largely scale to existing County of San Diego procedures. The second set of amendments involves prescribing the composition of the Executive Officer Compensation Committee to parallel the membership of the Personnel Committee with discretion for the Chair to add a fourth member as needed. Staff recommends approval of the amendments with immediate effective dates.

BACKGROUND

Rules on Reimbursements

San Diego LAFCO Rule No. 2-10 specifies the Commission shall follow the reimbursement policies of the County of San Diego with discretion to the Chair and Executive Officer to approve exceptions as needed. These reimbursement provisions are made by reference and included as part of an expanded section of the rules that also addresses per diems. The reimbursement provisions were established in March 1991 with no subsequent amendments.

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Rules on Executive Officer Compensation Committee

San Diego LAFCO Rule No. 6-20 outlines the role of the Executive Officer Compensation Committee and its principal task to perform annual reviews and forward related recommendations to the Commission. These policies specify the Executive Officer Compensation Committee's composition shall be determined by the Chair to include three to four appointed members with broad representation across all membership categories. These provisions were established in April 1975 with no subsequent amendments.

DISCUSSION

This item is for San Diego LAFCO to consider approving two distinct sets of amendments to the adopted rules and separately involve (a) reimbursements and the (b) Executive Officer Compensation Committee. The proposed amendments are detailed below and are being presented to the Commission to approve with immediate effective dates.

Amendments to Rule No. 2-10 | Establishing Stand-Alone Reimbursement Policies

Amendments are proposed to Rule No. 2-10 to separate the existing policies involving per diems and reimbursements with the latter provisions forwarded into Rule No. 2-11.¹ The amendments separately transition the reimbursement policies to become stand-alone provisions of San Diego LAFCO and no longer dependent through cross-reference to the County of San Diego. The amendments – nonetheless – continue to follow most of the County's standards for reimbursements, but at a scale to LAFCO's needs. Amendments also draw on a review of reimbursement procedures of other and similarly sized local agencies. Central provisions reflected in the amendments follow and are shown in Attachment One.

- The Executive Officer approves reimbursements for Commission; the Chair and Vice Chair approve Executive Officer reimbursements.
- Expenses for transportation will be reimbursed at actual costs. Expenses for lodging will be reimbursed at either the group rate or at the available government rate. Expenses for meals and incidentals should conform to local prevailing costs with discretion to the Executive Officer to consider waivers. There will be no reimbursements for alcohol beverages of any kind.
- Commission and staff will be reimbursed for private automobile usage at the current mileage rate used by the Internal Revenue Service plus actuals for tolls and parking. The Executive Officer will only be reimbursed for mileage outside San Diego County as an adjustment for receiving a monthly automobile allowance.

¹ San Diego LAFCO Rule No. 2-11 currently addresses electronic tablet usage and as part of the proposed amendments would be forwarded and reset as Rule No. 2-12, which is currently unassigned.

Amendments to Rule No. 6-20 | Prescribing the Executive Officer Compensation Committee

Amendments are proposed to Rule No. 6-20 to prescribe the composition of the Executive Officer Compensation Committee to parallel the Personnel Committee and include the Chair, Vice Chair, and Immediate Past Chair.² A fourth member may also be appointed by the Chair as needed to provide additional representation among Commission categories. The amendments serve to extend the automation of the appointment process currently applied to the Personnel Committee and similarly extend it to the Executive Officer Compensation Committee and synch related responsibilities and tasks. The proposed amendments are shown in Attachment Two.

ANALYSIS

The proposed amendments to Rule Nos. 2-10 and 6-20 collectively serve to streamline existing policy provisions at San Diego LAFCO. The proposed amendments are also timed in response to the arrival of new Commissioners and staff and the associated interests in clarifying reimbursement procedures as well as readying for more regular annual reviews of the Executive Officer. Amendments to the reimbursement policies separately aide in the Commission's independence as a stand-alone governmental entity while scaling to the vetted standards of other agencies, including the County of San Diego. Amendments to the Executive Officer Compensation Committee also serve to harmonize tasks with the Personnel Committee through common membership.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed amendments to LAFCO Rule Nos. 2-10 and 6-20 as described above. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Approve the proposed amendments to Rule Nos. 2-10 and 6-20 as shown in Attachments One and Two with any desired changes.

Alternative Two:

Continue to the next regular meeting and provide direction to staff as needed.

Alternative Three

Take no action.

² The Chair is authorized to appoint a replacement for the Immediate Past Chair should he or she no longer be on the Commission. To this end, the Chair has appointed Harry Mathis to the Personnel Committee in FY2019 in absence of former Chair Sam Abed.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

Respectfully,



Keene Simonds
Executive Officer

Attachments:

- 1) Proposed Amendments to LAFCO Rule No. 2-10 with Track Changes
- 2) Proposed Amendments to LAFCO Rule No. 6-20 with Track Changes

2.10 PER DIEMS ~~AND REIMBURSEMENTS~~

Pursuant to Government Code Section 56334, which permits LAFCOs to authorize payment of per diems to commissioners for attending meetings and in performing the duties of their office, the Commission has established a per diem rate of \$200. Per diems shall be provided to Commissioners (regulars and alternates) for each day in attendance at ~~commission regular and special~~ meetings. Per diems shall also be provided for each day in attendance at standing or ad hoc committee meetings as well as official meetings, conferences, and trainings organized by the California Association of LAFCOs or the Southern Region of LAFCOs. No Commissioner shall receive more than five per diems per month. ~~Commissioners shall also be reimbursed for reasonable and necessary expenses incurred in attending meetings and in performing official LAFCO duties. All requested per diems shall be listed on the LAFCO reimbursement form no later than 30 days after the event.~~

2.11 REIMBURSEMENTS

Pursuant to Government Code Section 56380, the Commission shall make its own provisions for the usual and necessary operating expenses incurred by ~~the Local Agency Formation Commission~~ LAFCO. ~~This includes – and as needed – providing reimbursements for Commissioners and staff. To facilitate compatibility between the Commission and County reimbursement practices, San Diego LAFCO will adhere to the following rules:~~

- ~~1. The San Diego Local Agency Formation Commission adopts the County's guidelines for out-of-county/in-county business and expense reimbursement;~~
- ~~2. Authorizes the Executive Officer or the Commission Chair to approve necessary exceptions to the normal maximum rates and types of expense claims allowed by the County; and~~
- ~~3. On a quarterly basis, the Executive Officer will notify the Commission of any exceptions authorized under Item 2 above that significantly depart from County guidelines.~~

1. The following general provisions apply to reimbursement of Commission expenses:

- (a) Commission members (regulars and alternates) may claim reimbursements for reasonable and necessary expenses incurred in performing the duties of their office.
- (b) The Executive Officer is responsible for reviewing and approving requests for Commission reimbursements.

2. The following general provisions apply to reimbursement of staff expenses:

- (a) Staff shall be reimbursed for all reasonable and necessary expenses in connection with conducting LAFCO business.
- (b) The Executive Officer is responsible for reviewing and approving requests for staff reimbursements other than for himself or herself.
- (c) The Chair or Vice Chair are responsible for reviewing and approving requests for Executive Officer reimbursements.

(d) For purposes of this section, Commission Counsel shall be considered staff and subject to the reimbursement provisions.

3. The following procedures apply to reimbursements involving Commissioners and staff:

(a) Expense reimbursement requests should be submitted as soon as possible, although flexibility is permitted for purposes of consolidating multiple expenses, but no later than 45 days after incurring the expense.

(b) Expense claims for costs incurred in one fiscal year should be – whenever practical – submitted for reimbursement during the same fiscal year.

(c) Expense claims shall be submitted using the standard LAFCO reimbursement form.

(d) Applicable receipts shall be provided and attached to the reimbursement form. If receipts are not available, the requester shall succinctly summarize in writing the amount and purpose of the expense and attach to the reimbursement form.

(e) The following provisions specific to transportation reimbursements apply:

(i) Transportation requiring outside carrier services – including airlines, rails, shuttles, buses, vehicle rentals, and rideshares – shall be reimbursed equal to actual costs.

(ii) Transportation requiring private vehicle usage shall be reimbursed using the current mileage rate of the Internal Revenue Service (IRS) plus actuals for tolls and parking. Staff reimbursement for private vehicle usage shall not apply to normal workday travel to and from the LAFCO office. The Executive Officer shall only be eligible for private vehicle mileage reimbursement for travel outside San Diego County if he or she is receiving an automobile allowance.

(f) The following provisions specific to lodging reimbursements apply:

(i) Lodging reimbursements apply to overnight travel outside San Diego, Imperial, Orange, and Riverside Counties that requires attendance and/or travel before 7:00 A.M. for night-before accommodations and after 6:00 P.M. for night-of accommodations unless waived by the Executive Officer.

(ii) Pre-authorized lodging shall be reimbursed equal to actual costs so long as it does not exceed the maximum group rate published by the activity sponsor (i.e., conference organizer) and available at the time of booking. If a group rate is not available and/or applicable, reimbursement shall be booked at the governmental rate as far in advance as feasible.

(g) The following provisions specific to meals and incidental reimbursements apply:

(i) Meal expenses should be reasonable and moderate, taking into account community standards and the prevailing restaurant costs of the area.

(ii) Where the cost of a meal or meals is included as part of a registration charge or fee, there shall be no per diem meal reimbursement for the applicable meal period covered by such registration.

(iii) Commission and staff may request reimbursement for expenses paid in covering meals and incidentals of those in their company during an authorized function and/or duty that is a person in the service of LAFCO or a person donating service to LAFCO.

(iv) No reimbursements shall be made for alcoholic beverages of any kind.

(h) No prepayments shall be provided to Commission or staff for expected expenses incurred in performing work duties; all related costs shall be provided in the form of approved reimbursements unless otherwise provided under contract.

LAFCO RULE NO. 6-20

6. Executive Officer Compensation Committee

Wherever this plan refers to the Executive Officer Compensation Committee, the following shall apply:

- (a) The Executive Officer Compensation Committee shall consist of the 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~~at least three but no more than four members of the Commission appointed by the Chairperson, representing the various membership categories of the Commission.~~
- (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 the Executive Officer's compensation.

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