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Harry Mathis
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Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

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AGENDA REPORT

Consent | Action

December 3, 2018

TO: San Diego Commissioners
FROM: Keene Simonds, Executive Officer
SUBJECT: **Proposed Policy Amendment to Rules |
Appointments to the Personnel Committee**

SUMMARY

The San Diego Local Agency Formation Commission (LAFCO) will consider approving amendments to the Rules involving the Personnel Committee. The proposed amendments would transition the appointment process for the Personnel Committee to an assigned rotation consisting of the Chair, Vice Chair, and Immediate Past Chair. It also authorizes the Chair to fill the seat of the Immediate Past Chair should he or she no longer serve on the Commission. The amendments aim to simplify the appointment process and provide predictability and continuity in the Personnel Committee going forward.

BACKGROUND

[Adopted Rules | Personnel Committee](#)

San Diego LAFCO's adopted Rules were initially established in 1975 and prescribe the Commission's administrative policies and procedures. This includes establishing a Personnel Committee under Section 1.11 consisting of no less than three members that are appointed by the Commission and delegated two specific and grievance-related tasks. The first task is to consider reconsideration requests filed by employees with respect to their performance reviews performed by the Executive Officer (Section 6.7). The second task is to consider appeals filed by employees with respect to discipline issued by the Executive Officer involving suspension, demotion, or termination (Section 6.12).

DISCUSSION

This item is for San Diego LAFCO to consider proposed amendments to its adopted Rules specific to appointments to the Policy Committee and codified under Section 1.11. The proposed amendments include three distinct changes as detailed below.

- Existing policy specifies the composition of the Policy Committee shall include no less than three members. It is proposed the policy be amended to specify three members.
- Existing policy specifies the Commission shall appoint members to the Policy Committee. It is proposed the policy be amended to transition appointments to an assigned rotation consisting of the Chair, Vice Chair, and Immediate Past Chair.
- It is proposed the policy be amended to authorize the Chair to make an appointment to fill the seat on the Personnel Committee assigned to the Immediate Past Chair should they no longer be on the Commission.

A copy of the proposed amendments in track-change is provided in Attachment One.

ANALYSIS

The proposed amendments to the Rules serve to simplify the appointment process for the Personnel Committee and provide predictability and continuity in its membership going forward. It also – relatedly and markedly – helps to ensure the Personnel Committee is readily available to perform its delegated tasks to consider employee appeals under the Rules when needed and within the prescribed timelines established under State and local policy.

RECOMMENDATION

It is recommended San Diego LAFCO proceed with the proposed amendments to its adopted Rules involving the appointment process for the Policy Committee. This action is provided as Alternative Action One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Amend Rules Section 1.11 consistent with the changes show in Attachment One effective immediately.

Alternative Two:

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

Alternative Three:

Take no action.

San Diego LAFCO

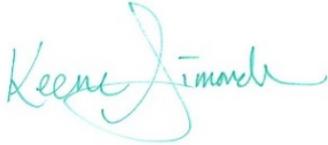
December 3, 2018 Regular Meeting

Agenda Item No. 9 | Policy Amendments to Rules for the Policy Committee Appointments

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

Attachment:

- 1) Proposed Amendments to Rules Section 1.11 | Track-Change Shown

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**RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION**

**ARTICLE I
ORGANIZATION**

- 1.1 Chairperson
- 1.2 Term
- 1.3 Chairperson, Duties
- 1.4 Vice Chairperson, Duties
- 1.5 Chairperson, Vacancy
- 1.6 Vice Chairperson, Vacancy
- 1.7 Clerk (Administrative Assistant)
- 1.8 Executive Officer
- 1.9 Special Districts Advisory Committee
- 1.10 Cities Advisory Committee
- 1.11 Personnel Committee
- 1.12 Adoption and Update of Rules

1.1 CHAIRPERSON -

At the first regular meeting of each calendar year, the members of the Commission shall by vote select a chairperson and vice chairperson who shall be Commission members.

1.2 TERM -

The chairperson and vice chairperson shall each serve for a term of one year, unless otherwise specified by a vote of the Commission.

1.3 CHAIRPERSON, DUTIES -

The duties of the chairperson shall be to:

- 1. Preside at all meetings of the Commission;
- 2. Maintain order and decorum;
- 3. Determine the order of business, with the Commission's consent;
- 4. Execute payment of claims and expenses, as necessary;
- 5. Approve or modify, on behalf of the Commission, an impartial analysis of a ballot proposition prepared by the Executive Officer;
- 6. Represent the Commission to citizen groups and other public agencies.

1.4 VICE CHAIRPERSON, DUTIES -

In the absence of the chairperson, the vice chairperson shall have the duties of the chairperson.

1.5 CHAIRPERSON, VACANCY -

In the event the position of chairperson becomes vacant, the vice chairperson shall become chairperson for the unexpired term, and a new vice chairperson shall be selected by vote of the Commission.

1.6 VICE CHAIRPERSON, VACANCY -

In the event the position of vice chairperson becomes vacant, a new vice chairperson shall be selected by vote of the Commission.

1.7 CLERK (ADMINISTRATIVE ASSISTANT) -

There is hereby established the position of clerk (administrative assistant) to the Commission. The duties of the clerk shall be to:

1. Attend and take minutes of each Commission meeting;
2. Prepare and publish all required legal notices, documents and certificates.

1.8 EXECUTIVE OFFICER -

There is hereby established the position of Executive Officer. The duties of the Executive Officer shall be to:

1. Execute the policies and directives of the Commission;
2. Conduct and perform the day-to-day business of the Commission;
3. Execute payment of claims and expenses, consistent with Commission policy and directives;
4. Prepare and present the annual budget;
5. Prepare the agenda for each meeting of the Commission;
6. Act as custodian of all official books, records, documents, and correspondence of the Commission;
7. Represent the Commission, as directed;
8. Perform such other duties as may be assigned by the Commission.
9. Appoint Commission employees;
10. Administratively approve out-of-agency service agreements, if all conditions of approval have been met in accordance with Government Code Section 56133, and the applicant has satisfactorily demonstrated the existence of public health, safety, or welfare impacts. The Executive Officer is required to inform the Commission at the next available LAFCO meeting about any administratively approved service agreements;

11. Approve his/her own expense claims (e.g., general, travel, or non-travel) up to \$500 for any single claim, consistent with Commission budget policy and direction. The Executive Officer is required to submit a summary of all self-approved claims and to the full Commission on a quarterly basis. Beginning in FY 2008-09 and every fiscal year thereafter, the Executive Officer is authorized to engage the services of an outside auditor to review applicable expenditure accounts of the Commission. The estimated cost and scope of the outside audit will be addressed in the Commission's annual budget; and
12. Approve step adjustments after above-standard employee performance evaluations, consistent with LAFCO budget policy and Commission direction (See also section 6.8).

1.9 SPECIAL DISTRICTS ADVISORY COMMITTEE -

The Commission recognizes the Special Districts Advisory Committee as a body to provide information on matters affecting independent special districts in San Diego County. Information about meeting location, agendas, schedules, selection of members, and other matters is contained in the Rules of the Special District Advisory Committee and Independent Special District Selection Committee.

1.10 CITIES ADVISORY COMMITTEE -

The Commission establishes the ad hoc Cities Advisory Committee to provide information and advice, related to matters affecting cities in San Diego County. The Committee functions in an ad hoc capacity and may be temporarily activated by the Executive Officer, Commission, or a majority of the Cities in the County. Information about meeting location, agendas, schedules, selection of members, and other administrative matters is contained in the Rules of the Cities Advisory Committee.

1.11 PERSONNEL COMMITTEE -

The Commission establishes the Personnel Committee to review matters relating to the Personnel Rules outlined in Section 6. The Committee shall be composed of ~~at least~~ three members of the Commission ~~and is appointed by 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.

1.12 ADOPTION AND UPDATE OF LAFCO RULES -

The Rules shall be regularly reviewed and updated, as necessary. Adoption, amendment, or update of the Commission's Rules generally requires Commission approval. However, technical changes and updates, including but not limited to revising code section references or reflecting changes to applicable county ordinances or policies may be administratively incorporated into the Rules by the Executive Officer. The Commission shall be informed of all technical changes to the Rules.

Adoption History: Article I, Sections 1.1 to 1.12

Adopted June 30, 1975

Amended August 2, 1993

Amended December 6, 1993

Amended March 7, 1994

Amended April 4, 1994

Re-affirmed and adopted December 4, 2000

Comprehensively Updated and re-adopted March 3, 2008

Amended November 5, 2012 (Sec. 1.8)