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Vista Irrigation District

Vice Chair

Ed Sprague, Director
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Catherine Blakespear, Mayor
City of Encinitas

Bill Horn, Supervisor
County of San Diego

Dianne Jacob, Supervisor
County of San Diego

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Public Member

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

Alternate Members

Lorie Bragg, Councilmember
City of Imperial Beach

Chris Cate, Councilmember
City of San Diego

Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT Consent | Action

December 3, 2018

TO: San Diego Commissioners

FROM: Holly Whatley, Commission Counsel

SUBJECT: **Proposed Amendment to the Employment Agreement for Executive Officer Keene Simonds**

SUMMARY

The San Diego Local Agency Formation (LAFCO) unanimously approved at its October 1, 2018 meeting an amendment to the “Employment Agreement Between the San Diego Local Agency Formation Commission and Keene Simonds.” The approval increases the salary and changes the vacation leave benefits to conform to existing County of San Diego vacation accrual policies for executive management. The Commission will consider memorializing the earlier actions by authorizing the Chair to execute a proposed amendment.

BACKGROUND

Executive Officer | Employment Agreement

San Diego LAFCO (“Commission”) appointed Executive Officer Keene Simonds on August 7, 2017. The appointment is at-will and memorialized through an employment agreement that – and among other provisions – establishes compensation with respect to salary and benefits. The employment agreement requires the Commission conduct a formal evaluation of the Executive Officer’s performance at least once each year. The employment agreement also specifies any changes shall be done by amendments approved by the Commission.

DISCUSSION

This item is for San Diego LAFCO to consider authorizing the Chair to execute a proposed amendment to its employment agreement with Executive Officer Keene Simonds. The proposed amendment follows the Commission voting unanimously at its October 1, 2018 meeting to increase Mr. Simonds' annual salary by 5% from \$160,000 to \$168,000, as is consistent with LAFCO Rule No. 6.2 and provisions for the Commission to consider a 5% adjustment after each anniversary date of appointment if the Executive Officer's annual salary is below the approved midpoint. As permitted by the Commission's adopted Personnel Rules, the Commission approved the salary adjustment to be effective on the first day of the first pay period following the Executive Officer's one-year anniversary date. The Commission also voted unanimously to amend Mr. Simonds' annual vacation accrual allowances to be consistent with executive management benefits provided by the County of San Diego, with this accrual adjustment to retroactive to his starting date.

The proposed amendment is provided as Attachment One.

ANALYSIS

The changes to salary and benefits provided by the proposed amendment are within existing budget appropriations.

RECOMMENDATION

It is recommended San Diego LAFCO authorize the Chair to execute the proposed amendment consistent with Alternative One in the proceeding section. This action would be consistent with the Commission actions on October 1, 2018.

ALTERNATIVES FOR ACTION

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

Alternative One (recommended):

Authorize the Chair to execute the propose amendment as provided as Attachment One.

Alternative Two:

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

Alternative Three:

Take no action.

San Diego LAFCO

December 3, 2018 Regular Meeting

Agenda Item No. 4 | Amendment to Employment Agreement with Executive Officer Keene Simonds

The Commission may refuse to approve the amendment, request changes to the amendment, or give other appropriate direction on this subject.

PROCEDURES

This item has been placed on the agenda as part of the consent calendar. Accordingly, a successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

Holly Whatley
Commission Counsel

Attachment:

- 1) Proposed Amendment No. 1 to Employment Agreement

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FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

RECITAL

On October 3, 2018 the San Diego Local Agency Formation Commission unanimously approved amending the Employment Agreement originally entered into between the San Diego Local Agency Formation Commission (hereafter "LAFCO") and Keene Simonds ("Executive Officer") on September 11, 2017. Such approved amendments followed the Executive Officer's annual performance review and are made as permitted by Paragraph 19 of the Employment Agreement. The Parties agree as follows:

AMENDMENTS

1. Paragraph 4 ("Compensation"), subparagraph "A" is hereby amended in its entirety to read as follows:

A. Effective as of the first day of the first pay period following the Executive Officer's one-year anniversary date September 11, 2017, the Executive Officer's annual salary shall be \$168,000 and as otherwise provided in section 6.20 of LAFCO's Personnel Rules ("Rules").

2. Paragraph 7 ("Vacation Leave"), subparagraph "A" is hereby amended in its entirety to read as follows:

A. Executive Officer shall be afforded vacation benefits provided for Executive Management per San Diego County's Compensation Ordinance Section 4.2.1 – Vacation. At present, this affords 15 days per year for employees with one to four years' service, 20 days per year for employees with five to 14 years' service, and 25 days per year to employees with 15 years of service and over. Accruals are credited on a biweekly basis and available for use as it is accrued. The effective date of this vacation accrual formula is retroactive to the start date of the Executive Officer's employment with LAFCO on September 11, 2017 and is intended to adjust the Executive Officer's vacation benefits from the inception of his employment to be consistent with the executive management vacation benefits afforded County of San Diego executive management employees.

3. All other recitals, paragraphs, subparagraphs and clauses of the Agreement remain unchanged by this First Amendment to Employment Agreement.

EXECUTIVE OFFICER

Dated: _____

Keene Simonds

LAFCO

Dated: _____

Jo MacKenzie, Chair

Approved as to form:

Holly O. Whatley
LAFCO Attorney

Dated: _____

Attest:

Tameron Lockett
LAFCO Clerk

Dated: _____