



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

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AGENDA REPORT
 Consent | Action

February 7, 2022

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Tamaron Luckett, Commission Clerk

SUBJECT: Proposed Update to Rule No. 2 | Commissioner Per Diems

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider approving an amendment to Rule No. 2 involving per diems. The proposed update adjusts for inflation and workload and increases authorized per diem payments from \$200 to \$250. The proposed update can be adequately covered in the current budget without necessitating any amendments. Staff recommends approval.

BACKGROUND

Per Diems | Policies and Rates

San Diego LAFCO Rule No. 2 authorizes the payment of per diems to all Commissioners for their time in attending regular and special meetings. Per diems are also provided for Committee meetings as well as authorized outside business activities (trainings, conferences, etc.) The current per diem rate of \$200 was set in May 2018. Additionally, and consistent with Internal Revenue Service requirements, Commissioners are LAFCO employees for tax purposes and the per diems include Federal and State withholdings.

Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org	Vice Chair Jim Desmond County of San Diego Joel Anderson County of San Diego Nora Vargas, Alt. County of San Diego	Paul McNamara City of Escondido Mary Casillas Salas City of Chula Vista Kristi Becker, Alt. City of Solana Beach	Chris Cate City of San Diego Marni von Wilpert, Alt. City of San Diego	Jo MacKenzie Vista Irrigation Barry Willis Alpine Fire Protection David Drake, Alt. Rincon del Diablo	Chair Andy Vanderlaan General Public Harry Mathis, Alt. General Public
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DISCUSSION

This item is for San Diego LAFCO to consider approving a proposed update to its adopted Rule No. 2 to increase per diem payments for all eligible meetings and associated activities from \$200 to \$250. The proposed update addresses changes in inflation and workload with the latter primarily tied to the expansion of the Commission's municipal service review program. The timing of the proposed update syncs with the Commission's earlier direction to perform semi-regular updates to the per diems to help ensure all members are reasonably compensated for their time and resources expended on LAFCO business as contemplated under statute. Additional discussion follows.

Inflation Rate

The current per diem rate of \$200 was established in May 2018. The consumer price index in the San Diego metropolitan region as calculated by the United States Department of Labor shows an overall inflation rate of 12.5%. Accommodating for the change in inflation alone represents a monetary impact to the current per diem rate of \$25.

Commission Workload

Commission workload has continued to steadily increase since the current per diem rate was set in May 2018 and most notably with respect to advancing the municipal service review program. This includes expanding Commissioners' time expended on and off the dais in reviewing studies and the related correspondence generated therein. This dynamic is reflected in a corresponding average increase of approximately 45 minutes in Commission meetings since the May 2018 update.

ANALYSIS

Increasing San Diego LAFCO's per diems to \$250 is warranted and appropriately responds to the considerations outlined in the preceding section. These considerations are highlighted by addressing accumulated inflation and expanded Commission time commitments in fulfilling its duties. The proposed update produces a minor impact on the adopted budget and can be readily accommodated without any amendments. Proceeding now with the update also provides an additional level of cost-certainty in the interim involving per diems given another update is not expected for another three to four-year period.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed update to Rule No. 2 involving per diem coverage 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 No. 2 as shown in Attachment One with any desired changes.

Alternative Two:

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

Alternative Three

Take no action.

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 LAFCO Rule No. 2 with Track Changes

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**RULES
SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION**

**RULES
SAN DIEGO
LOCAL AGENCY FORMATION COMMISSION**

**ARTICLE II
MEETINGS**

- 2.1 Public Meetings
- 2.2 Regular Meetings
- 2.3 Adjourned Meetings
- 2.4 Special Meetings
- 2.5 Agendas of Regular Meetings
- 2.6 Quorum; Votes Needed to Carry a Motion; Effect of Failure to Approve a Matter
- 2.7 Matters Considered
- 2.8 Attendance at Meetings
- 2.9 Disqualification
- 2.10 Per Diems
- 2.11 Reimbursements
- 2.12 Electronic Tablet Use

2.1 PUBLIC MEETINGS -

All meetings and activities of the Commission shall be subject to the Ralph M. Brown Act.

2.2 REGULAR MEETINGS -

Regular meetings of the Commission shall be held on the first Monday of each month unless that Monday is a holiday, in which case that meeting will be held the following Monday. Meetings will commence at 9:00 a.m., in Room 302, County Administration Center, 1600 Pacific Highway, San Diego.

2.3 ADJOURNED MEETINGS -

Any meeting may be adjourned to a specific date, time, and place. The chairperson shall announce the date, time, and place of the adjourned regular meeting. A notice shall be posted at the Commission's regular place of posting specifying the date, time, and place of the adjourned regular meeting. Less than a quorum may adjourn a meeting. If all members

are absent, the Commission clerk may adjourn the meeting to a specified date, time, and place, and post the required notice.

2.4 SPECIAL MEETINGS -

A special meeting may be called at any time by the chairperson, or by a majority of the members of the Commission, by delivering personally or by any other means, notice to each member of the Commission and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice must be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the date, time, and place of the special meeting and business to be transacted.

No other business shall be considered at such meetings by the Commission. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes, files with the clerk of the Commission a written waiver of notice. Such waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting at the Commission's regular place of posting.

2.5 AGENDAS OF REGULAR MEETINGS -

At least 72 hours before a regular meeting, an agenda shall be posted at the Commission's regular place of posting that will contain a brief description of each item of business to be transacted or discussed at the meeting. The agenda shall also be posted on the Commission's website: sdlafco.org. However, failure to post on the Commission's website will not invalidate any action of the Commission. Any person may speak to any item on the agenda. In addition, the agenda will include an item entitled "Public Comment" during which members of public may speak to any matter within the Commission's jurisdiction, but not on the agenda. The Commission will not make a final determination on any issue raised during the Public Comment period that is not included on the agenda. The Commission will have the option of referring the matter to staff or scheduling action for a future agenda. Each speaker shall be limited to no more than three minutes on any item unless extended by permission of the Chairperson.

2.6 QUORUM; VOTES NEEDED TO CARRY A MOTION; EFFECT OF FAILURE TO APPROVE A MATTER -

1. Five members of the Commission constitute a quorum for the transaction of business.
2. An affirmative vote of five members of the Commission is required to adopt any motion.
3. If a proposal for a change of organization or reorganization is wholly disapproved by the Commission, no further proceedings shall be taken on the proposal and no similar proposal involving the same or substantially the same territory, shall be initiated for one year after the date of adoption of the resolution terminating proceedings. The Commission may waive these requirements if it finds it to be in the public interest.
4. If a proposal for a change of organization, reorganization or amendment of a sphere of influence is neither denied, continued nor approved at the meeting at which it is

considered, it is deemed denied without prejudice to refiling a petition or resolution of application for the proposal at any time.

5. If a recommendation to adopt an original sphere of influence is neither approved nor continued at the meeting at which it is considered it is deemed automatically continued to the next meeting of the Commission.
6. If an application pursuant to Government Code Section 56895 to amend, modify or revise a resolution of the Commission is not approved or continued at the meeting at which it is considered, it is deemed denied and no further action shall be taken thereon and no further application for the same or a substantially similar amendment, recodification or revision shall be accepted.
7. Any other recommendation before the Commission is deemed denied if it does not receive five affirmative votes or is not continued to another meeting.

2.7 MATTERS CONSIDERED -

No matter requiring a determination by the Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 shall be brought before the Commission unless it is first filed by the Executive Officer.

Adoption History: Article II, Sections 2.1 to 2.7

Adopted June 30, 1975

Amended February 2, 1987

Amended March 2, 1987

Re-affirmed and adopted December 4, 2000

Administratively Revised and Updated May 24, 2005

Comprehensively Updated and re-adopted March 3, 2008

2.8 ATTENDANCE AT MEETINGS -

1. Regular members of the Commission shall attend all meetings of the Commission. Alternate members are urged to attend all Commission meetings;
2. If a regular Commissioner cannot attend, s/he shall notify the Executive Officer one working day prior to the Commission meeting;
3. Each Commissioner is expected to remain for each entire meeting. Early departure is considered an absence for the purposes of these policies;
4. The Chairperson may excuse the absence of a Commissioner if s/he determines that the absence is due to sickness, personal emergency or attendance at another governmental function. All excused absences and the reasons for them shall be announced by the Chairperson at a regular meeting of the Commission; and
5. Inadequate attendance by a regular member of the Commission shall be considered non-performance of duties and shall result in the Chairperson notifying the appointing

authority of the member's attendance record. Inadequate attendance shall consist of two unexcused absences, or three consecutive absences, for any reason, in any fiscal year.

2.9 DISQUALIFICATION -

By law, the Commission must hold hearings on certain actions, including certain changes of organization and reorganization proposals, adoption of spheres of influence, city protests under the Williamson Act, and other matters. Because of the Commission's concern for the fair and orderly conduct of its hearings, the Commission adopts the following rules, pursuant to Government Code Section 56300:

1. From time to time, any commission member may determine to disqualify him or herself from participating in consideration of a proposal. The member should make every effort to announce his or her disqualification for any reason at the beginning of the Commission's consideration of the item. In those instances where the commission member does not become aware of the reason for disqualification until after the item is before the Commission, the Commission member should disqualify him or herself as soon as s/he becomes aware of the reason for disqualification.
2. A Commission member who is absent from a hearing or a material portion of a hearing on a particular matter is disqualified from participation in the discussion and from voting on that matter unless the member:
 - (a) Listens to the tape recording made of the hearing or the portion of the hearing from which the member was absent;
 - (b) Examines the documentary material received by the Commission during the hearing or portion of the hearing from which the member was absent; and
 - (c) States in public session for the record that s/he has done both of the above.
3. When a member of the Commission is disqualified or determines to disqualify him or herself, the designated alternate member shall serve and vote in his or her place (Government Code Sections 56325, 56325(a), 56331, 56331.3, 56332, 56332(d), 56335 and 56336).

Adoption History: Article II, Sections 2.8 to 2.9

Adopted June 5, 1978

Amended July 13, 1981

Amended January 10, 1983

Amended June 4, 1990

Re-affirmed and adopted December 4, 2000

Administratively Revised and Updated May 24, 2005

Comprehensively Updated and re-adopted March 3, 2008

2.10 PER DIEMS –

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 officer, the Commission has established a per diem rate of \$~~200~~250. Per diems shall be provided to Commissioners (regulars and alternates) for each day in attendance at 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.

Adoption History: Article II, Section 2.10

Adopted March 4, 1991

Updated February 7, 2000

Re-affirmed and adopted December 4, 2000

Reaffirmed February 4, 2002

Administratively Revised and Updated May 24, 2005

Comprehensively Updated and re-adopted March 3, 2008

Amended May 7, 2018

Amended May 6, 2019

Updated August 5, 2019

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 LAFCO. This includes – and as needed – providing reimbursements for Commissioners and staff.

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.

Adoption History: Article II, Section 2.11

Adopted March 4, 1991

Updated February 7, 2000

Re-affirmed and adopted December 4, 2000

Reaffirmed February 4, 2002

Administratively Revised and Updated May 24, 2005

Comprehensively Updated and re-adopted March 3, 2008

Amended May 7, 2018

Amended May 6, 2019

Administratively Revised and Updated August 5, 2019

2.12 ELECTRONIC TABLET USE -

Use of an electronic tablet (i.e., iPads, etc.) will assist the Commission in the efficient performance of their duties and reduce material resources. Each Commissioner (regular and alternate) will be provided a tablet and supporting equipment for the principal purpose of reviewing agenda packets at all regular and special meetings. Commissioners shall not use the tablet in any way as to violate the public meeting requirements of the Brown Act. implementing rules follow.

1. Unless otherwise arranged, tablets will be provided to Commissioners on the dais and preloaded with the full agenda packet. The same tablet will be provided to each Commissioner and allow past packets and notes taken therein to be saved and accessible for future reference. Commissioners shall leave the tablets on the dais for collection by staff at the conclusion of each meeting.
2. Commissioners have the elective to sign-out for a tablet. Under the elective, Commissioners shall be responsible for the security and care of the tablet and downloading all agenda packets and saving all related materials as needed. Upon return and following the preparation any appropriate backup files, the tablet will be wiped clean of any and all information.
3. All tablets will have WI-FI function. No data plans will be provided.
4. Commissioners may use the tablets for incidental personal uses so long as such uses do not conflict with policy or otherwise interfere with LAFCO business.
5. LAFCO will maintain appropriate warranty and service coverage on all tablets. Commissioners shall notify staff immediately should a tablet require service.
6. All other existing LAFCO policies apply to the Commissioners' use of the tablet and conduct on the internet and includes – but not limited to – Administrative Policy A-103 and provided as an appendix.
7. LAFCO reserves the right to inspect any and all files stored on the tablet to ensure compliance with this rule.
8. All Commissioners are encouraged to use tablets and specifically as a substitute for receiving paper agenda packets. Paper agenda packets, nonetheless, will be provided to any Commissioner at their request.

Adoption History: Article II, Section 2.12

Adopted May 6, 2019

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