



June 12, 2019

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CAROLYN EMERY
EXECUTIVE OFFICER

TO: Local Agency Formation Commission

FROM: Commission Chair, Cheryl Brothers
General Counsel, Scott C. Smith

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

BACKGROUND

On July 11, 2018 long-time LAFCO employee and Executive Officer Carolyn Emery ("Emery") accepted an offer for continued employment and restated prior employment agreements by executing an Amended and Restated Memorandum of Agreement for the Position of LAFCO Executive Officer. In addition to setting 2018-19 compensation, the Amended and Restated Agreement set the contract term at three (3) years from July 1, 2018 to June 30, 2021. 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 May 8, 2019 the Commission conducted Emery's performance evaluation. The Commission and Emery now desire to amend the Agreement in the form of a First Amendment to Memorandum of Agreement to set 2019-20 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 First Amendment to Memorandum of Agreement presented by the Commission's labor negotiator (its Chair) and accepted by Emery.

RECOMMENDATION

It is recommended that the Commission:

1. Adopt Resolution No. CP 19-08 Approving the First Amendment to Memorandum of Agreement for the Position of LAFCO Executive Officer for Carolyn Emery; and
2. Authorize Commission Chair Cheryl Brothers to execute, and the Commission Clerk to attest to these documents.

Respectfully submitted,



SCOTT C. SMITH
of Best Best & Krieger LLP
LAFCO General Counsel



CHERYL BROTHERS
Chairperson of the Orange
County Local Agency Formation
Commission

Attachment: Resolution No. CP 19-08

CP 19-08

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

June 12, 2019

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 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 May 8, 2019 LAFCO 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 First 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, 2019; and

NOW, THEREFORE, LAFCO DOES HEREBY RESOLVE, DETERMINE, AND ORDER that the First 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:

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Cheryl Brothers, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 12th day of June 2019.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of June 2019.

Cheryl Brothers
Chairperson of the Orange County
Local Agency Formation Commission

By: _____
CHERYL BROTHERS

ATTEST:

Cheryl Carter-Benjamin, Commission Clerk
Orange County LAFCO

EXHIBIT A

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

June 12, 2019

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 18 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, after having completed Emery's 2019 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 May 8, 2019 ("First 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, 2019, \$84.32 per hour / \$175,385 per annum, paid biweekly, which shall be paid in the same manner and at the same times as County of Orange employees generally. Effective January 1, 2020, Emery shall receive \$88.87 per hour / \$184,849 per annum."

2. **Remaining Provisions of Agreement.** Except as otherwise specifically set forth in this First 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 First 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

Cheryl Brothers, LAFCO Chair

Date

Date

Approved as to form:

Best Best & Krieger LLP, General Counsel

Date

