

Shasta LAFCO

Shasta Local Agency Formation Commission

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MINUTES

Regular Meeting – December 7, 2006

(These Minutes are not intended to be a verbatim transcription of the proceedings and discussion associated with the business on the Commission's agenda; rather, what follows is a summary of the order of business and general nature of testimony, Commission deliberation, and action taken.)

CALL TO ORDER/ROLL CALL/INTRODUCTION

Chair Miller called the meeting to order at 10:55 a.m. in the Board of Supervisors Chambers, Shasta County Administrative Building, Redding, California.

Commissioners Present: Miller, Clarke, Cibula, Webster

Commissioners Absent: Farr, Gover, Langfield,

Staff Present: Executive Officer Mickelson, Counsel Elizabeth Johnson, Clerk Smith

The new LAFCO Analyst, Jessica Smith, was introduced to the Commission.

PLEDGE OF ALLEGIANCE

Commissioner Clarke led the Pledge of Allegiance.

OPEN TIME

No one requested to speak.

CONSENT AGENDA

By motion made and seconded (Clarke/Webster), the Commission approved the minutes of the November 28, 2006 Executive Committee Meeting.

As a quorum of members who had attended the meeting was not present, Commissioner Cibula asked that the minutes for the October 5, 2006 be carried over to the February meeting. Counsel reminded the Commission that a quorum was unlikely to be available at the February meeting due to election results and expected Commission changes. Counsel advised the Commission that attendance at the October 5th meeting was not required in order to vote on the minutes. Commissioner Cibula remained firm in his request, however. The minutes for October 5, 2006 were continued to the next agenda.

BUDGET & FISCAL AFFAIRS

Fiscal Year 2006-2007 YTD Claims Register

After brief review of the Claims Register, Commissioner Cibula asked Ms. Mickelson who was currently paying for her business cell phone, as there was not a cellular phone expense on the Claims Register. Ms. Mickelson stated that she was currently paying for the cell phone that she uses for LAFCO business. She stated that this was due to the fact that Shasta LAFCO had no credit history, thus she had been unable to open a new account under Shasta LAFCO.

Commissioner Cibula suggested that Ms. Mickelson either receives a monthly stipend for a cell phone, which could be used for personal and/or business use, or she will have to carry two phones, one for personal use and one for business use. Commissioner Clarke reported that the IRS code has recently changed for employees who are required to carry a cell phone and the bill is paid by the agency. The new law will made it a tedious task of recording keeping if one cell phone is used for personal and business use and is funded with out a stipend. It was recommended by the Commission that this issue be put on the next agenda for further discussion, and for Ms. Mickelson to research other agencies to see what their monthly stipend to employees is for a cell phone.

By motion made and seconded (Clarke/Webster), the Commission approved the 2006-07 YTD Claims Register.

November Checking Account Activity Register

Ms. Mickelson reported that after much effort a debit card was received from Tri Counties Bank. Ms. Mickelson explained that the two charges that were erroneous charged to the bank account have been credited back and will be reflected on the next bank statement.

By motion made and seconded (Clarke/Webster), the Commission approved the Checking Account Activity Register as submitted.

FY 2006-07 Budget Update

Ms. Mickelson reported that this an YTD updated budget and in February a Mid-Year Budget Review will be presented. There was discussion about a few items that where were over budget, such as **Memberships**, due to CALAFCO increase in dues and becoming a member with SDRMA, **Professional Services**, for temporary staff & **Trainings**, due to new staff attending a training.

Chair Miller informed the Commissioners that since she was unable to attend the CALAFCO conference last year due to illness and her registration fee had already been paid; CALAFCO was able to hold the registration fees for next year's conference. Ms. Mickelson stated that they could actually apply the held funds to anyone who attends the 2007 CALAFCO conference.

POLICIES & PROCEDURES

Personnel Policies

Chair Miller began discussing of Sick/Vacation time vs. PTO. Cibula stated that he would like to wait until the full board is present to allow necessary deliberation before making this type of decision. Ms. Mickelson explained that staff is currently covered under Employer Concepts personnel policy, but the agency really needs to have their own set of personnel policies. Ms. Mickelson asked that if the Commission is not able to make a decision about Sick/Vacation time vs. PTO at this meeting, that they really consider the two options so that a decision can be made at the next meeting.

Commissioner Clarke informed Commissioners that two of the issued raised at the Executive Committee meeting in November were benefits and the probationary period. The Committee felt that the probationary period wording was conflicting. Commissioner Cibula asked for more clarification. Commissioner Clarke explained that if employees are truly at-will employees there is no need for a probationary period. A probationary period implies that after a set amount of time employee is now in a protected class. If employee is truly at-will, then they need to be at-

will. Further discussion followed with input from legal counsel who verified that she had drafted the language and believed it to be the best policy regarding true at-will employment.

Staff was directed to take the policies back to the Executive Committee for recommendation for action at the next Commission meeting.

SPECIAL STUDIES/REPORTS

MSR Status Report

The Executive Officer presented a summary as to where the MSRs currently stood as far as completing and priority. Ms. Mickelson indicated that two-three Fire Districts were expected to be completed within the next few months.

CHANGES OF ORGANIZATIONS AND/OR REORGANIZATION

At this time there were no reorganization or conducting authority proceedings. Ms. Mickelson reported that she expects to have several proposals (approximately 6) filed within the next two months. There are also several items that are in the discussion and pre-application phase.

OPERATIONS & ADMINISTRATION

Change in Status for Executive Officer

Ms. Mickelson presented a staff report regarding hours worked, contract obligations and expected workload for the next several months. As per contract, she is currently an Exempt employee, with her salary calculated based on a 32 hour work week. She stated that her hours have been well over 40 hours a week for several weeks now. Ms. Mickelson does not expect this to change for the next 3-6 months due to completing MSR's within the next 14 months as well as the training of the new Clerk/Analyst position. It was noted that if approval for change in status were made, we would still come in 11% under budget in the Salaries line item. The Executive Committee recommended that the Executive Officer be classified as an Exempt employee based on a 40 hour work week for a temporary period since her workload has increased in the past few months.

Counsel Johnson recommending using generic terms such as stating that Ms. Mickelson's workload has increased by 1/5 and needs to be compensated for that instead of basing it on hours since she is an exempt employee. Commissioner Clarke explained that Ms. Mickelson's salary was based on a ¾ time position as per her contract, but she has been working a full time plus position for some time now and should be compensated for it. Commissioner Cibula would like to wait until the February 2007 meeting when a full board is present to make this decision. Commissioner Clarke felt that it was unfair of the Commission to ask the Executive Officer to continue to work 40+ hours a week until February and not compensate her. Commissioner Cibula again stated that if Ms. Mickelson is asked for a 20% increase in pay it should go before the full board and he doesn't mind if a special meeting needs to be called to settle this matter. He felt that there were legal concerns and this issue wasn't considered at a legal level.

Commissioner Clarke said that it was considered at a legal level. Counsel confirmed that she had been a part of discussions and review leading to this agenda item. Commissioner Miller expressed that since the other Commissioners couldn't be here they would expect the Commissioners present to continue on with business as usual. There are enough Commissioners present to have a quorum, which is sufficient to make these types of decisions. Commissioner

Clarke also noted that even with new staff and approval of Executive Office at a temporary change in status, we would still be under budget by 11%. Commissioner Clarke felt that Commissioner Cibula wanted all the work done by the Executive Officer but didn't want to compensate her. Commissioner Clarke explained that the Executive Officer has a legal expectation to receive full compensation for the work she's doing. Commissioner Clarke recommended approving a 2-month temporary change in status for the Executive Office until they could meet again with the full board in February. Commissioner Cibula stated that he didn't disagree with what Commissioner Clarke is saying; he just has a problem with the way Ms. Mickelson's staff report is worded.

By motion made and seconded (Clarke/Webster), the Commission approved paying the Executive Office her hourly rate multiplied by 40 hours a week. The motion failed 3-1-3.

Commissioner Clarke asked to reconsider the motion. Commissioner Cibula asked to reconsider the reconsideration.

After some discussion among the Commissioners regarding the intent of the motion as well as parliamentary procedure, the original motion was withdrawn.

Commissioner Clarke moved to increase the salary compensation to the Executive Officer by 20% to reflect a 20% increase in workload and expected hours and for the change to be brought back to the Commission at the next meeting for review and continuation. Commissioner Webster provided the second. The motion passed 4-0-3.

Employee Benefits

The Executive Officer presented the Commission with a staff report regarding medical benefits coverage. Commissioner Cibula asked to continue the item to the next meeting where more Commissioners were present. Staff indicated that a decision was necessary in order to bind coverage and that these medical benefits were offered to employees upon hiring.

Upon motion made (Clarke/Webster), staff was directed to bind and allocate funds for medical benefits through SDRMA at the gold level for employees only. The motion also authorized the Chair and Executive Officer to sign for dental, vision and life insurance policies up to a monthly allowance of \$110 per employee. The motion passed 4-0-3.

OTHER BUSINESS

There was no other business brought before the Commission.

COMMISSIONER ANNOUNCEMENTS

Commissioner Clarke was thanked for her extensive service and years of dedication to LAFCO. The Commission and audience was invited back to the LAFCO office to share in a luncheon honoring outgoing Commissioners Clarke and Mathena.

STAFF ANNOUNCEMENTS

Next regular meeting

February 1, 2007 at 10:00am

LAFCO office hours

Monday – Thursday; between 9-12 and 1-4

LAFCO office closed
December 25th – January 2nd

ADJOURNMENT

There being no further business, Chair Miller adjourned the meeting at 12:10 a.m.

Amy K. Mickelson
Executive Officer

Date