

**LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY**

REGULAR MEETING AGENDA

**Wednesday, September 11, 2024
8:15 a.m.**

**County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W. Civic Center Drive, Santa Ana, CA 92701**

Any member of the public may request to speak on any agenda item at the time the Commission is considering the item.

1. CALL THE MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION

(Communications received after agenda distribution for agenda items.)

5. PUBLIC COMMENT

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken by the Commission on off-agenda items unless authorized by law.

6. CONSENT CALENDAR

a.) August 14, 2024 – Regular Commission Meeting Minutes

The Commission will consider approval of the August 14, 2024 meeting minutes.

7. PUBLIC HEARING

No public hearing items scheduled.

8. COMMISSION DISCUSSION AND ACTION

a.) Personnel Policies and Procedures (*Continued from August 14*)

The Commission will consider a proposed amendment to the Personnel Policies and Procedures involving employment categories.

b.) Legislative Report (September 2024)

The Commission will receive a report on the status of bills previously reviewed and recent changes to the CALAFCO legislative model.

9. COMMISSIONER COMMENTS

This is an opportunity for Commissioners to comment on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken except to place the item on a future agenda if approved by the Commission majority.

10. EXECUTIVE OFFICER'S REPORT

Executive Officer's announcement of upcoming events and brief report on activities of the Executive Officer since the last meeting.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

No informational items and announcements.

12. CLOSED SESSION

a.) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957
Title: Executive Officer

b.) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Commission Chair Donald P. Wagner and William Kelly of Kelly Associates Management Group
Unrepresented employee: Executive Officer

13. ADJOURNMENT OF REGULAR COMMISSION MEETING

The next Regular Commission Meeting will be held on Wednesday, October 9, 2024 at 8:15 a.m. at the County Administrative North (CAN), First Floor Multipurpose Room 101, 400 W. Civic Center Drive, Santa Ana, CA 92701.

PUBLIC PARTICIPATION:

The Local Agency Formation Commission of Orange County welcomes your participation. The public may share general comments or comments on agenda items through the following options:

- 1) **In-person** comments may be provided during the general comment period on off-agenda items and during the hearing of a specific agenda item. In accordance with the OC LAFCO guidelines, each speaker's comments may not exceed three (3) minutes for the respective item. If you have documents for the Commission, please bring 15 copies and submit to the Commission Clerk for distribution.
- 2) **Written** general comments or comments on specific agenda items may be submitted by email to the Commission Clerk at ccarter-benjamin@oclafco.org. Comments received no less than twenty-four (24) hours prior to the regular meeting will be distributed to the Commission and included in the record.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the OC LAFCO website at <https://oclafco.org/meetings/>.

State law requires that a participant in an OC LAFCO proceeding who has a financial interest in a decision and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the hearing.

AMERICANS WITH DISABILITIES ACT (ADA)

All regular meeting agendas and associated reports are available at <https://oclafco.org/meetings/>. Any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations shall be made with OC LAFCO staff at (714) 640-5100 at least three business days prior to the respective meeting.

2024 MEETING AND EVENTS CALENDAR

Approved November 8, 2023

2024



January						
S	M	T	W	T	F	S
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29	30	31				

- OC LAFCO Regular Meeting (*begins at 8:15 a.m.*)
Location: County Administrative North, First Floor Multipurpose Room 101, 400 W. Civic Center Dr., Santa Ana, CA 92701.
- Office closure due to legal holidays and flexible work schedule.
- CALAFCO Annual Conference - October 16 - 18, 2024 at Tenaya Lodge at Yosemite.

DRAFT MINUTES

OC LAFCO REGULAR MEETING

Wednesday, August 14, 2024
8:15 a.m.

County Administrative North (CAN)
First Floor Multipurpose Room 101
400 W. Civic Center Drive, Santa Ana, CA 92701

1. CALL TO ORDER

Chair Wagner called the meeting of the Local Agency Formation Commission of Orange County (OC LAFCO) to order at 8:15 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Whitaker led the Pledge of Allegiance.

3. ROLL CALL

The following Commissioners were present:

City Members

Wendy Bucknum **(Vice Chair)**
Bruce Whitaker
Carol Moore **(Alt.)**

County Member

Donald P. Wagner **(Chair)**

Special District Members

Douglass Davert
James Fisler
Kathryn Freshley **(Alt.)**

Public Members

Derek J. McGregor
Lou Penrose **(Alt.)**

The following staff members and general counsel were present:

- Assistant Executive Officer Luis Tapia
- Policy Analyst II Gavin Centeno
- Policy Analyst I Aimee Diaz
- Commission Clerk Cheryl Carter-Benjamin
- General Counsel Scott Smith

**4. ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATION
(Received After Agenda Distribution)**

The Commission Clerk noted that no supplemental communication was received.

5. PUBLIC COMMENT

Chair Wagner requested public comments on any non-agenda items. The Commission Clerk noted that there were no requests to speak from the public.

Chair Wagner closed the hearing of public comments.

6. CONSENT CALENDAR

Chair Wagner asked if there were any requests by Commissioners to pull the consent calendar item for discussion. There were no requests to pull the consent or Commission discussion, and the Commission Clerk noted that there were no requests from the public to speak on the item. **Commissioner Davert** motioned for approval of the consent calendar, and **Vice Chair Bucknum** seconded the motion.

6a. – July 10, 2024 - Regular Commission Meeting Minutes

MOTION: Approve the Consent Calendar. (Douglass Davert)
SECOND: Wendy Bucknum
FOR: Douglass Davert, Wendy Bucknum, James Fisler,
Derek J. McGregor, Bruce Whitaker, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

7. PUBLIC HEARING

Chair Wagner noted that there were no public hearing items scheduled for consideration by the Commission.

8. COMMISSION DISCUSSION AND ACTION

8a. – Grand Jury Report

Assistant Executive Officer Luis Tapia presented the staff report and recommended action for Commission consideration. General Counsel Scott Smith provided additional comments.

Chair Wagner called for Commission discussion and public comments. Commissioners made general comments and directed staff to make non-substantive changes to the draft. The Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Wagner called for a motion to approve the response to the Grand Jury as presented by staff with non-substantive changes provided by Commissioners. **Commissioner McGregor** motioned to approve the staff recommended action as noted by the Chair, and **Vice Chair Bucknum** seconded the motion.

MOTION: Approve response with non-substantive changes to the OCGJ Report. (Derek J. McGregor)
SECOND: Wendy Bucknum
FOR: Derek J. McGregor, Wendy Bucknum, Douglass Davert, James Fidler, Bruce Whitaker, Donald P. Wagner
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8b. – Personnel Policies and Procedures

Assistant Executive Officer Luis Tapia presented the staff report and recommended action.

Chair Wagner called for Commission discussion. Commissioners asked questions involving policy implementation and made general comments. Staff was directed to add clarifying language regarding the reassignment of duties to a single employee and bring back the policy for Commissioner consideration at the next regular meeting. The Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Wagner called for a motion on the item. **Vice Chair Bucknum** motioned to continue the item to the September 11 meeting to allow staff to incorporate feedback from the Commission, and **Chair Wagner** seconded the motion.

MOTION: Continue Personnel Policies and Procedures to September 11 Regular Meeting. (Wendy Bucknum)
SECOND: Donald P. Wagner
FOR: Wendy Bucknum, Donald P. Wagner, Douglass Davert, Derek J. McGregor, James Fidler, Bruce Whitaker
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

8c. – Rates Validation for Accounting Services

Assistant Executive Officer Luis Tapia presented the staff report and recommended action for Commission consideration.

Chair Wagner called for Commission discussion and public comments. There was no discussion from Commissioners, and the Commission Clerk noted that there were no requests from the public to speak on the item.

Chair Wagner called for a motion on the item. **Commissioner Davert** motioned to approve the staff recommended action, and **Chair Wagner** seconded the motion.

MOTION: Receive and file report. (Douglass Davert)
SECOND: Donald P. Wagner
FOR: Douglass Davert, Donald P. Wagner, Wendy Bucknum, James Fisler, Derek J. McGregor, Bruce Whitaker
AGAINST: None
ABSTAIN: None

MOTION PASSED: 6-0.

9. COMMISSIONER COMMENTS

Commissioners made general comments.

10. EXECUTIVE OFFICER’S REPORT

The Assistant Executive Officer noted that there were no additional items to report.

11. INFORMATIONAL ITEMS & ANNOUNCEMENTS

Chair Wagner noted that there were no informational items or announcements.

12. CLOSED SESSION

Chair Wagner adjourned to closed session at 8:42 a.m. on the following items:

a.) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code section 54957
Title: Executive Officer

b.) CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6

Agency designated representative: Commission Chair Donald P. Wagner and William Kelly of Kelly Associates Management Group
Unrepresented employee: Executive Officer

The Commission reconvened in open session at 8:54 a.m. General Counsel Scott Smith noted that the Commission discussed the closed session items, and there were no reportable actions.

13. ADJOURNMENT OF THE REGULAR COMMISSION MEETING

Chair Wagner adjourned the Regular Commission Meeting at 8:54 a.m. to September 11, 2024.

Donald P. Wagner, Chair
Orange County Local Agency Formation Commission

ATTEST:

By: _____
Cheryl Carter-Benjamin
Commission Clerk

8a | Commission
Discussion

REGULAR MEMBERS

CHAIR
Donald P. Wagner
County Member

VICE CHAIR
Wendy Bucknum
City Member

IMMEDIATE PAST CHAIR
Douglass Davert
Special District Member

James Fisler
Special District Member

Derek J. McGregor
Public Member

Bruce Whitaker
City Member

VACANT
County Member

ALTERNATES

Kathryn Freshley
Special District Member

Carol Moore
City Member

Lou Penrose
Public Member

VACANT
County Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: September 11, 2024

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Personnel Policies and Procedures
(Continued from August 14, 2024)

BACKGROUND

On August 14, 2024, the Commission continued amendments to the agency’s personnel policy proposed by staff to address the temporary assignment of work duties outside of an employee’s position class. Staff was directed to bring back the policy with language that clarifies the limiting of duties that are temporarily assigned. The updated language incorporating this direction is reflected in the attachment to this report.

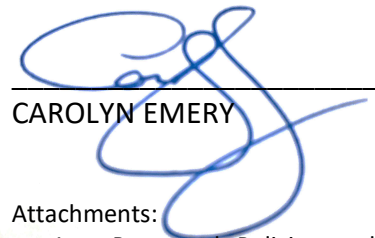
Staff is recommending the Commission adopt the amendment to the policy as presented.

RECOMMENDED ACTION

Staff recommends the Commission:

1. Adopt the personnel policies and procedures, as amended.

Respectfully Submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. Personnel Policies and Procedures of the Orange County Local Agency Formation Commission (Section 2) (Redline)
2. Personnel Policies and Procedures of the Orange County Local Agency Formation Commission (Section 2, as amended)

PART 2 – SALARY AND WAGE ADMINISTRATION**3.1 HIRING AND STAFFING****A. Overview**

The intent of this policy is to provide guidelines on the hiring and staffing practices of OC LAFCO.

B. Policy

To attract and retain qualified staff for OC LAFCO, it is the policy of OC LAFCO to use a criterion-based recruitment process and behavioral-based interview process to ensure the most qualified candidates are hired.

C. Recruiting

Recruiting applicants will be aggressive enough to assure an adequate supply of qualified candidates. The recruitment process may include, but is not limited to, the use of professional recruitment firms, referrals from current or past employees, walk-in applicants, and/or web-based postings.

D. Interviews

The employment interview is a major element in the selection process. It allows the applicant an opportunity to demonstrate his or her capabilities to perform the job and provides information to the candidate about the position. Interviews may be conducted by telephone or in face-to-face sessions.

All interview questions must be job-related and have direct bearing on the tasks of the position. Interviews and questions are standardized so that all applicants are evaluated equally. Questions that express (directly or indirectly) any preference, limitation, or general reference to any individual on the basis of a protected category are prohibited.

E. Probationary Period

All OC LAFCO new hires will have a twelve-month probationary period beginning on the first day of employment. The OC LAFCO supervisor will provide job training during this time period and the employee will be evaluated every three months during the probationary period. OC LAFCO may terminate an employee during this twelve-month probationary period at any point in time therein. OC LAFCO retains the right to extend the probationary period. Nothing in this

provision shall alter the at-will status of any employee.

3.2 COMPENSATION PRACTICES

A. Overview

The intent of this policy is to provide guidelines on the compensation practices of OC LAFCO.

B. Policy

It is OC LAFCO's policy to provide salaried exempt and salaried non-exempt employees with equitable salary compensation for the specific job assignment. The OC LAFCO salary compensation program is a "pay for performance" system and is designed to ensure OC LAFCO maintains an equitable value of its jobs while encouraging excellent employee performance. Consideration is given to relevant external factors such as economic conditions and the OC LAFCO annual budget. The program is implemented through established salary structures and grades, with salary ranges for both exempt and non-exempt employees. These grades provide different rates of pay for positions requiring different degrees of responsibility, experience, skills and knowledge.

Utilization of these criteria permits OC LAFCO to give individual consideration to each employee's pay in relation to his or her responsibilities, degree of contribution to the success of the agency, and job performance.

C. Salary Increases

Individual salary increases are not awarded on the basis of length of service but based on performance and OC LAFCO affordability.

D. Merit Reviews

1. Merit increases may be awarded during the compensation year in recognition of the employee's performance. The employee's performance is measured primarily on the following criteria as documented in the annual performance review: (1) did the employee successfully achieve his/her agreed upon goals and objectives? (2) what is the employee's overall value to the organization?
2. The following factors may be considered in the determination of the amount of increase: the employee's position in the pay range; compensation compared to other employees in comparable jobs; and the

annual budget of the organization.

3. Merit increases, if awarded, are typically effective at the beginning of the fiscal year but may also be deferred to any effective date within the compensation year. Employees may also receive a “pass” on any merit increase in base salary if (1) his/her performance in the fiscal year has not been worthy of an increase, and/or (2) the agency’s budget does not have sufficient funds for increases.

4. Probationary Merit Increase

If an employee is appointed at Step 1 of the salary range, he/she may be eligible to receive a 2.5% step increase upon completion of six-months of service based on his/her performance.

5. Merit Performance Incentive Pay Program for Employee at Top-Step

Once an employee reaches the top-step of the salary range for his/her classification, each year, in conjunction with the annual performance evaluation, the employee may be eligible to receive Merit Performance Incentive Pay ranging from zero to three percent of his/her annual base salary.

E. Organizational Promotion

1. A promotional increase may be awarded to an employee who experiences a significant change in the level or kind of work performed.
2. A promotional increase may be awarded to an employee who performs at a high level of competence and has demonstrated readiness to assume broader, more complex assignments if these assignments become available.

Proposed promotions from non-exempt to exempt salaried status, or from hourly to salaried status, must meet the exemption tests of the California Department of Industrial Relations, Industrial Welfare Commission Wage Order (California Wage Orders) and the Federal Fair Labor Standards Act.

3.3 EMPLOYMENT CATEGORIES

A. Overview

The intent of this policy is to define employment classifications so that employees understand their employment status and benefit eligibility.

B. Policy

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and OC LAFCO.

C. Exempt/Nonexempt

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Executive Officer. Generally, EXEMPT employees (as defined by the Fair Labor Standards Act of 1938) are not eligible for overtime pay and are paid on a salary basis. Conversely, NON-EXEMPT employees are generally paid on an hourly basis and are eligible for overtime pay.

D. Employment Categories

In addition to the above categories, each employee will belong to one other employment category:

1. Regular Full Time – Employees who are not in an extra help status and who are regularly scheduled to work OC LAFCO's full-time schedule. Generally, they are eligible for OC LAFCO's benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. Part-Time – Employees who are not assigned to an extra help status and who are regularly scheduled to work less than 30 hours per week. While part time employees do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they may be ineligible for some of OC LAFCO's other benefit programs.
3. Extra Help – Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Extra help employees retain that status unless and until notified of a change in writing signed by the Executive Officer. Extra help employees are ineligible for OC LAFCO's benefit programs unless otherwise required by law.

4. Intern – OC LAFCO sometimes utilizes the services of paid student interns. Interns are used to supplement the OC LAFCO work force and provide opportunities for local students to gain local government work experience. Employment is for a specified period of time. Interns are ineligible for OC LAFCO’s benefit programs.

5. Temporary Assignment Category (outside of regular full-time/part-time employment categories) – Occasionally, employees may be assigned additional temporary duties outside of their current position description when there is a business need, which may be due to new duties to be performed by OC LAFCO which have not yet been permanently assigned, a vacancy during a recruitment or extended leave of another employee. The term of a temporary assignment will be limited and include duties that are required to support internal efficiencies and administration operations. All temporary assignments will be approved by the Executive Officer and will be compensated at a maximum two and a half percent temporary increase to the affected employee’s current bi-weekly salary. At the end of the temporary assignment, the affected employee’s bi-weekly salary will be returned to the previous bi-weekly salary. This additional amount will not be reportable for retirement purposes. Employees that are required to perform additional duties on a short-term basis (for less than two weeks) will not be eligible for additional pay. A temporary assignment is not intended to be applied to multiple employees at one time for sharing additional duties due to vacancies or extended leaves.

This provision does not apply to the position of Executive Officer.

E. Job Descriptions

Job descriptions are adopted by the Commission in the Classification and Compensation Resolution. Please refer to Resolution CP 18-04 for the current job descriptions.

3.4 PAY POLICIES

A. Overview

The intent of this policy is to explain and clarify wage administration, work hours and timekeeping.

B. Payment of Wages

All employees are paid biweekly (every two weeks). There are 26 pay periods each year with paydays being every other Friday. In the event that the normal payday falls on an OC LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

C. Pay Advances

OC LAFCO does not give advances against wages or un-accrued vacation time.

D. Corrections to Payroll

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. Payment due to a correction will be processed in accordance with state law.

E. Overtime Pay

When OC LAFCO's needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work for nonexempt employees must receive prior authorization of the Executive Officer. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws, based on actual hours worked. OC LAFCO will make an effort to evenly distribute overtime based on business necessity among the employees with the necessary skills, knowledge, and abilities. When possible, advance notification will be provided. Employees who refuse to work overtime shall be subject to corrective action, up to and potentially including termination.

OC LAFCO policy is that all overtime should be pre-approved by the Executive Officer. OC LAFCO will pay any overtime worked, regardless if pre-approved. However, the working of overtime that has not been approved may be grounds for discipline, up to and including termination of employment.

All employees who are classified as "non-exempt employees," as defined under applicable laws or regulations, will be eligible for overtime pay. Exempt employees are not entitled to overtime pay. Overtime is typically defined under federal law as hours worked by non-exempt employees in excess of forty (40) hours in a workweek. In California, overtime is also typically applied to hours worked over eight (8) in a standard work day; though alternate work weeks allow variance. OC LAFCO follows the applicable state and federal laws when calculating overtime. Please note that only actual hours worked in a given workday or work week apply in calculating overtime. In other words, sick leave, vacation, holidays, or other paid time off is not considered hours worked for purposes of calculating overtime. Employees are obligated to accurately report their overtime worked; any error in

overtime payment must be reported in writing to management for correction.

Employees of OC LAFCO designated as exempt employees shall not be subject to the provisions of this section.

F. Work Hours

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week, at the discretion of the Executive Officer.

G. Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require OC LAFCO to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees shall accurately record the actual time they begin and end their work electronically. Each employee is responsible for the daily recording of all time worked on this device. Each employee MUST record their start and finish times for the work day and for meal periods daily. Nonexempt employees must also record departure from work for any non-work-related reason. Failure to do so will subject an employee to discipline, up to and including discharge. Submitting time for another employee is grounds for discipline, up to and including termination. Altering, falsifying, or tampering with time records may result in termination.

OC LAFCO's time keeping policies must be followed at all times. Employees are responsible for reviewing their time entries for accuracy and confirming that their paychecks accurately reflect their actual hours worked. If there are any errors on your paycheck, you should report the error immediately in writing. Any pay correction will be included in the pay period for the time period in which the correction occurred, unless otherwise stated at the time of the correction. Any modifications to a time record must be initialed by the employee, supervisor and the Executive Officer. Exempt employees are expected to also keep track of their hours on a timesheet to be provided by OC LAFCO.

3.5 COMPENSATION STRUCTURE

The compensation structure is performance-based with ten-step salary ranges for each classification (See the Classification and Compensation Resolution CP 18-04 for details).

PART 2 – SALARY AND WAGE ADMINISTRATION**3.1 HIRING AND STAFFING****A. Overview**

The intent of this policy is to provide guidelines on the hiring and staffing practices of OC LAFCO.

B. Policy

To attract and retain qualified staff for OC LAFCO, it is the policy of OC LAFCO to use a criterion-based recruitment process and behavioral-based interview process to ensure the most qualified candidates are hired.

C. Recruiting

Recruiting applicants will be aggressive enough to assure an adequate supply of qualified candidates. The recruitment process may include, but is not limited to, the use of professional recruitment firms, referrals from current or past employees, walk-in applicants, and/or web-based postings.

D. Interviews

The employment interview is a major element in the selection process. It allows the applicant an opportunity to demonstrate his or her capabilities to perform the job and provides information to the candidate about the position. Interviews may be conducted by telephone or in face-to-face sessions.

All interview questions must be job-related and have direct bearing on the tasks of the position. Interviews and questions are standardized so that all applicants are evaluated equally. Questions that express (directly or indirectly) any preference, limitation, or general reference to any individual on the basis of a protected category are prohibited.

E. Probationary Period

All OC LAFCO new hires will have a twelve-month probationary period beginning on the first day of employment. The OC LAFCO supervisor will provide job training during this time period and the employee will be evaluated every three months during the probationary period. OC LAFCO may terminate an employee during this twelve-month probationary period at any point in time therein. OC LAFCO retains the right to extend the probationary period. Nothing in this

provision shall alter the at-will status of any employee.

3.2 COMPENSATION PRACTICES

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C. Salary Increases

Individual salary increases are not awarded on the basis of length of service but based on performance and OC LAFCO affordability.

D. Merit Reviews

1. Merit increases may be awarded during the compensation year in recognition of the employee's performance. The employee's performance is measured primarily on the following criteria as documented in the annual performance review: (1) did the employee successfully achieve his/her agreed upon goals and objectives? (2) what is the employee's overall value to the organization?
2. The following factors may be considered in the determination of the amount of increase: the employee's position in the pay range; compensation compared to other employees in comparable jobs; and the

annual budget of the organization.

3. Merit increases, if awarded, are typically effective at the beginning of the fiscal year but may also be deferred to any effective date within the compensation year. Employees may also receive a “pass” on any merit increase in base salary if (1) his/her performance in the fiscal year has not been worthy of an increase, and/or (2) the agency’s budget does not have sufficient funds for increases.

4. Probationary Merit Increase

If an employee is appointed at Step 1 of the salary range, he/she may be eligible to receive a 2.5% step increase upon completion of six-months of service based on his/her performance.

5. Merit Performance Incentive Pay Program for Employee at Top-Step

Once an employee reaches the top-step of the salary range for his/her classification, each year, in conjunction with the annual performance evaluation, the employee may be eligible to receive Merit Performance Incentive Pay ranging from zero to three percent of his/her annual base salary.

E. Organizational Promotion

1. A promotional increase may be awarded to an employee who experiences a significant change in the level or kind of work performed.
2. A promotional increase may be awarded to an employee who performs at a high level of competence and has demonstrated readiness to assume broader, more complex assignments if these assignments become available.

Proposed promotions from non-exempt to exempt salaried status, or from hourly to salaried status, must meet the exemption tests of the California Department of Industrial Relations, Industrial Welfare Commission Wage Order (California Wage Orders) and the Federal Fair Labor Standards Act.

3.3 EMPLOYMENT CATEGORIES

A. Overview

The intent of this policy is to define employment classifications so that employees understand their employment status and benefit eligibility.

B. Policy

These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and OC LAFCO.

C. Exempt/Nonexempt

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Executive Officer. Generally, EXEMPT employees (as defined by the Fair Labor Standards Act of 1938) are not eligible for overtime pay and are paid on a salary basis. Conversely, NON-EXEMPT employees are generally paid on an hourly basis and are eligible for overtime pay.

D. Employment Categories

In addition to the above categories, each employee will belong to one other employment category:

1. Regular Full Time – Employees who are not in an extra help status and who are regularly scheduled to work OC LAFCO's full-time schedule. Generally, they are eligible for OC LAFCO's benefit package, subject to the terms, conditions, and limitations of each benefit program.
2. Part-Time – Employees who are not assigned to an extra help status and who are regularly scheduled to work less than 30 hours per week. While part time employees do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they may be ineligible for some of OC LAFCO's other benefit programs.
3. Extra Help – Employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Extra help employees retain that status unless and until notified of a change in writing signed by the Executive Officer. Extra help employees are ineligible for OC LAFCO's benefit programs unless otherwise required by law.

4. Intern – OC LAFCO sometimes utilizes the services of paid student interns. Interns are used to supplement the OC LAFCO work force and provide opportunities for local students to gain local government work experience. Employment is for a specified period of time. Interns are ineligible for OC LAFCO’s benefit programs.
5. Temporary Assignment Category (outside of regular full-time/part-time employment categories) – Occasionally, employees may be assigned additional temporary duties outside of their current position description when there is a business need, which may be due to new duties to be performed by OC LAFCO which have not yet been permanently assigned, a vacancy during a recruitment or extended leave of another employee. The term of a temporary assignment will be limited and include duties that are required to support internal efficiencies and administration operations. All temporary assignments will be approved by the Executive Officer and will be compensated at a maximum two and a half percent temporary increase to the affected employee’s current bi-weekly salary. At the end of the temporary assignment, the affected employee’s bi-weekly salary will be returned to the previous bi-weekly salary. This additional amount will not be reportable for retirement purposes. Employees that are required to perform additional duties on a short-term basis (for less than two weeks) will not be eligible for additional pay. A temporary assignment is not intended to be applied to multiple employees at one time for sharing additional duties due to vacancies or extended leaves.

This provision does not apply to the position of Executive Officer.

E. Job Descriptions

Job descriptions are adopted by the Commission in the Classification and Compensation Resolution. Please refer to Resolution CP 18-04 for the current job descriptions.

3.4 PAY POLICIES

A. Overview

The intent of this policy is to explain and clarify wage administration, work hours and timekeeping.

B. Payment of Wages

All employees are paid biweekly (every two weeks). There are 26 pay periods each year with paydays being every other Friday. In the event that the normal payday falls on an OC LAFCO holiday, the pay date will be the first day immediately prior to the normal pay date.

C. Pay Advances

OC LAFCO does not give advances against wages or un-accrued vacation time.

D. Corrections to Payroll

Errors arising from the payroll processing will be worked out with the payroll contact and the employee. Payment due to a correction will be processed in accordance with state law.

E. Overtime Pay

When OC LAFCO's needs cannot be met during regular working hours, employees may be required to work overtime. All overtime work for nonexempt employees must receive prior authorization of the Executive Officer. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws, based on actual hours worked. OC LAFCO will make an effort to evenly distribute overtime based on business necessity among the employees with the necessary skills, knowledge, and abilities. When possible, advance notification will be provided. Employees who refuse to work overtime shall be subject to corrective action, up to and potentially including termination.

OC LAFCO policy is that all overtime should be pre-approved by the Executive Officer. OC LAFCO will pay any overtime worked, regardless if pre-approved. However, the working of overtime that has not been approved may be grounds for discipline, up to and including termination of employment.

All employees who are classified as "non-exempt employees," as defined under applicable laws or regulations, will be eligible for overtime pay. Exempt employees are not entitled to overtime pay. Overtime is typically defined under federal law as hours worked by non-exempt employees in excess of forty (40) hours in a workweek. In California, overtime is also typically applied to hours worked over eight (8) in a standard work day; though alternate work weeks allow variance. OC LAFCO follows the applicable state and federal laws when calculating overtime. Please note that only actual hours worked in a given workday or work week apply in calculating overtime. In other words, sick leave, vacation, holidays, or other paid time off is not considered hours worked for purposes of calculating overtime. Employees are obligated to accurately report their overtime worked; any error in

overtime payment must be reported in writing to management for correction.

Employees of OC LAFCO designated as exempt employees shall not be subject to the provisions of this section.

F. Work Hours

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week, at the discretion of the Executive Officer.

G. Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require OC LAFCO to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees shall accurately record the actual time they begin and end their work electronically. Each employee is responsible for the daily recording of all time worked on this device. Each employee MUST record their start and finish times for the work day and for meal periods daily. Nonexempt employees must also record departure from work for any non-work-related reason. Failure to do so will subject an employee to discipline, up to and including discharge. Submitting time for another employee is grounds for discipline, up to and including termination. Altering, falsifying, or tampering with time records may result in termination.

OC LAFCO's time keeping policies must be followed at all times. Employees are responsible for reviewing their time entries for accuracy and confirming that their paychecks accurately reflect their actual hours worked. If there are any errors on your paycheck, you should report the error immediately in writing. Any pay correction will be included in the pay period for the time period in which the correction occurred, unless otherwise stated at the time of the correction. Any modifications to a time record must be initialed by the employee, supervisor and the Executive Officer. Exempt employees are expected to also keep track of their hours on a timesheet to be provided by OC LAFCO.

3.5 COMPENSATION STRUCTURE

The compensation structure is performance-based with ten-step salary ranges for each classification (See the Classification and Compensation Resolution CP 18-04 for details).

8b | Commission
Discussion

REGULAR MEMBERS

CHAIR
Donald P. Wagner
County Member

VICE CHAIR
Wendy Bucknum
City Member

IMMEDIATE PAST CHAIR
Douglass Davert
Special District Member

James Fisler
Special District Member

Derek J. McGregor
Public Member

Bruce Whitaker
City Member

VACANT
County Member

ALTERNATES

Kathryn Freshley
Special District Member

Carol Moore
City Member

Lou Penrose
Public Member

VACANT
County Member

STAFF

Carolyn Emery
Executive Officer

Scott Smith
General Counsel

MEETING DATE: September 11, 2024

TO: Local Agency Formation Commission of Orange County

FROM: Executive Officer
Assistant Executive Officer

SUBJECT: Legislative Report (September 2024)

BACKGROUND

The end of the 2024 legislative session is quickly approaching, and the Assembly and Senate have moved all bills to be considered to the Governor’s desk. Governor Newsom must sign or veto bills that survived the legislative process by September 30.

This report provides an update on bills previously reviewed by the Commission. Additionally, a discussion on recent activity of CALAFCO involving the Board’s realignment of the legislative model is included in this legislative report.

UPDATE ON PREVIOUSLY REVIEWED LEGISLATION

The 2024 legislative session ended with minimal activity for legislation of LAFCO interest. The Commission adopted positions on five bills, and the table on the following page provides additional information on the status of each bill.

For one of these bills, SB 1209, which includes the indemnification of LAFCO by applicants for approved applications, staff will provide additional details at the meeting on recent events involving the bill, including opposition from San Luis Obispo LAFCO. SB 1209 was prompted by the California Court of Appeals ruling involving a San Luis Obispo proposal on which the court opined that it was not the authority of LAFCOs to require indemnification by the applicant as a condition of processing an application.

2023-24 Legislative Session – Bill Status			
Bill	Description	Adopted Position	Status
AB 805	Proposes the designation of an “Administrator” by the State Water Resources Control Board involving inadequate and failing sewer systems serving disadvantaged communities.	Watch	Passed by both Houses of the Legislature on August 27, 2024. Enrolled to the Governor
AB 3277	Proposes to amend the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) for proposals seeking the formation of a special district to exclude the exchange of property tax revenue when an affected agency is not seeking a share of the property tax revenue.	Support	Signed by the Governor on July 2, 2024
AB 2661	Proposes to provide the Westlands Water District located in Fresno County with the authority to generate, provide and sell electricity.	Watch	Passed by both Houses of the Legislature on August 31, 2024. Enrolled to the Governor.
SB 1209	Proposes to amend current State law for explicit authorization by LAFCOs to require indemnification by applicants for litigation involving approvals by the Commission.	Support	Passed by both Houses of the Legislature on August 26, 2024. Enrolled to the Governor.
H.R. 7525	Proposes to codify a formal definition of special district in federal law and direct federal agencies to recognize special districts as local governments to ensure districts are able to receive federal assistance, including funding and grants.	Support	H.R. 7525 was approved by the US House of Representatives on May 6, 2024. The Senate companion bill, S. 4673 was referred to the Senate Committee on Homeland Security and Government Affairs and is expected to be reviewed during the coming weeks.

REALIGNMENT OF CALAFCO LEGISLATIVE MODEL

On July 19, 2024, the CALAFCO Board approved the realignment of CALAFCO’s legislative model based on recommendations of the Ad Hoc Modernization Committee. The realignment includes the following key actions:

- Elimination of the legislative committee comprised of Commissioners and staff from each CALAFCO region (central, coastal, northern, and southern).
- Shift of significant legislative responsibilities from CALAFCO's Executive Director to each regional officer and respective LAFCO staff.
- Replaced legislative committee with a policy committee comprised of one CALAFCO Board member from each region and CALAFCO Executive Director.

Since that time, concerns regarding the Board's action have been raised from each of the regions, and on August 28, 2024, the southern region group met to discuss the collective concerns of the six LAFCOs (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego). In addition to the elimination of the legislative committee, the group highlighted the shifting of significant responsibilities to local LAFCOs without an opportunity to provide feedback as a key concern. Additional concerns are referenced in Attachment 2, and a request for the CALAFCO Board to hold a special meeting to consider rescinding the new legislative model to engage membership appropriately and reinstatement of the former process for participation in the 2025 legislative session effort, which has already begun.

Staff will continue to monitor this activity and keep the Commission informed accordingly.

RECOMMENDED ACTION

This is a receive and file report. However, the Commission may provide direction to staff as warranted.

Respectfully Submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. San Luis Obispo LAFCO Letter of Opposition - Senate Bill 1209
2. Realignment of CALAFCO Legislative Model (Summary prepared by staff of Southern Region LAFCOs)



LAFCO - San Luis Obispo - Local Agency Formation Commission
 SLO LAFCO - Serving the Area of San Luis Obispo County

August 27, 2024

The Honorable Gavin Newsom
 Governor, State of California
 1021 O Street, Suite 9000
 Sacramento, CA 95814

RE: OPPOSITION TO SB 1209

Dear Governor Newsom:

The San Luis Obispo Local Agency Formation Commission (SLO LAFCO) possesses a unique understanding of this issue and is **opposed** to SB 1209 as currently amended but supports the original text of SB 1209. SLO LAFCO was a party in the lawsuit *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach* (2021) 61 Cal. App. 5th 595, filed after a denial of an application by LAFCO, in which the Court held that LAFCO did not have the legal authority to require an applicant to defend and indemnify LAFCO. This lawsuit necessitated SB 1209.

The amendments to SB 1209 contradict its original intent. Originally, the bill aimed to ensure that all LAFCOs receive indemnification regardless of whether they approve or deny a proposal. However, the amended bill now provides indemnification only if a LAFCO approves a proposal.

This change undermines LAFCOs' authority and their role as decision-making bodies. As amended, SB 1209 places LAFCOs in a vulnerable legal position if their decision is to deny a proposal based on its merits. In contrast, nearly every other local agency in California has the authority to require indemnification regardless of its decision. The amended bill effectively prevents LAFCOs from requiring indemnification unless they approve a proposal.

The key amendment we oppose is the removal of original text stating that LAFCOs are indemnified from claims "from or relating to the action or determination by the commission," which was replaced with text stating that LAFCOs are indemnified from claims "to attack, set aside, void, or annul an approval by the commission."

For these reasons, we are opposed to SB 1209 and urge you to veto the bill.

On behalf of the San Luis Obispo Local Agency Formation Commission,

Rob Fitzroy
 Executive Officer

cc: State Senator Cortese
 State Senator Laird
 Assembly Member Dawn Addis
 California Association of Local Agency Formation Commissions (CALAFCO)
 SLO LAFCO Commission

- COMMISSIONERS**
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 MARSHALL OCHYLSKI
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 City Member
- David Watson
 Public Member
- STAFF**
- ROB FITZROY
 Executive Officer
- IMELDA MARQUEZ-VAWTER
 Analyst
- MORGAN BING
 Clerk Analyst
- BRIAN A. PIERIK
 Legal Counsel

REALIGNMENT OF CALAFCO LEGISLATIVE MODEL
(Summary prepared by staff of Southern Region LAFCOs)

August 28, 2024

This document is intended to summarize the concerns involving the realignment of the CALAFCO legislative model approved by the CALAFCO Board of Directors on July 19, 2024, resulting in the elimination of the long-standing legislative committee. Additionally, the summary may be used as a guide for preparing a response from the southern region group to the CALAFCO Board involving this matter. The summary follows the changes in the legislative model noted in the July 19 staff report prepared by the CALAFCO Executive Director (ED) and denotes respective concerns. Additionally, other general concerns are also referenced within this summary.

LEGISLATIVE MODEL CHANGES

- ❖ **Shifts legislative efforts away from current committee model to professional advocacy driven by a Legislative Platform similar to what CSAC and many local governments do.**

Concerns:

- The previously established legislative committee was comprised of tenured and experienced professionals (staff and commissioners) whose knowledge of the CKH Act and other pertinent state government codes and direct experiences contributed to the effective review of legislative proposals borne out of the committee and proposed legislation introduced in Sacramento. The geographically diverse committee provided opportunities to hear varying views from across the CALAFCO regions and vet efforts robustly and jointly. Following discussions, the committee's process also allowed for participation from outside of the committee through distribution of the agenda and providing comments at the monthly meetings before actions are moved for consideration by the Board. The new process removes these opportunities of engagement and betterment of LAFCO as a whole and replaced with an individualized and more layered process that includes separation of regional, policy committee, and Board discussions, meetings and positions.

It is difficult to assess this change beyond what is noted above without specific factors of comparison involving the legislative model and a professional advocacy model. Specifically, the staff report does not indicate the differences between the models or the similarities of LAFCO and CSAC or the "many local governments" reference.

❖ **More reliance on CALAFCO regional officers.**

Concerns:

- This change involves a significant shift of responsibilities involving seeking legislative proposals, feedback, and expertise from the CALAFCO ED to the regional officers. The staff report indicates that the change would decrease the ED's workload by approximately 200 hours but there was no consideration or vetting with the regional officers about the impact of the shift to them or their local LAFCO. Current and prior regional officers note that the existing workload is substantial, leaving little to no opportunity to take on such significant additional workload.
- This change requires the regional officer to convene meetings of the six southern LAFCOs to discuss legislative proposals or proposed legislation in line with the new policy's timeframe and often midnight hour legislation introduced in the Capitol (NOTE: Southern Region has the fewest members; scheduling consultation with the membership in the other three regions would be even more difficult). The varying dates of monthly Commission meetings and statutory timelines for proposals make it challenging to get together (scheduled or impromptu), review and respond in a timely way, which is a necessary involving legislative activities. Contrary to the assumptions of CALAFCO staff, this change does not facilitate the ability of the southern region to meet quickly, provide feedback, and take legislative positions immediately due to varying and at times demanding schedules. The previous legislative committee structure allowed for more deliberate participation through the appointment of regional representatives that were vetted in advance and internally to ensure the balancing of participation in CALAFCO. Further, the adoption of a yearly schedule of Legislative Committee meetings enabled all parties to plan their attendance.
- The shift requires regional officers to take on a more prominent role and provide or arrange for assistance and expertise involving proposals upon request from CALAFCO ED and notes that there will be a year-round CALAFCO presence in Sacramento. However, the new policy does not address the resources needed from each region, in particular the impacts to the regional officers. Of additional concern is that the shift in responsibilities from the ED to the regional officers represents a significant change and was approved by the Board without first seeking input from the four staff that represent their respective region. Because there was no feedback from the regional officers, the ED and Board overlooked the potential of a regional officer not being able to continue in this role due to added responsibilities. Again, current and prior regional officers note that the existing workload is substantial, leaving little to no opportunity to take on such significant additional workload.

- The new model calls for CALAFCO regional officers to vet proposals after conducting outreach within their region and recommend proposals to go forward to a Policy Committee. However, the new process does not identify how this is technically decided and potentially creates volatility within the region. For example, if there is not complete agreement from the four regional officers on proposals to move forward, how is it decided on what moves forward to the committee.
- The new model limits participant discussions to the respective regions, shutting out the opportunity to hear varying perspectives previously provided through the geographic and experience diversity of the disbanded committee.

❖ **Policy Committee considers which of the vetted proposals to recommend to the Board.**

Concerns:

- New model adds unnecessary layer to the process and defeats the purpose of regional discussions without identifying and aligning the criteria being used by the Policy Committee.
- New model lacks transparency and does not specify the process for how the regional group recommendations are reviewed by the Policy Committee and criteria for moving proposals forward to the Board.
- New model does not provide specifics for ED's role at the regional and Policy Committee stages. In particular, it is important to understand if ED remains neutral and how ED is brought up to speed in order to represent in Sacramento. It is worth noting that ED has taken positions and rendered analysis of legislative efforts that has impacted the fate of proposals.

❖ **Board makes the final determination of which recommended proposals to pursue.**

Concerns:

- New model lacks transparency and connection involving the Board, Policy Committee and regional discussions and positions. No criteria is indicated that supports alignment and process for Board to assess the discussions that occurred at committee and regional group stages.
- Again, the new model does not provide specifics for ED's role at the regional and Policy Committee stages. In particular, it is important to understand if ED remains neutral and how ED is brought up to speed in order to represent in Sacramento. It

is worth noting that ED has taken positions and rendered analysis of legislative efforts that has impacted the fate of proposals.

GENERAL CONCERNS

- The new legislative model eliminates opportunities for new LAFCO staff to learn about LAFCO law (CKH Act) and the legislative process and engage in advocacy with tenured staff.
- There occurred a disturbing lack of transparency on a significant change directly impacting LAFCOs. The ED and Board did not solicit feedback from the regional officers on the new legislative model before approval.
- While the CALAFCO staff report list the benefits of the new model, additional information on the reallocation of the 200 hours for ED position to another membership enhancement is noticeably missing.
- While an Advocate is funded by CALAFCO budget (in large part from membership dues), the new process includes that the regions must “provide,” or arrange for, assistance and expertise of the Advocate ***upon request of ED***. It is not clear in the new process if CALAFCO or the region is responsible for funding of the Advocate in these instances.
- New structure narrows the qualifications and skills needed for the ED (current and new) to engage in legislative affairs yet indicates ED being active year-round in Sacramento as a benefit. It is critical that ED have specialized skills in order to navigate the systems in the Capitol. While we do not question the desirability of securing additional resources, in the form of a contract lobbyist, we feel strongly that the CALAFCO ED should remain the principal voice of LAFCOs in Sacramento. It seems as if the new model’s reliance on a contract lobbyist is at the expense of reducing the ED’s role as the authoritative voice of LAFCOs in Sacramento and adjust the qualifications of the ED to fit the existing and future candidates of the position rather than the needs of the Association and its membership.
- New structure keeps legislative model under authority of ED, while decreasing oversight and responsibilities and narrowing of pertinent knowledge, skills, and abilities to represent LAFCOs on a statewide platform.
- Board action increased the contract with Hurst Brooks Espinosa to \$40,000 annually; however, it is unclear on what services are enhanced or have been added. It is assumed this was done on basis of what they “may” provide under the new structure without a detailed assessment of what that looks like in the realm of services and activities. Elaboration of the scope of services for this contract for the membership was

recommended by a stakeholder from which the CALAFCO Executive Director solicited feedback.

- New model provides that bills with a direct impact on CALAFCO, or its members statewide, set a policy precedent or have an impact relevant to the mission of CALAFCO or its member LAFCOs will receive a response, such as position letters and testimony in Sacramento, will be addressed ***as time permits***. There is a disconnect of if this is applied at the regional or policy committee stages or at the Board. One note would be of the potential of futile effort at the regional level if the Board can then decide that this is not a priority. If there is a process for regional and policy discussions, Board should allow this to occur rather than incorporating into the policy, how the bills should be reviewed or prioritized.
- New model requires unanimous agreement of the four policy committee members on recommendation to move legislative proposals to the Board for consideration. Requiring this of a small threshold could significantly impair proposals moving forward.
- The characterization of the former legislative model as lacking inclusivity and including acts of bullying and intimidation without complete context in email response from CALAFCO may potentially create tension within the membership and deter others from participating in any model.
- CALAFCO ED's email response to San Diego LAFCO and EO listserv indicating the legislative model changes resonate with the "changes" requested by the southern region was misleading and may revive previous regional tensions. Instead, a formal response from CALAFCO to the region should be provided.
- The immediate implementation of the new legislative model was done without including a transitional period or process from the previous structure, including appropriate timing for regions to discuss and develop a process to align with new model and to vet proposals for the 2024-25 Legislative Session.
- Only 9 of the 16 board members were present during approval of the new legislative model.

NEXT STEPS *(for discussion)*

Below are potential options for consideration involving next steps for southern region group following discussion of the item. The options listed are intended as a starting point and are not intended to be exhaustive or final.

- ❖ *Send letter of concern to the CALAFCO Board requesting delay of implementation of the new legislative model and to complete the following:*

- Schedule reconsideration of new legislative model to receive feedback from membership, with encouragement for all board members to be present at the meeting. ED should conduct outreach to ensure all members are notified of the meeting and encourage attendance.
 - Use feedback to reconsider the legislative model, including assessing the values and areas of needed improvement of previous legislative model and use of models with similar mission, authority, and composition.
 - Conduct follow-up membership meeting (virtual) to share summary of feedback from the regions and subsequent actions taken by the Board.
 - Conduct a competitive bidding process for the “Advocate” services to be provided to membership. This would facilitate a transparent process, including membership’s understanding of the scope of services and costs, in particular if a LAFCO is requested by the CALAFCO ED to engage the “Advocate” in accordance with the newly adopted policy. It is worth emphasizing that CALAFCO’s budget includes membership fees from LAFCOs, which are funded by local governments, and in that regard, the contract for this service should be done openly.
- ❖ *Discuss sending alternative response to the CALAFCO Board recommending options for reallocation of ED’s hours to enhance membership benefits should the new legislative model remain in place without delay.*