

MINUTES OF MAY 23, 2007

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. **CALL TO ORDER AND ROLL CALL**

The meeting of the Local Agency Formation Commission held May 23, 2007, was called to order at 5:30 p.m. by Chair Long in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California. Regular Members present were: City Members Ted Long and Carl Hagen, District Members Ken Humphreys and Harry J. Norris, County Members James R. Sweeney and Ron Briggs and Public Member Francesca Loftis. Others present were: Alternate District Member Michael Cooper, Executive Officer José C. Henríquez, Policy Analyst Erica Sanchez, Commission Clerk Allison Parsons and LAFCO Counsel Tom Gibson.

**ROLL CALL - VOTING MEMBERS:**

Long, Loftis, Briggs, Hagen, Humphreys, Norris and Sweeney

2. **CONSENT CALENDAR**

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE MEETING OF APRIL 25, 2007
- C. APPROVAL OF CLAIMS
- D. CONSIDER CHANGES TO THE COMMISSION'S POLICIES AND GUIDELINES
- E. CONTINUE THE PUBLIC HEARING TO CONSIDER THE ENVIRONMENTAL IMPACT REPORT AND THE BRIGGS REORGANIZATION TO THE CITY OF PLACERVILLE (LAFCO PROJECT NO. 05-13)
- F. RATIFY RESOLUTION L-2007-08; RESOLUTION OF APPRECIATION FOR GARY COSTAMAGNA
- G. RATIFY RESOLUTION L-2007-09; RESOLUTION OF APPRECIATION FOR ROBERT LARSEN

Commissioner Briggs excused himself from the dias.

**MOTION**

Commissioner Sweeney made the motion to adopt the consent calendar, second by Commissioner Hagen.

**ACTION**

The motion was approved by the following vote:

AYES: Long, Loftis, Hagen, Humphreys, Norris and Sweeney  
NOES: None  
ABSTAIN: Briggs  
ABSENT: None

3. **PUBLIC FORUM/PUBLIC COMMENT**

Chair Long opened the public forum. No member of the public addressed the Commission.

4. **CONSIDERATION OF CHANGES TO HEALTH CARE COSTS AND A COST OF LIVING INCREASE TO LAFCO STAFF**

Mr. Henríquez reviewed the staff report with the following recommendations:

- 1. Receive the following information regarding increases in the agency's health care costs.

2. Allocate \$387 from the Fiscal Year 2007-08 Contingency Fund to Health Insurance (Less In Lieu) to cover the increase in health care premiums.
3. Consider and approve a cost-of-living increase for all employees. If approved, to cover this expense the Commission:
  - a. Should allocate an additional \$238 out of the Contingency to Employee Wage – Regular for Fiscal Year 2006-07.
  - b. Should allocate an additional \$6,337 out of the Contingency to Employee Wage – Regular for Fiscal Year 2007-08.

Commissioner Norris asked Mr. Henriquez if the increase would be retroactive back to January 1, 2007. Mr. Henriquez replied that it would not be retroactive. He said the Commission can make it retroactive if it wishes, although, he would advise against it.

Commissioner Humphreys asked for clarification that the \$6,337 is not a retroactive amount. Mr. Henriquez replied that it is not. The \$238 allocation would start from the next pay period to June 30, 2007 and the \$6,337 allocation would start from July 1, 2007 to the end of the next fiscal year.

Commissioner Sweeney stated that he believed the Commission was afforded the opportunity to discuss staff medical and pay increases in closed session. Mr. Gibson said that the Commission can choose to discuss the item in closed session; however, the final action would have to take place in open session. Commissioner Sweeney asked if this item had been previously discussed in closed session, to which Mr. Henriquez replied that it had not. Commissioner Sweeney expressed his opinion that having a salary discussion on an open agenda puts the Commission in a compromising position. Mr. Henriquez replied that this is a cost-of-living increase that has already been afforded to County employees. Commissioner Sweeney said that LAFCO staff is not employed by the County nor does it have a labor agreement with the County. Commissioner Sweeney stated that a cost-of-living increase is not automatic. Mr. Henriquez agreed but stated that this cost-of-living increase is not a proposed future expense, but is a cost that has already been granted to County employees and under the Commission's Policies and Guidelines, any increases to County staff would be considered by the Commission for its own staff. Commissioner Sweeney said that does not mean the increase is given to all employees. Mr. Henriquez stated that his understanding of the increase was that it was given to all County employees across the board.

Chair Long stated that the issue to decide on is if the discussion on staff medical and salary should be done in closed session and then announce the result, or should the discussion be done in open session.

Commissioner Sweeney said that he believes the Commission's decision to give the staff a salary increase this time is not significant, but that he does not like salary deliberation on an open public agenda. He believes that this Commission has the right to discuss this issue in closed session. He asked henceforth that the policy should be to discuss employee salaries in closed session.

Commissioner Hagen stated that he believes this action is only correcting the budget. He said that this increase should have been in the budget numbers initially when the budget was approved, and then the action should have been to approve the raises after closed session discussion. He stated that the numbers are first budgeted for and then the decision is made of where specifically the raises go. Mr. Henriquez said that this item would have been considered in budget deliberations had he been aware of the increase at that time.

Commissioner Sweeney said that if this is merely a budget adjustment, there should be some document to change staff's salaries and benefits. Mr. Henriquez replied that is usually done on an individual basis. He said that the Commission would not be changing any of the numbers, but would just be changing the allocation of the money. Commissioner Sweeney stated that there has to be some documentation for the Commission to change staff's salaries. Mr. Henriquez stated that staff does not have a salary schedule such as the County's salary schedule. It is an internal document within LAFCO that allocates the salary scale and at what step an employee is in. Should the increase be approved, Mr. Henriquez said that he would update that document with the new

salary scale.

Chair Long suggested moving the allocation by way of resolution, increasing the staff's salaries.

Commissioner Sweeney stated that to satisfy the audit regarding the allocation of the money, there should be one document that moves the money from contingency to the line items. The salaries would be adjusted by these steps, so there would be no doubt that the Commission took this action.

Commissioner Humphreys asked Mr. Henriquez if budget allocations through the year are "caught up" at some point or do they have to be brought before the Commission each time expenditure is made. Mr. Henriquez replied that if it is a matter of moving an allocated item from one budget item to another, it requires Commission action. Expenditures within a line item are administrative; however, it is still brought before the Commission by way of the Approval of Claims and the Profit and Loss statement included in the packet. Commissioner Humphreys clarified his question by asking if the budget transfer to correct spending takes place every time, or is there a motion maybe once or twice a year to bring the transfers up-to-date. Chair Long replied that is it every time.

Commissioner Cooper stated to the Commission that the question of a salary scale appears to be answered in section 2.3.2 of the Commission's Policies and Guidelines where it states that a salary scale and description will be approved by LAFCO. He said that after hearing the discussion, it appears that the Commission is asking for a salary schedule similar to the County's salary schedule.

Commissioner Norris stated that he assumes that staff salaries are public information. He thinks for the future there should be a salary schedule.

Chair Long opened the item to public comment. No one addressed the Commission.

#### **MOTION**

Commissioner Briggs moved to adopt staff recommendations with the request that salary and benefit deliberations be done in closed session and that a resolution and salary scale be prepared, second by Commissioner Loftis.

#### **ACTION**

The motion was unanimously approved by the Commission and adopted LAFCO Resolution #L-2007-10.

### **5. OTHER BUSINESS**

#### **A. LEGISLATION**

Mr. Henriquez reviewed the staff report.

Chair Long expressed his concern over bill SB343. Mr. Henriquez suggested that the Commission authorize him or Chair Long to sign a letter stating opposition to the bill and the repercussions to agencies such as LAFCO.

Commissioner Norris stated that this bill would be a detriment to special districts as well. He said it would be difficult for district staff to provide all documents necessary before a hearing, *creating delays in presenting items and thus forcing Boards to remove items from the agenda when new information came to light.*

Chair Long requested that Mr. Henriquez write a letter of opposition on behalf of the Commission.

Commissioner Norris voiced his concern of CALAFCO's support of bill AB745. He said he *disagrees with the bill and that it will be a detriment on freedom of speech and bringing motions to LAFCO.* He expressed his opinion that the Commission should oppose this bill. Mr. Henriquez clarified that CALAFCO supports this bill with amendments. Commissioner Norris stated that he would agree with CALAFCO supporting the bill with amendments. The Commission directed staff to return with more information on this bill.

Commissioner Humphreys asked Mr. Henriquez if the CALAFCO conference interfered with the August Commission meeting. He said he believed that it *does interfere, but that the*

Commission can change the August meeting date if it chooses. Mr. Henriquez said he can put the movement of the August meeting on the agenda for the June meeting. Mr. Henriquez asked the Commissioners to let staff know if they will be attending or would like to attend. Commissioner Humphreys asked if he could get an agenda of the conference. Mr. Henriquez stated that there is not one yet but that he had a flyer he could give to him.

**B. COMMISSIONER ANNOUNCEMENTS**

Commissioner Norris told the Commission that he is happy to serve on the LAFCO Commission and he looks forward to working with staff and the Commissioners.

**C. COUNSEL REPORT**

None

**D. EXECUTIVE OFFICER REPORT**

Mr. Henriquez told the Commission that he is currently trying to compile an interview panel for the last out-sourced MSR, General Government Services II, and asked if any of the Commissioners would be interested in serving on the panel to please let him know.

**6. CLOSED SESSION**

Chair Long adjourned to closed session. No reportable actions were taken.

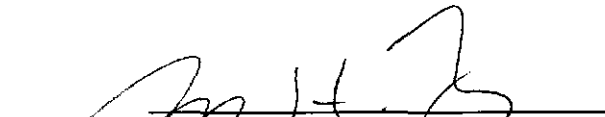
**7. ADJOURNMENT**

Chair Long adjourned the meeting at 7:45 pm.

The next regularly scheduled LAFCO meeting will be June 27, 2007.

**APPROVED BY THE COMMISSION  
AUTHENTICATED AND CERTIFIED**

  
Clerk to the Commission

  
Chairperson