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STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

November 10, 2021

TO: Local Agency Formation Commission
of Orange County

FROM: Commission Chair
General Counsel

SUBJECT: Adoption of a Resolution Approving the Second
Amendment to Memorandum of Agreement for the
Position of Executive Officer with Carolyn Emery

BACKGROUND

On July 11, 2018 Executive Officer Carolyn Emery ("Emery") and the Commission entered into an Amended and Restated Memorandum of Agreement for the Position of LAFCO Executive Officer. Sections 4 and 5 of the Agreement provide that the salary provided the Executive Officer may be increased by Commission action.

Pursuant to the Agreement and LAFCO policy, on October 13, 2021 the Commission conducted Emery's performance evaluation. The Commission and Emery now desire to amend the Agreement in the form of a Second Amendment to Memorandum of Agreement to set 2021-22 compensation.

Government Code Subsections 54956(b) and 54957.6(a) require that any final Commission action on executive compensation occur during the public portion of a regular meeting. The attached Resolution provides final approval of the Second Amendment to Memorandum of Agreement presented by the Commission's labor negotiator (its Chair) and accepted by Emery.

RECOMMENDED ACTION

It is recommended that the Commission:

1. Adopt Resolution No. CP 21-10 approving the Second Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer for Carolyn Emery; and

2. Authorize Commission Chair Douglass Davert to execute and the Commission Clerk to attest to these documents.

Respectfully submitted,



SCOTT C. SMITH
General Counsel



DOUGLASS DAVERT
Commission Chair

Attachment 1: Form of Resolution No. CP 21-10

CP 21-10

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY, CALIFORNIA APPROVING THE SECOND AMENDMENT TO
MEMORANDUM OF AGREEMENT FOR THE POSITION OF LAFCO EXECUTIVE
OFFICER

November 10, 2021

On motion of Commissioner, duly seconded and carried, the following resolution was adopted:

WHEREAS, Carolyn Emery ("Emery") has served capably in the position of Executive Officer of the Orange County Local Agency Formation Commission ("Commission" or "LAFCO") since 2013; and

WHEREAS, the Commission and Emery have entered into a series of Memoranda of Agreement for the Position of LAFCO Executive Officer and amendments thereto over the years; and

WHEREAS, on October 13, 2021 the Commission completed its annual evaluation of Emery; and

WHEREAS, LAFCO and Emery have agreed to the compensation, duties, and other terms and conditions in the attached Second Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer, which shall apply to Emery's employment as Executive Officer, effective July 1, 2021; and

NOW, THEREFORE, the Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER that the Second Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer between LAFCO and Emery, attached to this Resolution as Exhibit "A" and incorporated herein by this reference is hereby approved.

Ayes:

Noes:

EXHIBIT A

SECOND AMENDMENT TO MEMORANDUM OF AGREEMENT FOR THE POSITION OF
LAFCO EXECUTIVE OFFICER

November ____, 2021

WHEREAS, Carolyn Emery (“Emery”) has been serving as Executive Officer and previously served as Interim Executive Officer and in other positions for Local Agency Formation Commission, County of Orange (“LAFCO”) for more than 20 years; and

WHEREAS, LAFCO and Emery entered into an Amended and Restated Memorandum of Agreement for the Position of LAFCO Executive Officer on July 1, 2018 in order to restate their prior agreements and to memorialize the terms of her employment as Executive Officer going forward (“Agreement”); and

WHEREAS, LAFCO and Emery entered into a First Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer on June 12, 2019 in order to increase Emery’s salary as directed by the Commission on May 8, 2019 (“First Amendment”); and

WHEREAS, after having completed Emery’s 2021 annual performance evaluation, LAFCO and Emery have reached agreement on the terms for her continued appointment as Executive Officer, as provided herein; and

WHEREAS, LAFCO and Emery now desire to amend the Agreement in order to increase Emery’s salary as directed by the Commission on October 13, 2021 (“Second Amendment”).

NOW, THEREFORE, in consideration for the mutual covenants herein, it is agreed by and between the parties as follows:

1. **Salary.** Section 4 of the Agreement is hereby amended in its entirety to read as follows:

“As salary for services rendered by this appointment, Emery shall receive, effective July 1, 2021, \$191,689 per annum, paid biweekly, which shall be paid in the same manner and at the same times as County of Orange employees generally.”

2. **Remaining Provisions of Agreement.** Except as otherwise specifically set forth in this Second Amendment, the remaining provisions of the Agreement shall remain in full force and effect.

3. Acknowledgment and Consent. I, Carolyn Emery, acknowledge that I have read and fully understand the terms and conditions of this Second Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer, and I consent and agree to each and every term and condition contained herein.

Carolyn Emery

Douglass Davert, LAFCO Chair

Date

Date

Approved as to form:

Best Best & Krieger LLP, General
Counsel

Date