

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JANUARY 8, 2016

**AGENDA ITEM
E-4
JANUARY 13, 2016**

**LOCAL AREA FORMATION COMMISSION
SPECIAL DISTRICT SEAT NOMINATION AND BALLOTING**

ITEM

Designate a Director as Voting Delegate and consider making a nomination for LAFCO's special district seat [RECOMMEND DESIGNATE VOTING DELEGATE, CONSIDER NOMINATION AND DIRECT STAFF]

BACKGROUND

There is a vacant Special District seat on our Local Area Formation Commission (LAFCO). The term of the vacant seat runs through December 2020. LAFCO is seeking nominations to fill the vacancy. A vote to fill the vacancy is scheduled to be conducted at the SLO County Chapter Annual meeting on February 19.

LAFCO is requesting your Board designate a Voting Delegate to attend the Annual Meeting.

Your Board may nominate a candidate to fill the seat.

FISCAL IMPACT

Minor budgeted staff time to prepare these materials.
LAFCO oversees and approves changes in the District's services and service boundaries.

STRATEGIC PLAN

7.2 Maintain productive communication and relationships with key stakeholders, such as city, County, State and Federal legislators, service clubs, etc. As appropriate, plan and assign for this role.

RECOMMENDATION

Staff recommends your Board, by motion and roll call vote:

- Designate a Voting Delegate to vote on your Board's behalf at the Annual CSDA Meeting.
- Direct staff to forward your Board's nomination, should you have one, of a candidate to fill the vacant LAFCO Special District seat.

ATTACHMENTS

- A. LAFCO Nomination Materials

January 13, 2016

ITEM E-4

ATTACHMENT A

Independent Special District Selection Committee

San Luis Obispo Chapter of the California Special District Association

TO: Independent Special District Selection Committee Members

FROM: David Church, LAFCO Executive Officer

**SUBJECT: Regular LAFCO Member Nomination Period is Open Deadline:
January 29, 2016 - Special District Election Procedure**

Background. On November 23, 2015, the San Luis Obispo Chapter of the California Special District Association met as the Independent Special District Selection Committee to discuss options for selecting Special District Members to the Local Agency Formation Commission (LAFCO). The goal is to achieve a quorum at the Annual Special District meeting scheduled for February 19, 2016 at 6:00 p.m. at the Avila Beach Community Center and select Special District representation on LAFCO. A candidates' forum will be conducted at the Annual Meeting.

Balloting will be completed at the Meeting if a quorum of 16 Special Districts attends. The term for this Regular Member position would begin in May 2016 and end in December 2020. If the current LAFCO Alternate is selected as the Regular member, nominations from the floor would be submitted and balloting conducted. The full election procedure and a discussion with more background information is attached.

Nomination Instructions. Please place this item on the Board's agenda and consider taking action on the following:

- 1) Designate a Director as a voting delegate to attend the February 19, 2016 Special District Annual Meeting in Avila Beach.
- 2) If the District would like to nominate a candidate obtain consent from the Director you intend to nominate and complete the attached form. A nomination must be approved by the District's Board.
- 3) Nominations are required to be submitted by **5:00 p.m. January 29, 2016**. Late nominations will not be considered. The completed and signed nomination form (attached) may be submitted to the LAFCO office via Mail, Fax-788-2072, or e-mail to DChurch@slolafco.com. The form must be signed by the General Manager or Board President, and the Nominee.

If you have any questions, please contact me at 781-5795 or Dchurch@slolafco.com.

Independent Special District Selection Committee

San Luis Obispo Chapter of the California Special District Association

Election Procedure

- 1- **Determining a Quorum.** All Districts shall be notified of the special district election for the LAFCO member and are eligible to participate. The quorum is based on the total number of Districts that have participated in the last nine elections (30) over a five-year period. A quorum of 16 District Representatives in attendance at the meeting would be considered. If a District that has not participated in the nine prior elections does participate, it would be counted as part of the quorum and its vote would be valid. The quorum policy would apply to the email election process as well.
- 2- **Designate Voting Delegates.** Special Districts shall designate the presiding officer or another board member as the voting delegate for the Selection Committee meeting.
- 3- **Nomination Procedure.** A notice of nomination would be emailed to the Special Districts requesting that nominations be submitted within 45 days. The Candidates' Statements of Qualification would be submitted at the same time. Nominations may be received from the floor at the meeting.
- 4- **Alternate Position.** If the Alternate LAFCO Commissioner is elected to the Regular position, nominations from the floor for filling the term of the vacated Alternate may be considered and a vote conducted at the meeting.
- 5- **Election Procedure.**
 - a. A candidate's information package is emailed to all Special Districts prior to the Annual Meeting. It would include a list of the nominees and their Statements of Qualification. The package would be emailed as soon as the nomination period ends and the package can be compiled.
 - b. Special District Roll Call is conducted to determine if the Selection Committee has a quorum. Ballots would be distributed at the meeting.
 - c. Each candidate shall be given up to five minutes at the Selection Committee Meeting to present his/her qualifications.
 - d. If a quorum of 16 District Representatives is achieved, the District representatives in attendance complete and submit ballots and the election is conducted.
 - e. The ballots would be counted by three reviewers appointed by the Selection Committee.
 - f. Results would be announced at the Selection Committee Meeting.
 - g. If a quorum is not achieved at the meeting, the voting period would be extended for 45 days. Districts that were not present would be emailed a ballot and instructions. Districts in attendance at the meeting may submit ballots at that time if they choose.

Independent Special District Selection Committee

San Luis Obispo Chapter of the California Special District Association

NOMINATION FOR LAFCO

SPECIAL DISTRICT MEMBER

The _____
(Insert Name of Special District)

Hereby nominates _____ to serve as the
(Insert Name of Nominee)

Special District Member on the San Luis Obispo Local Agency Formation Commission (LAFCO).

Board of Director's action in the nomination was taken on:

Insert Date of Board Action

General Manager or Chairman/President

Consent of the Nominee - Signature

Independent Special District Selection Committee

San Luis Obispo Chapter of the California Special District Association

TO: Independent Special District Selection Committee Members

FROM: David Church, LAFCO Executive Officer

SUBJECT: Background Information Special District Election Procedure

The Cortese-Knox-Hertzberg Act (CKH) provides regulatory guidance on how to conduct the Independent Selection Committee's business. Here are some of the key points:

- The CKH Act calls on the selection committee to select representatives to LAFCO
- A Quorum of presiding officer or designee is needed to conduct an election at meeting
- Currently there are 35 total Special Districts in the County = 18 for a Quorum

The existing process is conducted by LAFCO using the following process:

- Nomination and Balloting are completed via email process
- The nomination period is 35-45 days
- The balloting period is 35-45 days

The Selection Committee is responsible for the selection of Special District representatives to serve on LAFCO. Over the years a quorum (18) of the 35 Special Districts in the County has never been achieved at a meeting of the Selection Committee. This being the case, LAFCO has conducted the elections via electronic mail. While effective in selecting a LAFCO Commissioner (and better than certified mail), the email process is time-consuming and provides little opportunity for candidates to be considered by the Districts.

In the prior nine elections over the last five years, it was found that five Special Districts had not participated in any of the elections. The Selection Committee approved an alternative method for calculating a quorum based on 30 total Districts that had participated at least once over the prior nine elections. All 35 Special Districts would continue to be noticed and can participate as part of the Selection Committee. This provides for a reduced quorum number of 16, which is more achievable at the Annual Meeting. The full election procedure is attached. A candidates' forum would be conducted at the Annual Meeting. The term for this position would begin in May 2016 and run through December 2020.

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER
DATE: JANUARY 8, 2016

**AGENDA ITEM
E-5
JANUARY 13, 2016**

RATIFY 2016 BOARD COMMITTEE ASSIGNMENTS

ITEM

Ratify 2016 Committee/Delegate assignments [RECOMMEND APPROVE ASSIGNMENTS]

BACKGROUND

In accordance with Board By-laws section 12.2(a), the Board President is tasked with defining committees, committee members, and delegate assignments. President Armstrong will review his proposed 2016 assignments with your Board.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board by motion and roll call vote ratify the proposed assignments and direct staff to post Committee assignments in compliance with state law.

ATTACHMENTS

- A. Draft 2016 Committee Assignments

January 13, 2016

ITEM E-5

ATTACHMENT A

**Nipomo Community Services District
Board of Directors
2016 COMMITTEE ASSIGNMENTS**

Standing Committee Assignments

Chairperson Member

Finance and Audit	Gaddis	Armstrong
Administration (Includes personnel/parks/solid waste/conservation) Facilities/Water Resources (Includes physical facilities/ resources)	Blair Eby	Armstrong Woodson

Delegates

Member Alternate

South County Advisory Council (SCAC)	Woodson	Not Allowed by SCAC By Laws
Water Resources Advisory Committee (WRAC)	Gaddis	Armstrong
Regional Water Management Group (RWMG)	Gaddis	General Manager
Chamber of Commerce	Assigned as required	
Olde Towne Nipomo Association	Assigned as required	
Blacklake Village Council/Committees	Eby	Armstrong

NOTES:

Delegates are appointed by the president of the Board of Directors.

Subject to other requirements of the Brown Act, Committee appointments are not to be interpreted as limiting contacts between individual Board Members or any other person or persons.

Approved by motion and roll call vote of Board on January 13, 2016:

Mario Iglesias
General Manager

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER
DATE: JANUARY 8, 2016

**AGENDA ITEM
E-6
JANUARY 13, 2016**

**RESOLUTION DETERMINING NEED FOR EXCEPTION TO THE
CALPERS 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT
CODE SECTIONS 7522.56 AND 21224**

ITEM

Consider a resolution justifying an exception to the 180-day wait period for hiring retiree
[RECOMMEND ADOPT RESOLUTION APPROVING AN EXCEPTION TO 180-DAY WAIT PERIOD]

BACKGROUND

In 2012, the Public Employees' Pension Reform Act of 2013 (PEPRA) was passed and went into effect January 1, 2013. One of the provisions of PEPRA governs post-retirement employment of retirees. Specifically, all CalPERS retirees working in any capacity for CalPERS employers are subject to the following requirements:

- A 180-day wait period between the retirement date and the date employment begins, unless an exception applied;
- The work is of limited duration in a retired annuitant-designated position (not a permanent part-time position);
- The time worked is 960 hours or less in a fiscal year (July 1 - June 30);
- The compensation paid is an hourly pay rate that is within the salary schedule for the equivalent position performing comparable duties; and
- No additional compensation or benefits are paid.

As defined above, retirees are generally prohibited from being employed in any capacity by a CalPERS covered employer for a period of 180 days following the date of retirement. However, there are exceptions to the 180-day wait period, two of which affect local government employers. One of these exceptions allows a retired firefighter or a retired peace officer to perform firefighter or peace officer retired annuitant work under 960 hours in a fiscal year. The other exception allows an employer to employ a recent retiree before the expiration of the 180-day wait period if the governing body certifies through the adoption of a resolution that the appointment is necessary to fill a critical need, prior to the expiration of the 180-day wait period.

The District's Outgoing General Manager, Michael S. LeBrun is scheduled to enter retirement status on February 1, 2016. The District's new General Manager, Mario Iglesias, is scheduled to begin work on January 11, 2016. Adopting this Exception to 180-Day Limit will allow Mr. LeBrun to assist General Manager Iglesias, if necessary, after February 1, 2016.

On January 29, 2016, Mr. LeBrun will separate from District employment as General Manager. He has invaluable institutional knowledge and experience in all facets of District related services. As a Project Assistant, Mr. LeBrun will work at the direction of the new General Manager. His duties will include assisting the new General Manager with critically needed work on a number of ongoing projects dealing with groundwater policy and interagency negotiations.

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JANUARY 13, 2016**

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Because of his in-depth knowledge and experience, Mr. LeBrun has unique skills and training to complete these tasks in a timely manner.

As required under Government Code sections 7522.56 and 21224, Mr. LeBrun will be paid similar to other employees performing comparable duties. His hours will not exceed 960 hours in a fiscal year, and his pay will include no additional benefits.

The attached resolution authorizes the District to make the required finding to allow Mr. Michael S. LeBrun, General Manager, to fill a critically needed role at the District upon his retirement. In addition, Mr. LeBrun has specialized skill needed to be appointed for a limited duration as a Project Assistant. The Project Assistant is paid \$80.41 per hour for up to 960 hours in a fiscal year as directed by the General Manager. The pay rate is commensurate with Mr. LeBrun's current salary as General Manager.

FISCAL IMPACT

Sufficient funds are available in the District's approved budget to finance the proposed temporary appointment.

RECOMMENDATION

It is recommended your Board, by motion and roll call vote, adopt a resolution approving an exception to the CalPERS 180-day wait period pursuant to Government Code sections 7522.56 and 21224.

ATTACHMENTS

- A. Resolution 2016-180 Day Exception

January 13, 2016

ITEM E-6

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AN EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD
PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224**

WHEREAS, in compliance with Government Code Sections 7522.56 and 21224, the District must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Michael S. LeBrun will separate from District employment on January 31, 2016 and retire on February 1, 2016; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement, which is July 29, 2016; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the District and Michael S. LeBrun certify that Michael S. LeBrun has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the District Board of Directors hereby appoints Michael S. LeBrun as an extra help retired annuitant to perform the duties of Project Assistant under Government Code section 21224, effective February 1, 2016; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, pursuant to Government Code section 21224, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the current maximum base monthly salary for this position is \$13,938.25 and the current hourly equivalent is \$80.41. The current minimum base monthly salary for this position is \$12,500.00 and the current hourly equivalent is \$72.12; and

WHEREAS, the temporary classification as Project Assistant is hereby ordered and shall be paid on an hourly basis, commensurate with the base salary range of the full time equivalent position; and

WHEREAS, the hourly rate paid to Michael S. LeBrun will be \$80.41 per hour; and

WHEREAS, Michael S. LeBrun has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The District Board of Directors does hereby certify the appointment of Michael S. LeBrun as Project Assistant as described in the staff report is necessary to fill the critically needed position of Project Assistant for the Nipomo Community Services District by February 1, 2016, because of Mr. LeBrun's unique institutional knowledge, specialized skills and experience in a number of ongoing projects Mr. LeBrun is working on.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2016-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AN EXCEPTION TO THE CALPERS 180-DAY WAIT PERIOD
PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224

On the motion of Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 13th day of January 2016.

CRAIG ARMSTRONG
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
General Manager and Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel