



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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Chair Richard O'Brien, City Member
Vice Chair Vito Chiesa, County Member
Terry Withrow, County Member
Amy Bublak, City Member
Ken Lane, Public Member
Javier Lopez, Alternate City Member
Mani Grewal, Alternate County Member
Bill Berryhill, Alternate Public Member

**AGENDA
Wednesday, March 22, 2023
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354**

- Members of the public may attend this meeting in person.
- You can also observe the live stream of the LAFCO meeting at:
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:
<http://www.stancounty.com/planning/broadcasting.shtm>

1. CALL TO ORDER

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

2. PUBLIC COMMENT PERIOD

This is the period in which persons may comment on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

3. CORRESPONDENCE

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

C. "In the News."

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

5. CONSENT ITEMS

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

A. **MINUTES OF THE JANUARY 25, 2023 LAFCO MEETING**
(Staff Recommendation: Accept the Minutes.)

B. **MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2022-2023**
(Staff Recommendation: Accept and file the report.)

6. PUBLIC HEARING

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak are asked to fill out a "Speaker Card" and provide it to the Commission Clerk.

None.

7. OTHER BUSINESS

A. **RECLASSIFICATION OF THE LAFCO EXECUTIVE OFFICER AND ASSISTANT EXECUTIVE OFFICER** The Commission will consider the recommendations of the County Human Relations Division for the reclassification of the Executive Officer and Assistant Executive Officer positions. (Staff Recommendation: Adopt Resolution No. 2023-03 authorizing the Executive Officer to execute amendments to agreements effectuating the reclassifications or form an ad-hoc advisory committee for future consideration by the Commission.)

8. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

10. EXECUTIVE OFFICER'S REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

11. ADJOURNMENT

A. Set the next meeting date of the Commission for April 26, 2023.

B. Adjournment

LAFCO Disclosure Requirements

Disclosure of Campaign Contributions: If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Lobbying Disclosure: Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings: If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

LAFCO Action in Court: All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

IN THE NEWS

Newspaper Articles

- The Modesto Bee, January 20, 2023, “What’s TID doing with storm runoff? Two of Newsom’s Cabinet members visit to see.”
- The Modesto Bee, January 25, 2023, “Modesto council oks Beard Brook Park, Gallo land swap to build walk along Tuolumne River.”
- The Modesto Bee, February 08, 2023, “Stanislaus uses eminent domain for expressway project land. ‘The private injury is immense’.”
- The Modesto Bee, February 15, 2023, “MID board moves toward hike in farm water rates. Should city folks help with cost?”
- The Modesto Bee, February 23, 2023, “Feds sent zero water last year to parts of Stanislaus’ West Side. See what’s changed.”
- The Modesto Bee, February 27, 2023, “Stanislaus County neighborhoods will get a lift from \$15 million in spending. Where?”
- The Modesto Bee, March 6, 2023, “Could feds and farmers join forces to put groundwater back in Central Valley aquifers?”
- The Modesto Bee, March 6, 2023, “What might happen if a wet spring follows the Modesto watershed’s plentiful winter?”
- The Modesto Bee, March 7, 2023, “Modesto’s watershed set to get even more rain and snow. Are we approaching records?”
- The Modesto Bee, March 9, 2023, “Here’s how operator of Don Pedro Reservoir plans to guard against flooding along Tuolumne.”

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IN THE NEWS – The Modesto Bee, December 7, 2022

What's TID doing with storm runoff? Two of Newsom's Cabinet members visit to see

BY John Holland

Top state officials gathered on a canal bank near Keyes to witness the possible future of flood management.

The Turlock Irrigation District is testing the idea of spreading city storm runoff across farm fields. The water could help build back Central Valley aquifers as it seeps far beneath the soil.

TID hosted the demonstration Wednesday at an almond orchard owned by Christine Gemperle and her brother, Erich Gemperle. Two members of Gov. Gavin Newsom's Cabinet were on hand, as were other state and local leaders.

They agreed that managing floods should involve not just dams and levees but letting excess flows recharge groundwater on farms and other lands. Over-pumping and drought have shrunk aquifers in many parts of the Valley.

"We're protecting down-river communities," Resources Secretary Wade Crowfoot said. "We're recharging basins and taking pressure off the surface reservoirs. We're helping our agricultural industry that's facing more and more uncertainty."

TID launched the recharge project in October with Sustainable Conservation, a nonprofit based in San Francisco, and the California Department of Water Resources.

It started with two almond orchards in the Ballico area of Merced County. The Gemperle orchard was added this month, amid a spate of rainstorms pummeling the state.

Recharge through farm soil is nothing new, TID General Manager Michelle Reimers said. Her district and the adjacent Modesto Irrigation District have long allowed extra deliveries of Tuolumne River water at season's end, if it's available.

The pilot project involves concentrating storm runoff on farms with sandy or other well-draining soil. The partners are assessing whether the practice would harm the trees.

TID shuts down its canals for maintenance each winter, but they still can carry storm runoff from Turlock, Ceres and other cities. Normally, this water discharges into the Merced and San Joaquin rivers, where it could add to the flood threat in years like this.

At the 40-acre Gemperle place on Faith Home Road, the water got as deep as 4 inches as it was delivered Jan. 12 through 14. The next two days brought rain, and it too drained into the ground, Christine Gemperle said.

Wednesday's visitors watched as Gemperle cranked a valve on the canal that released another shot of storm runoff toward her orchard. It would run for about 12 hours after they departed.

Gemperle is among the pioneers in planting varied flowers amid almond trees to help sustain pollinating bees each winter. She said the intentional flooding did not damage these plants but did have the benefit of reducing gophers, which can gnaw on the trees.

On-farm recharge meshes with efforts to restore natural floodplains on Valley rivers, said Charlton Bonham, director of the California Department of Fish and Wildlife.

IN THE NEWS – The Modesto Bee, January 20, 2023, Continued

He cited Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin. The nonprofit River Partners and its supporters have planted native trees, brush and grass on about 2,100 former farm acres over a decade.

Crowfoot oversees water, wildlife, parks and several other functions for Newsom. The secretary helped secure money to add part of Dos Rios to the state park system, with the first public access possibly by year's end.

Karen Ross, secretary of food and agriculture for Newsom, also watched the TID demonstration.

"If we can use our natural landscapes, our working landscapes, to protect communities from the devastation of floods, that's very compelling," she said.

Sustainable Conservation, which has a branch office in Modesto, has worked with farmers on water issues since 1993. On-farm recharge is an especially helpful way to deal with the more erratic rain expected with climate change, said Daniel Mountjoy, director of resource stewardship.

He noted a Merced County study suggesting that recharge could handle 65% of the increased flood flows expected in the future.

Mountjoy said asking farmers to flood their fields seems to conflict with the need to increase efficiency through drip lines that deliver only what each plant needs. He said pilot projects like TID's can show that the overall supply is better thanks to recharge.

Advocates say groundwater recharge is cheaper and faster than new reservoirs, and less controversial. Crowfoot praised TID for how "nimble" it can switch its canals to this purpose.

The secretary also said he would work to streamline the water rights process to assure that it does not hamper storm runoff capture.

"We work for a guy, the governor, who has lit a fire under us, particularly on recharge here after these storms," he said.

IN THE NEWS – The Modesto Bee, January 25, 2023

Modesto Council Oks Beard Brook Park, Gallo land swap to build walk along Tuolumne River

BY Kevin Valine

The City Council has approved a land swap with the E.&J. Gallo Winery that lets the city build a pedestrian bridge over Dry Creek and is part of the creation of a river walk along the entire length of the Tuolumne River Regional Park.

The swap means Gallo will get the roughly 12-acre Beard Brook Park and the city will get roughly the same amount of nearby Gallo land along the Tuolumne.

Beard Brook is along Dry Creek and south of Yosemite Boulevard and between the E.&J. Gallo Winery and Stanislaus Food Products. The park once was a gem among the city's green spaces but now is home to illegal dumping, drug use and homeless encampments.

The project to build a bridge over Dry Creek near where it flows into the Tuolumne includes three-quarters of a mile of paved trail, a picnic pavilion, restrooms, lighting, security cameras, concrete benches and tables, and other features.

Officials have said the city has the money for the project's design work but needs to secure the rest of the funding. City officials nearly a year ago estimated the project's total cost at \$6.3 million. The city has paid for improvements at the regional park through grants.

Modesto also is moving forward on a project for a pedestrian and bicycle trail linking the Dry Creek Regional Park trail where it begins at Kewin and Moose parks with the Tuolumne River Regional Park river walk near Beard Brook Park.

The City Council's Safety and Communities Committee on Jan. 18 approved a contract for as much as \$511,424 with Mark Thomas & Co. for the design and construction plan for the trail. The full City Council is expected to approve awarding the contract at its Feb. 14 meeting.

The design and construction plan is expected to take about a year and will include public meetings to gather input on a route that is safe for pedestrians and bicyclists. The trail could cross Yosemite Boulevard via a crosswalk at north and south Morton Boulevards.

The trail would include a narrow strip of Beard Brook along South Morton Drive. The city is keeping the strip of land as part of the land swap with Gallo. The Mark Thomas contract does not include construction of the trail.

Tuolumne River Regional Park is more than 500 acres and runs for about seven miles along the river, from Mitchell to Carpenter roads. It includes Mancini, Legion and Bellenita parks, as well as the 87-acre Gateway Parcel, which is in the center of the regional park and near Beard Brook and downtown.

The City Council approved the land swap at its Tuesday meeting on a 7-0 vote.

The final paperwork for the transaction needs to be completed by June 30, which is the state's deadline for the transaction. Modesto needed state approval because it used a state grant for Beard Brook improvements about 20 years ago. City officials say they are confident the transaction will conclude well before the state deadline.

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IN THE NEWS – The Modesto Bee, February 08, 2023

Stanislaus uses eminent domain for expressway project land. ‘The private injury is immense’

BY Ken Carlson

Stanislaus County is exercising eminent domain to acquire more property for the North County Corridor expressway project.

County supervisors voted unanimously Tuesday to begin the process of obtaining property from three sets of owners, with two of the properties valued in the millions of dollars.

The county has been acquiring rights of way and easements for a 3-mile section of the expressway between Oakdale Road and Claus Road, north of Modesto. Starting from the intersection of Oakdale and Claribel roads, the route will swing south on Oakdale for a quarter mile and turn east across what is now farmland to Claus Road.

Another piece of the project has upset homeowners in the Davis Avenue neighborhood in Riverbank. A realigned Claribel Road, east of Riverbank's Crossroads regional commercial center, will wind through the ranchette neighborhood to a new intersection with Claus Road, across from the former Riverbank ammo plant.

Neighbors predict the new intersection is going to snarl traffic.

The county and Modesto, Riverbank, Oakdale and the California Department of Transportation are partners in developing the long-awaited expressway project. The county is responsible for the difficult task of acquiring the right of way.

The county is moving forward on taking possession of a 23-acre parcel in the 4700 block of Oakdale Road, which has a two-story, 3,100-square-foot home owned by a retired physician and her husband. The county has offered a "fair market" value of \$1.7 million for the home and acreage.

The owners, Wolfgang and Victorina Bach, hired an attorney and have not made a counteroffer, a county staff report said.

Attorney Gerald Brunn, representing the Bachs, said the owners are in their 80s and have lived there for 40 years. It's traumatic for them to suddenly learn they are losing their home. Victorina Bach is a retired pediatrician.

"The private injury is immense in this case," Brunn said.

The flag-shaped parcel is where the 4-lane expressway will cut east from Oakdale Road, and all that's needed is 8 1/2 acres of the Bach property. But the new road will block access and land-lock the residential property, so the county seeks the entire parcel.

The board also approved the eminent domain process for agricultural parcels totaling 80 acres near the 2600 block of Claribel Road. The properties include almond and walnut orchards, an agricultural well, pond and solar energy system.

About 17 acres is needed for a road easement and almost a half acre is designated for a four-year construction easement. The owners, listed as the Gregory and Karen Ellis Revocable Trust, have not

IN THE NEWS – The Modesto Bee, February 08, 2023, Continued

accepted the county's offer of \$2.04 million and "not provided an acceptable counteroffer," a staff report said.

Supervisors said the routes for the expressway project were chosen to get the road built with the least amount of disruption for property owners.

"It's a tough process," Supervisor Terry Withrow said. "If we had not chosen this route, we would have another room of individuals protesting the other route. At some point, we have to make a decision that this is the least of the worst effects."

Speakers criticized the county for Claribel's new alignment, which will route 3,300 vehicles daily through the Davis Avenue neighborhood. The proposed road will cut across residential properties and create a traffic jam at the entrance to the Riverbank industrial center on Claus, the homeowners said.

Anthony Garcia said the new road will swing north across his property and pass right next to his home on Davis Avenue. "How many cars are going to come down the road?" Garcia asked.

The homeowners said the project is not providing sound barriers and other measures to reduce serious impacts on the neighborhood.

Chris Wincentsen opposed the county proposal to take land on the east and north sides of his property for the new intersection on Claus. He stressed the location of the new intersection is not in the public's best interest.

Wincentsen predicted a line of cars will back up behind big rigs trying to turn into the ammo plant. He said it takes 30 to 90 seconds for a single vehicle to get past the guard shack.

"The traffic flow problems will begin immediately," Wincentsen said.

Supervisor Buck Condit asked why another route wasn't chosen to connect the new Claribel alignment with Minniear Avenue, which is an existing link to Claus Road.

County Public Works Director Dave Leamon said the approved route passes by fewer houses. Also, people will use the road's shoulder for bike paths.

The North County Corridor is designed to improve traffic circulation across the county, enhance safety and promote the movement of goods and services. The county says almost 60 parcels will be affected. Of those, the county will need to acquire 13 entire parcels.

IN THE NEWS – The Modesto Bee, February 15, 2023

MID board moves toward hike in farm water rates. Should city folks help with cost?

BY John Holland

The Modesto Irrigation District board voted Tuesday to launch the process for an increase in farm water rates. But directors also suggested that city residents pitch in.

The rate hike would help MID maintain the canals that distribute Tuolumne River water to about 58,000 farmland acres from spring to fall. A typical grower would pay 14% more based on the ample supply forecast for 2023.

Board members noted that the canals also carry runoff from storm drains in the city of Modesto during the off-season. Just last month, they helped ease street flooding from three weeks of rain.

The city does not pay for the drainage, despite discussions in recent years about doing so. An agreement finally could be close, MID General Manager Ed Franciosa said.

The canal cost could be added to fees that Modesto residents already pay for general upkeep of the storm drain system. They appear on bills that also list water, sewer and trash charges.

The MID board voted 4-0, with director Larry Byrd absent, to mail out notices of the farm rate increase to the 3,100 or so customers this week. Under state law, the proposal would die if a majority files protests at or before an April 11 hearing.

The law allows the board to increase rates by less than the advertised amount, so it could be adjusted if the city agrees to help pay for canal maintenance.

The farm rate also would apply to the river water feeding a treatment plant that supplements Modesto's domestic wells. This is only part of the city water bills, which also cover pipeline maintenance and other costs.

The farm water proposal comes three months after MID raised electricity rates by nearly 10% over two years. That happened amid long-running controversy over whether power customers were unfairly subsidizing farmers. Both of the rate proposals were based on a consultant's report that sought to better assign costs to the power and water sides.

STILL AMONG THE CHEAPEST

The increase in MID farm rates still would leave the district among the lowest-cost suppliers in the San Joaquin Valley.

The rate structure has two parts: a flat fee per acre to cover general maintenance, and prices based on actual water used. The latter is by acre-foot, which is enough water to cover an acre a foot deep.

The proposal would raise MID's flat fee from \$44 to \$53 per acre while leaving the volume charges the same. They now are \$2 per acre-foot for the first two, \$5 for the third acre-foot, \$11.25 for the next half an acre-foot, and \$40 per acre-foot beyond that. The tiers are designed to encourage conservation.

The wet winter likely will mean an allotment of at least 3.5 acre-feet per acre in 2023, close to normal following drought cutbacks the past two years. That amount of water would cost \$73.25 under the staff proposal.

IN THE NEWS – The Modesto Bee, February 15, 2023, Continued

MID and several nearby suppliers have lower rates thanks mainly to strong river rights and access to stored water. They include the Turlock, Oakdale, South San Joaquin and Central California irrigation districts.

Many suppliers in the Valley's western and southern reaches pay much more for water. The rate is \$288.06 per acre-foot in the largest, the Westlands Water District near Fresno.

MID Director Robert Frobose, a farmer, supported starting the rate increase process but remains skeptical. "Costs for farmers go up," he said. "Guess what happens? The price of food goes up."

The storm runoff charge drew support from attorney Stacy Henderson, who often speaks on behalf of farmers to the MID board. She said it would have raised \$1.2 million to \$1.7 million a year based on a tentative 2017 agreement that the city did not accept. That would have covered the \$800,000 annual shortfall cited by the district staff in seeking the farm water increase, she said.

STORM WATER OUT TO SEA

Much of last month's runoff flowed through irrigation canals to lower river stretches, then on out to the Pacific Ocean. MID Director Janice Keating suggested projects that inject some of the surplus into local groundwater.

MID managers have been discussing the storm drainage issue with William Wong, director of utilities for the city. He commented in a Tuesday afternoon email to The Modesto Bee that also touched on recharge:

"We will continue to dialogue with MID to discuss the overall long-term viability of the discharge of storm water in canals. The city is also discussing how to capture storm water to recharge our aquifers as partners in the Stanislaus & Tuolumne Rivers Groundwater Basin Association. "

MID took part in a 2016 study where storm runoff was diverted to an almond orchard, briefly putting several inches of water on the ground without harming the crop. TID is in the midst of its own pilot project, including an almond farm near Keyes that drew several top state officials last month.

IN THE NEWS – The Modesto Bee, February 23, 2023

Feds sent zero water last year to parts of Stanislaus' West Side. See what's changed

BY John Holland

Farmers on the West Side of Stanislaus County can expect 35% to 100% of the water in their contracts with the federal government.

The Central Valley Project announced the tentative allocations Wednesday, late in a wet winter that followed three years of drought.

Some irrigation districts had zero federal water in 2021 and 2022 due to weaker rights to the system. They welcomed the latest news while urging that California capture more storm runoff in years like this.

The 100% deliveries will go to four districts with senior rights, stretching from Crows Landing to Mendota.

The announcement drew protest from the salmon industry. It argues that fish hatched on Valley rivers need higher flows to get out to the Pacific Ocean.

The CVP operates several reservoirs, including New Melones, that hold runoff from mountains flanking the Valley. Much of the water is pumped south from the Sacramento-San Joaquin Delta to users as distant as Kern County.

Drought and Delta fish protections have curtailed the deliveries in many years. The latest allocations from the U.S. Bureau of Reclamation came with a caveat that the drought threat remains.

"While we are cautiously optimistic," Regional Director Ernest Conant said in a news release, "we are also cognizant of the uncertainties that exist and the fluctuating nature of California's climate with the possibility that dry conditions will return."

FALLOWED FARMLAND

Areas subject to zero federal allotments in the past have fallowed farmland, pumped groundwater or purchased supplies from districts in better shape. The Del Puerto Water District now meets some of its demand with highly treated wastewater from Modesto, Ceres and Turlock.

The tentative 2023 allocation from the CVP is 35% for areas that zeroed out last year. That drew cautious praise from the San Luis & Delta-Mendota Water Authority, representing districts from the Delta to Kern.

"In an era of increasing climate whiplash, we must advance long-term and sustainable solutions," Executive Director Federico Barajas said in a news release. "... We must increase our ability to store water during the limited, but more extreme hydrologic events like those in January 2023, and we must improve the operational flexibility of our system so that we can adapt to the challenges presented by each water year."

Four districts got 100% allocations because of a 1930s agreement to give up direct diversions from the San Joaquin River in exchange for CVP water. They are the Central California Irrigation District, the San Luis Canal Co., the Firebaugh Canal Water District and the Columbia Canal Co. They work together as the Exchange Contractors Water Authority.

IN THE NEWS – The Modesto Bee, February 23, 2023, Continued

PLENTY ALONG TRIBUTARIES

The CVP allocations do not involve districts along the Stanislaus, Tuolumne and Merced rivers, all tributaries to the San Joaquin. They expect full supplies in 2023 thanks to senior rights and ample reservoir storage.

The CVP announcement was panned by the Golden State Salmon Association, representing commercial and recreational anglers. It also noted Gov. Gavin Newsom's order last week to hold more storm runoff in state-owned reservoirs.

"Since Newsom's announcement, water flowing out of the Delta has dropped by almost half," President John McManus said in a news release. "That water is needed to safely deliver this year's baby salmon from the Central Valley to the ocean."

IN THE NEWS – The Modesto Bee, February 27, 2023

Stanislaus County neighborhoods will get a lift from \$15 million in spending. Where?

By Ken Carlson

Stanislaus County officials released a plan for spending \$15 million on upgrades to make life better for residents in unincorporated neighborhoods.

The 14 projects spread throughout much of the county call for sidewalks, improved roads, street lighting, water and storm drainage in neighborhoods that lack basic services.

The county Board of Supervisors is poised Tuesday to approve the spending items and direct Public Works staff to begin routine environmental review.

Last year, the county established a \$15 million community infrastructure fund for addressing needs in each supervisor's district. The program allocates \$3 million a year to each of the five districts.

Tuesday's board action will approve initial funding for design work, studies or construction.

One project is a sound barrier along Kansas Avenue to dampen vehicle noise from the newly opened Highway 132 bypass in western Modesto.

The 10-foot-high concrete block wall, between Yankee Drive and Morse Road, is in response to neighborhood concerns and was an issue in Supervisor Terry Withrow's reelection campaign last year.

Another spending item in Withrow's district is \$1.5 million in funding toward water and other improvements in the Riverdale Park Tract that are mostly funded by American Rescue Plan Act money.

The improvements in Supervisor Mani Grewal's district include sidewalks in south Modesto's Bystrom neighborhood on Sonora Avenue from Avon Street to Anthony Avenue. At Grewal's direction, the plan also will contribute up to \$2 million to the Herndon Road improvement project in Ceres, which is mostly funded by American Rescue Plan Act funds.

Board chairman Channce Condit is directing up to \$3 million for design and construction of a storm drainage pipeline for Empire. The community has long suffered from drainage problems.

Additional spending will include:

- Up to \$1.3 million in funding for sidewalks in Denair, as part of the Denair School Safe Crossing project. The money will serve as a local match for getting state transportation funding for the improvements.

IN THE NEWS – The Modesto Bee, February 27, 2023, Continued

- Supervisor Vito Chiesa directing up to \$450,000 for sidewalks and pedestrian paths in Turlock, at the corner of Linwood and Lander avenues, and on West Avenue from Jordan to South Avenue. The project has funding from the Measure L transportation tax.
- An estimated \$250,000 for roadway lighting in La Grange along 900 feet of Highway 132.
- Up to \$2.7 million for basic improvements in Riverbank's unincorporated area around Topeka and Santa Fe streets. The improvements are mostly funded through ARPA.
- Other projects in Supervisor Buck Condit's district included sidewalks in Valley Home, a water rate study for Knights Ferry and initial staff work on possible lighting, sidewalk, water, sewer and drainage improvements for the Sylvan neighborhood, a county pocket in Modesto. The Stanislaus County Board of Supervisors meets at 9 a.m. Tuesday in the meeting chambers at Tenth Street Place, at 1010 10th St., in Modesto.

IN THE NEWS – The Modesto Bee, March 6, 2023

Could feds and farmers join forces to put groundwater back in Central Valley aquifers?

By Gillian Brassil

Jennifer Peters signed on to have her Madera ranch become the site of an experiment in replenishing groundwater in California's Central Valley.

Though this pilot program led by a subdivision of the United States Department of Agriculture is far from the first effort to address the depletion of groundwater stores, it offers farmers like Peters hope for the future of agriculture in the region.

"If the generation that's running the ranch now, my son, doesn't buy into this and start improving the water quality, we're all going to be in a world of hurt by the time the sixth generation wants to come up," Peters said. "There'll be no farming."

Peters is a fourth-generation farmer who operates Markarian Family LP with her father and son. They cultivate wine grapes and almonds, crops that require irrigation to grow in the Central Valley.

Their farm is among more than 35,000 in the nation's fruit-and-nut hub that has suffered through a megadrought. The resulting conditions have required Peters and many others to pay a premium for water and live with the looming threat that one day, not that far off, their fields will be fallowed.

Many have seen it already. A report by UC Merced estimated that 696,000 acres of Central Valley farmland idled between 2019 and 2022. Those years coincided with severe drought in the region.

The search for water has led growers to dig deep into underground water supplies. Many aquifers, geological structures that hold groundwater, are so depleted in the Central Valley that they are considered at an "all time low" or "much below normal," according to California's Department of Water Resources' live monitoring system. Scientists found last year, before the past few months' extreme weather, that groundwater depletion in the Central Valley had been accelerating. In parts of the Central Valley, land has been sinking about a foot a year because of diminishing water, which also reduces the aquifer's storage capacity.

The depletion of water is a daunting problem that lawmakers and governmental agencies have tried to address for years. What is different about the project being piloted on Peters' land under the so-called Environmental Quality Incentives Program is that a federal agency is involved directly with local landowners rather than funding aquifer-recharge projects administered primarily by state or local irrigation districts.

This pilot lets the Natural Resources Conservation Service (NRCS) be surgical in the way that groundwater-recharge projects get built and tested, and encourages private farmers to get involved by covering a significant portion of the construction costs.

"It's nothing new," said Greg Norris, the state conservation engineer for NRCS. "But what this is doing is we're evaluating how we can do it through our programs."

WHY THE CENTRAL VALLEY NEEDS HELP RECHARGING GROUNDWATER

This winter has brought significant rain and snow to northern California, which has boosted hope that the region may see some relief from the drought. Despite recent storms, major reservoirs that collect the water sent down to the Central Valley had below-average levels.

IN THE NEWS – The Modesto Bee, March 6, 2023, Continued

“In the short-term, the early winter storms have helped, but in the long-term, we still have much catching up to do, especially in the northern part of our system,” said U.S. Bureau of Reclamation Regional Director Ernest Conant in the Feb. 22 news release.

State and local agencies have long worked to mitigate the over-pumping of California aquifers. In 2014, then-Gov. Jerry Brown signed the Sustainable Groundwater Management Act to ensure local agencies oversee and reduce overdrafting groundwater, primarily from basins across the Central Valley, with the goal of stabilizing levels in most areas by 2040.

While this effort has put into focus the need to stabilize groundwater supplies, the state has struggled to deliver results.

State rules on who can use what water and balancing environmental concerns often leave Central Valley farmers feeling left out, according to previous reporting by The Sacramento Bee. Local, state and federal officials from the community on both sides of the aisle continually lobby to get and keep more water.

Peters, who is a member of the local farm bureau board, said it is important to come together — and pitch in where they can. She dedicated a sandy stretch of land to the NRCS project in hopes of recharging the aquifer below for herself and her neighbors.

“We have to start collecting water, even if it’s in smaller basins throughout the state,” she said. “We have to start doing it.”

California has been artificially recharging groundwater since the turn of the 20th century. This recharging is often done by injecting water into wells that are connected to the aquifers or adding surface water to an area that is absorbed through the ground.

The projects that NRCS is funding in its pilot program, Norris said, involve adding surface water to the Central Valley. The participating farmers will flood their fields and build trenches that can hold water until it is absorbed into the ground; they are referred to as on-farm recharge and basins respectively.

One challenge of replenishing aquifers through adding surface water is tracking its complex movement through the ground, said Wendy Rash, a NRCS water quality specialist. Another is the risk of pesticides and other fertilizers being absorbed and, therefore, contaminating clean water.

“We’re also working with farmers, looking at their nutrient and pest management practices, to try to do some risk control,” Rash said, “because as we’re putting water back into the aquifer, we don’t want to be degrading the quality of that water.”

Dave Krietemeyer, the lead NRCS engineer for the Central Valley, said that the agency has more than a dozen of these pilot projects going on around Madera County. NRCS is also working on a few projects in Tulare County and is expanding to Fresno.

Whether NRCS methods will be effective will take years to tell, cautioned Norris, as they study the benefits during the next three or four years. “Maybe they don’t have an effect at all,” Norris said. “Maybe they’re a waste of time.”

WHY FEDERAL INVOLVEMENT COULD HELP CENTRAL VALLEY FARMERS

Though tackling the issue of groundwater replenishment is new for the NRCS, the agency that got its start during the 1930s Dust Bowl crisis has a long history of working with agricultural producers to provide technical and cost-sharing assistance as they confront challenges.

There is a history of federal collaboration having a positive impact on the Central Valley’s water issue.

IN THE NEWS – The Modesto Bee, March 6, 2023, Continued

The Bureau of Reclamation's Central Valley Project, which runs 400 miles from the Cascade Range to the Kern River, delivers water to agricultural producers, homes, factories and environmental centers in the Central Valley and Bay Area. Construction on it began in the late 1930s, with many updates over the past several decades, to protect against both water shortages and floods. It delivers a lot of the Central Valley's water today, though it has also suffered shortages during the drought.

The NRCS groundwater-recharge pilot hopes to make a dent in the daunting depletion. The new pilot took a few years of planning to develop practices with actual implementation starting last year with farmers like Peters.

For Peters, the NRCS is taking on 85% of the costs for the construction of 20 acres of on-farm recharge and 20 acres of basin, she said. The local Madera Irrigation District, which formed a groundwater sustainability agency in 2016, is covering the rest, she said.

In addition to the risk of contaminating aquifers, another potential pitfall of this pilot is that the impact on groundwater levels will be too small to justify the cost and effort.

However, if it does work, the NRCS could lobby to add groundwater-recharge projects to their catalog of services.

"If we can show the evidence that it's effective and that we can use it within our programs," said Rash, "then we would be able to say, 'Okay, now we have sort of a full-fledged practice standard here that we could then offer more widely outside of this pilot area.'"

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IN THE NEWS – The Modesto Bee, March 6, 2023

What might happen if a wet spring follows the Modesto watershed's plentiful winter?

By John Holland

Stanislaus County had its wettest year on record in 1983, thanks to spring storms that kept piling onto the impressive winter total.

Forty years later, another winter has brought plenty of rain to the county, and snow to its Sierra Nevada watershed.

Could history repeat itself this spring? Maybe.

California tends to have most of its storms from November through March. But they can happen in April and May, too, as 1983 showed. The extra runoff that year bolstered reservoirs and aquifers but did not cause widespread flooding.

As of Friday, the central Sierra snowpack stood at 196% of the historical average for the date, the California Department of Water Resources reported. It was at virtually the same point on March 3, 1983, and would peak at 230% in May.

The snowpack is the main source for cities and irrigation districts in the Northern San Joaquin Valley, and for parts of the Bay Area.

The National Weather Service can make a very rough guess at conditions three months out, at its Climate Prediction Center. It sees equal chances of wet or dry days through May 2023, based on calculations involving distant ocean temperatures and other variables. The models show that March by itself has above-average odds for rain and snow.

The forecast a few days ahead is more reliable. The weather service predicted up to 0.5 inches of rain in Modesto over the March 4-5 weekend, with up to 30 inches of snow in the watershed. Sunday's seven-day forecast showed at least a slight chance of rain every day through Saturday.

The 2023 snowpack will be memorable even if it falls short of the record.

"It's very possible we'll end up vying for one of the top two snow years on record in parts of the state," said Daniel Swain, a climate scientist at the UCLA Institute of the Environment and Sustainability. He provided a Feb. 20 update on YouTube.

BREAK FROM STORMS EASED FLOODING

The January storms caused major flooding on some California waterways and backed up street gutters in Modesto and elsewhere. A mostly dry February eased the pressure. Much of the runoff went into reservoirs and aquifers strained by three years of drought.

Swain noted two ways the flood threat could return in spring. One is sunny weather melting the snow faster than what the dams and levees can handle. The other is warm storms, where rain can loosen the snowpack. The latter helped cause Modesto's last major flood in 1997, although it was in January rather than spring.

Swain said he does not see either threat in the forecast through mid-March. And he noted that the 2023 snowpack is relatively cold, so raindrops would not dislodge much of it.

IN THE NEWS – The Modesto Bee, March 6, 2023, Continued

A wet spring could delay the need to irrigate farms and gardens, which helps with the recovery from drought. But the storms also could raise the risk of hail or disease damage to crops.

HOPING FOR 'A LONG, SLOW MELT'

The last very wet year was 2017, best known for a dam spillway failure on the Feather River that forced a mass evacuation in Butte County. The Tuolumne River ran high for several months past Modesto due to Don Pedro Reservoir releases to prepare for the snowmelt. The Stanislaus River was lower because New Melones Reservoir had more space.

On Friday, the state DWR held its monthly media event at a Highway 50 snow survey site. It found 177% of average conditions at this spot in the American River watershed.

Even more storms are welcome, if they are of the right sort, said Sean de Guzman, manager of snow surveys and water supply forecasting, in a news release.

"We are hopeful that we will see more cold storms to add to our snowpack for the next month and help set up a long, slow melt period into spring," he said.

IN THE NEWS – The Modesto Bee, March 7, 2023

Modesto's watershed set to get even more rain and snow. Are we approaching records?

By John Holland

Yet another sizable storm is lining up, with perhaps 2 inches of rain in Modesto and 80 inches of snow in its watershed through the weekend.

The National Weather Service is forecasting up to 0.1 inches of rain in the city from a smaller system Wednesday, and 1 to 2 inches of snow high in the Sierra Nevada.

Thursday through Sunday could bring 1 to 2 inches of Modesto rain and 60 to 80 inches of snow. As much as 7.5 inches of rain could fall in Sonora, in the foothill portion of the watershed.

The central Sierra snowpack is at 197% of the historical average for March 7, the California Department of Water Resources said. That is about the same pace as the record set in 1983, which ended up at 230% thanks to storms in April and May.

A total of 15.09 inches of rain has collected in the downtown gauge of the Modesto Irrigation District since the water year began July 1. MID had tallied 19.92 inches by this date in 1983, on the way to a record 26.01 inches.

Snow is much more crucial than rain for this and other water suppliers in the Northern San Joaquin Valley. They expect to ease back on restrictions from the past three years of drought.

The Weather Service forecasts another possible storm Monday and Tuesday, March 14. It has not projected rain and snow totals yet.

The Weather Service sees only a slight chance of Valley flooding with the upcoming storms. Stanislaus County has had plenty of backed-up street drains but no widespread damage this winter.

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IN THE NEWS – The Modesto Bee, March 9, 2023

Here's how operator of Don Pedro Reservoir plans to guard again flooding along Tuolumne

By John Holland

The managers of Don Pedro Reservoir said they stand ready to handle the Tuolumne River surge expected with the next round of storms.

The Turlock Irrigation District said in a Wednesday news release that it has made careful releases since early January to prepare for runoff later in winter.

The massive dam near La Grange is designed to protect the lower 52 miles of river corridor from destructive flows from higher in the Sierra Nevada.

TID operates Don Pedro in partnership with the Modesto Irrigation District and has rights to about two-thirds of its water and hydropower.

The wet 2023 has allowed Don Pedro and other reservoirs to recover some of storage drawn down by three years of drought. But they can't store all of it for future use. The winter releases make room for subsequent rain and for the snowmelt during spring.

The surface of Don Pedro sits at 830 feet above sea level when full. It was at 790 feet as of Wednesday, the California Department of Water Resources reported. It is required to go no higher than 802 feet this time of year under a state-federal system that coordinates reservoir releases.

The National Weather Service forecasts 3 to 5 inches of rain in Modesto through Tuesday. It has issued a flood watch through 10 a.m. Sunday. As much as 150 inches of snow — that's more than 12 feet — could hit the Sierra Nevada watershed tapped by TID, MID and other agencies.

TID said its precautions also include recharging groundwater with releases from Don Pedro. This involves delivering water to farmers with well-draining soil, which allows it to seep down to the aquifer.

The district also noted that the water was released through the Don Pedro powerhouse. This allowed TID to rely less on generation from natural gas, which has shot up in price.

Flooding remains a possibility on Dry Creek, which enters the Tuolumne in Modesto, because it has no upstream dam. TID said it has been doing the Don Pedro releases in a way that leaves room in the river for a sudden burst from the creek.

Don Pedro has been overwhelmed only once in its 52-year history. Warm storms in 1997 caused major flooding in the Modesto area. The reservoir also had very high runoff in 2017, requiring several months of high but not damaging flows in the lower Tuolumne.

TID warned that the river will have similar conditions in 2023. It can be too fast for rowboats or swimmers even if it does not flood.

New Melones Reservoir is the main flood control on the Stanislaus River. It has even more unused space than Don Pedro because of its role in helping to sustain fisheries in the Sacramento-San Joaquin Delta.

IN THE NEWS – The Modesto Bee, March 9, 2023, Continued

EVACUATION ORDER ALONG SJ RIVER

Elsewhere in Stanislaus County, the Office of Emergency Services on Wednesday issued an evacuation order and an evacuation warning for the Newman area along a stretch of the San Joaquin River between Crows Landing Road and Hills Ferry Road. Both remained in effect Thursday.

According to a StanEmergency Facebook post, residents on the east side have been told to safely evacuate the area. Residents on the west side of the same stretch of river are under an evacuation warning and should be prepared to leave if it becomes necessary, county OES said.

The San Joaquin is expected to reach flood monitoring stage by Friday afternoon. The monitoring stage, triggering levee patrols, is 63 feet, and flooding may start to occur at 69.4 feet.

According to forecasters, the river is projected to reach the 65-foot level Saturday night, at which a trailer park on River Road may start to take water.

Authorities set up an evacuation shelter at Patterson High School, 200 N. Seventh St.



STANISLAUS LOCAL AGENCY FORMATION COMMISSION MINUTES

January 25, 2023

1. CALL TO ORDER

Chair Withrow called the meeting to order at 6:00 p.m.

- A. Pledge of Allegiance to Flag. Chair Withrow led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Withrow led in the introduction of the Commissioners and Staff.

Commissioners Present: Terry Withrow, Chair, County Member
Richard O'Brien, Vice-Chair, City Member
Vito Chiesa, County Member
Amy Bublak, City Member
Javier Lopez, Alternate City Member

Commissioners Absent: Ken Lane, Public Member
Mani Grewal, Alternate County Member
Bill Berryhill, Alternate Public Member

Staff Present: Javier Camarena, Assistant Executive Officer
Jennifer Vieira, Commission Clerk
Robert J. Taro, LAFCO Counsel

2. PUBLIC COMMENT

Dan Whetstone, Jami Aggers, AJ Mitchell, Barney Aggers, Catherine Wells, Karen Conrotto Karen Mitchell and Kent Mitchell spoke regarding their concerns about the City of Riverbank's River Walk Specific Plan proposal.

3. CORRESPONDENCE

- A. Specific Correspondence.

None.

- B. Informational Correspondence.

- 1. 2023 CALAFCO Calendar.

- 2. CALAFCO Quarterly – December 2022.

- C. "In the News."

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

5. CONSENT ITEMS

- A. **MINUTES OF THE OCTOBER 26, 2022 LAFCO MEETING.** (Staff Recommendation: Accept the Minutes.)
- B. **2023 WORK PROGRAM – MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES.** (Staff Recommendation: Adopt the 2023 Work Program.)

Motion by Commissioner Bublak, seconded by Commissioner Chiesa, and carried with a 4-0 vote to approve the consent items, by the following vote:

Ayes: Commissioners: Bublak, Chiesa, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: Lopez
Absent: Commissioners: Berryhill, Grewal and Lane
Abstention: Commissioners: None

6. PUBLIC HEARING

- A. **LAFCO APPLICATION NO. 2022-04 – NEWMAN DETACHMENT OF TERRITORY FROM THE CENTRAL CALIFORNIA IRRIGATION DISTRICT (CCID):** The Commission will consider a request to detach areas from the Central California Irrigation District (CCID) that overlap the current City Limits of Newman. Properties within CCID are typically detached simultaneously upon annexation to the City of Newman. There are currently multiple properties that were not detached, leaving CCID with overlapping areas that are no longer receiving CCID services. Detachment from CCID would eliminate the District/City overlap. The Commission will also consider an exemption from the California Environmental Quality Act (CEQA) pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the proposal and adopt Resolution No. 2023-02.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the item up for Public Comment at 6:27 p.m.

Michael Holland, Newman City Manager spoke on behalf of the project.

Chair Withrow closed the Public Hearing at 6:28 p.m.

Motion by Commissioner O'Brien, seconded by Commissioner Chiesa, and carried with a 4-0 vote to approve the proposal and adopt Resolution No. 2023-02, by the following vote:

Ayes: Commissioners: Bublak, Chiesa, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: Lopez
Absent: Commissioners: Berryhill, Grewal and Lane

Abstention: Commissioners: None

7. OTHER BUSINESS

- A. **ANNUAL ELECTION OF OFFICERS.** (Staff Recommendation: Appoint a Chairperson and Vice-Chairperson and adopt Resolution No. 2023-01a and 2023-01b.)

Motion by Commissioner Bublak, seconded by Commissioner O'Brien and carried with a 4-0 vote to appoint Commissioner O'Brien as Chairperson, by the following vote:

*Ayes: Commissioners: Bublak, Chiesa, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: Lopez
Absent: Commissioners: Berryhill, Grewal and Lane
Abstention: Commissioners: None*

Motion by Commissioner Bublak, seconded by Commissioner O'Brien and carried with a 4-0 vote to appoint Commissioner Chiesa as Vice-Chairperson, by the following vote:

*Ayes: Commissioners: Bublak, Chiesa, O'Brien and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: Lopez
Absent: Commissioners: Berryhill, Grewal and Lane
Abstention: Commissioners: None*

8. COMMISSIONER COMMENTS

None.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

10. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Assistant Executive Officer informed the Commission of the following:
- Staff is waiting for the Reclassification study. Staff anticipates bringing it before the Commission in February.

11. ADJOURNMENT

- A. Chair Withrow adjourned the meeting at 6:30 p.m.

**EXECUTIVE OFFICER'S AGENDA REPORT
MARCH 22, 2023**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

SUBJECT: MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2022-2023

RECOMMENDATION

It is recommended that the Commission accept this financial update.

DISCUSSION

The Mid-Year Budget Report provides an overview of LAFCO's expenses and revenues through the second quarter for the Commission's information. The Commission's adopted budget for the current fiscal year is \$593,480. At mid-year, expenditures totaled \$285,408, which represents approximately 48% of the adopted budget. Below is an overview of LAFCO's expenses and revenues:

LAFCO FY 2022-2023 Mid-Year Comparison: Adopted Budget vs. Actual

	Adopted Budget (2022-2023)	Actual (Mid-Year)	% of Budget
EXPENSES			
Salaries & Benefits	\$510,110	\$247,339	48%
Services & Supplies	82,170	37,877	46%
Other Charges	1,200	192	16%
Total Expenses	\$593,480	\$285,408	48%
REVENUES			
City/County Contributions	\$553,480	\$553,480	100%
Applications & Other Revenues	20,000	19,500	98%
Interest Earnings	--	806	--
Total Revenues	\$573,480	\$573,786	100%
<i>Use of Fund Balance</i>	<i>20,000</i>		
<i>Total Budget</i>	<i>\$593,480</i>		

A detailed listing of individual accounts is attached for the Commission's information. The following highlights the expense and revenue categories through mid-year:

➤ **Salaries and Benefits:**

Through the end of the second quarter, \$247,339 has been expended on Salaries and Benefits, representing approximately 48% of the total amount budgeted in this category for the fiscal year. This is due to an unanticipated 5% "recruitment and retention" salary increase for County employees that was approved by the Board of Supervisors after the Commission adopted LAFCO's Final Budget. The Commission budgeted a modest increase in the Salaries and Benefits category to accommodate potential impacts of reclassification of the Executive Officer and Assistant Executive Officer positions; however, as a result of the County's unanticipated salary increases, by year-end, expenditures in this category are expected to be near the amount budgeted by the Commission.

➤ Services and Supplies:

At the end of the second quarter, expenditures under the Services and Supplies category totaled \$37,877. This represents 46% of the total amount budgeted. Of note is the following:

- Expenditures for the Commission's general liability insurance, membership dues, and office lease are billed as one-time expenses early in the fiscal year.
- The County transitioned to a new Oracle Cloud financial system in October of 2022. As part of this transition, certain accounts were relocated or renamed to align with the State Controller's Office accounting standards. Charges for various County-provided services (CAP charges) were assumed by the County to be at 50% for mid-year. Subsequent right-sizing of these charges has already occurred as of the drafting of this report.

➤ Other Charges:

This budget category contains expenses associated with a shared copier lease and copy costs and is typically only billed twice a year. Copy costs have generally trended lower than anticipated.

➤ Revenues:

The County and nine cities have paid their apportionment shares totaling \$553,480. Revenue received from LAFCO application fees and services at mid-year totals \$19,500. Staff anticipates additional application revenues in the next few months that will exceed the \$20,000 estimated for the account by year-end.

CONCLUSION

While there have been unanticipated increases in the Salaries and Benefits category, overall expenses are expected to remain at or near the total budget due to savings in the Services and Supplies category. Staff will continue to monitor monthly expenditures, along with year-end estimates, and return to the Commission should fund balance (General Fund Reserves) need to be appropriated for expenses.

**EXECUTIVE OFFICER'S AGENDA REPORT
MARCH 22, 2023**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

SUBJECT: RECLASSIFICATION OF THE LAFCO EXECUTIVE OFFICER AND ASSISTANT EXECUTIVE OFFICER

RECOMMENDATION

Staff recommends that following the review of the County's reclassification recommendations for the LAFCO Executive Officer and Assistant Executive Officer that the Commission take one of the following actions:

1. Adopt Resolution 2023-03, authorizing the Executive Officer to execute the necessary amendments to the LAFCO-County Memorandum of Understanding and LAFCO Executive Officer Memorandum of Agreement based on the recommendations of the County Human Relations Division.
- or -
2. Designate an ad-hoc advisory committee of the Commission (two members) to further discuss the reclassification results with the County Human Relations Division and return to the Commission with a recommendation for action.

BACKGROUND

On April 27, 2022, the Commission requested that Staff research and compile information regarding salary comparisons and classification of its employees to ensure that the positions remain fairly and competitively compensated.

On May 25, 2022, Staff presented the Commission with point-in-time salary comparisons for its Staff compared to those of the 8-comparison county^a LAFCOs, and other similar classifications in the County, city planning departments, and other JPA-Commission-led agencies. The results of this initial salary survey showed that the Commission Clerk's salary (reclassified in 2009) remained competitive. However, the Executive Officer and Assistant Executive Officer positions were below the average 8-county comparison of LAFCOs and comparable positions in the County. The Commission reviewed this information and requested that the County Human Relations Division (County HR) complete reclassification studies for its Executive Officer and Assistant Executive Officer. The Commission also included potential financial impacts of the results of a reclassification study in its Final Budget.

LAFCO currently has a Memorandum of Understanding (MOU) with the County for provision of staffing. The Commission further enters into an agreement directly with the employee that they appoint as the LAFCO Executive Officer. Pursuant to the MOU, the three LAFCO Staff positions use the County's classification system currently receive respective County salary and benefits as a Manager IV (for the Executive Officer), a Manager II (for the Assistant Executive Officer), and a Confidential Assistant IV (for the Commission Clerk).

^a The County uses a comparison analysis of 8 counties when setting and comparing salaries, also used in LAFCO's data collection, and included in this staff report.

RECLASSIFICATION RESULTS

In late 2022, County HR notified LAFCO Staff that the reclassification studies had been completed. Staff requested the results in writing to be shared with the Commission. The recommendations from County HR are contained in two letters attached as Exhibit 1 to this report and are summarized below:

For the LAFCO Assistant Executive Officer (Manager II) position:

- County HR recommends reclassifying the Manager II to a Manager III with the working title of Assistant Executive Officer – LAFCO and a commensurate salary increase from “Management Salary Band B” to “Management Salary Band C.” The FLSA Status would remain as “Administrative”, and the benefits would remain as “Management Employee.” Benefit summaries are attached as Exhibit 2. The position would be block-budgeted to a Manager I/II/III.

County HR's recommendation for the reclassification of the LAFCO Assistant Executive Officer position would place it at 10.8% above the 8-County comparison. It would also make the position comparable to and competitive with a Senior Planner (Manager II/III) in the County. Block-budgeting of the position allows the opportunity to hire at the Manager I level with the potential for job growth and gradual increasing of responsibilities. This will help to attract associate-level planners looking to advance their career with LAFCO.

For the LAFCO Executive Officer (Manager IV) position:

- County HR recommends creating a new job classification of “Executive Officer – LAFCO” to replace the existing Manager IV classification. The FLSA Status would change from “Administrative” to “Executive” and the benefits would change from “Management Employee” to “Department Head.” HR Recommends “Salary Band E” for “Executive Officer – LAFCO.”

County HR's initial letter dated January 23, 2023, included three errors in its 8-County comparison chart for the Executive Officer position, including a lower rate for Monterey LAFCO Executive Officer's salary, incorrectly identifying Kern LAFCO as a contract employee without benefits, and an incorrect rate for Merced LAFCO Executive Officer's salary (although Merced's part-time rate had been excluded from the average).

County HR sent a revised letter dated March 1, 2023, with a chart that corrected the Monterey and Kern LAFCO errors but included a different methodology from the January letter by including the two part-time counties (Madera and Merced) in the average calculation. This resulted in a lower top-step average for the Executive Officer position of \$149,803 as compared to LAFCO Staff's calculation of the average as \$163,896. LAFCO Staff further researched Madera and Merced's LAFCO operations and found the following:

- Madera LAFCO is considered a low-activity County with only 2 cities and a total population of 156,247. The position of EO is currently filled by a retired, part-time County Planner who works two days a week making \$44.87/hour (a rate that falls within Madera County's range for a Senior Planner). Madera County Planning Department positions describe LAFCO duties as a part-time function of the department and outside consultants for Municipal Service Reviews.
- For Merced LAFCO, County HR relied on a salary range from an unsuccessful recruitment for the position in 2022. The salary range was never used, and the position currently remains

part-time, with the Commission choosing to contract with a retired planner acting in a consultant capacity at \$180/hour and relying on outside consultants for Municipal Service Reviews.

Exclusion of the two part-time counties results in County HR's recommendation for the Executive Officer being 6.4% below the average top step. Inclusion of the part-time counties, results in County HR's recommendation being 2.8% above the average top step. Below is a summary of the ranges based on the two methodologies:

Table 1: 8-County Comparison Methodologies

Executive Officer (Current Salary)	\$92,394 – 138,611
8-County Average <u>Excluding</u> Part-Time EOs (Madera & Merced)	\$117,643 – 163,896
8-County Average <u>Including</u> Part-Time EOs (HR's calculation)	\$105,103 – 149,803
County HR Recommendation (Band E)	\$102,690 – 154,024

A similar salary survey completed by Placer LAFCO in late 2022 focused on full-time Executive Officers in suburban counties. The Placer LAFCO study resulted in an average salary of \$166,112 for Executive Officers. The study used a scenario that excluded Stanislaus LAFCO Executive Officer's pay range due to it being the lowest of the suburban counties.

The following table displays County HR's recommendations compared to the 8-county comparison LAFCOs and similar positions in Stanislaus County. The tables reflect cost-of-living increases provided to Stanislaus County employees since May 2022 and other agencies through Dec. 2022.

Table 2: Comparison to Other LAFCOs

LAFCO	EXECUTIVE OFFICER	ASSISTANT EXECUTIVE OFFICER
Stanislaus (Current Salaries)	\$92,394 – 138,611	\$72,301 – 108,451
Fresno	\$95,000 – 150,000	\$67,416 – 81,948
Kern	\$156,247	\$75,000 – 100,000
Madera*	<i>Part-time EO (\$44.87/hr, low-activity County)</i>	<i>Part-time Staff (low-activity County)</i>
Merced*	<i>Consultant used as Part-Time EO, \$180/hr</i>	<i>Part-time Staff (shared w/ County Planning)</i>
Monterey	\$203,465	\$106,704 – 143,000
Sacramento	\$135,386 – 149,250	\$90,724 – 110,267
San Joaquin	\$128,266 – 156,811	\$95,718 – 116,346
Tulare	\$111,921 – 167,600	\$85,550 – 104,263
8-County Average <i>*Excluding Part-Time Counties</i>	\$117,643 – 163,896	\$86,852 – 109,304
<i>Top-Step Comparison (Current Salaries)</i>	<i>Stanislaus is \$25,285 or 18.2% Less than Average Top Step</i>	<i>Stanislaus is \$853 or 0.8% <u>Less</u> than Average Top Step</i>
County HR Recommendation	"Band E" Equivalent \$102,690 – \$154,024	Block-Budget Manager I/II/III \$64,376 – \$122,595
<i>County HR Recommendation Compared to Average of Other LAFCOs</i>	<i>Lowest Step would be 14.6% <u>Less</u> than Average. Top Step would be 6.4% <u>Less</u> than Average.</i>	<i>Lowest Step would be 34.9% <u>Less</u> than Average. Top Step would be 10.8% <u>Above</u> Average.</i>

Comparison to Other Agencies in Stanislaus County

The following tables are included for the Commission's information comparing County HR's recommended salary ranges for the LAFCO Executive Officer and Assistant Executive Officer with other agencies in Stanislaus County, including independent Commission-led agencies and JPAs.

Table 3: Comparison to Other Positions within Stanislaus County

LAFCO Executive Officer

Agency	Title / Classification	Salary Range (Low – High)
Stanislaus LAFCO (Current Rate)	Executive Officer (Manager IV)	\$92,394 – 138,611
County HR Recommendation	LAFCO Executive Officer	\$102,690 – \$154,024
Stanislaus County	Planning & Community Development Director	\$134,826 – 202,218
	Assistant Director	\$102,690 – 154,024
	Clerk of the Board	\$102,690 – 154,024
Stanislaus Children and Families Commission <i>Uses County Classification System</i>	Children and Families Commission (First 5) Executive Director	\$115,710 – 173,576
Stanislaus Animal Service Agency <i>JPA, Uses County Classification System</i>	Director of Animal Services	\$115,710 – 173,576
Stanislaus Regional 911 <i>JPA, Uses County Classification System</i>	Director of Stanislaus Regional 911	\$115,710 – 173,576
City of Modesto	Director of Community & Economic Development	\$155,464 – 194,345
	Deputy Director of Community & Economic Development	\$119,087 – 144,757
City of Turlock	Development Services Director - Planning	\$144,624 – 175,800
	Economic Development Director	\$144,624 – 175,800
City of Ceres	Director of Community Development	\$142,572 – 173,304
StanCOG	Executive Director	\$239,738+ (2021 publicly-reported amount used; StanCOG did not respond to survey)

Table 4: Comparison to Other Positions within Stanislaus County

LAFCO Assistant Executive Officer

Agency	Title / Classification	Salary Range (Low – High)
Stanislaus LAFCO (Current Rate)	Assistant Executive Officer (Manager II)	\$72,301 – 108,451
County HR Recommendation	Block-Budgeted Manager I/II/III	\$64,376 – \$122,595
Stanislaus County	Assistant Planning & Community Development Director <i>(recently re-classified to multiple deputy director positions)</i>	\$102,690 – 154,024
	Deputy Director (Manager IV)	\$92,394 – 138,611
	Senior Planner <i>(block-budgeted as Manager II/III; Mgr III range shown for comparison purposes)</i>	\$81,744 – 122,595
City of Modesto	Planning Manager	\$113,493 – 137,932
	Economic Development Manager	\$110,718 – 134,572
	Principal Planner	\$102,808 – 124,972
	Senior Business Analyst	\$88,657 – 107,754
	Senior Planner	\$84,379 – 102,578
City of Turlock	Principal Planner	\$98,376 – 119,580
	Senior Planner	\$83,724 – 101,760
City of Ceres	Redev. & Economic Development Manager	\$107,700 – 130,920
	Senior Planner	\$72,552 – 88,188
City of Riverbank	City Planner	\$102,352 – 124,410
StanCOG	Principal Transportation Planner	\$84,872 – 121,685
	Senior Planner	\$79,249 – 110,334

CONCLUSION

If the Commission is in agreement with the County HR reclassification recommendations, a draft resolution has been prepared that would authorize the Executive Officer to execute the necessary amendments to the LAFCO-County Memorandum of Understanding and LAFCO Executive Officer Memorandum of Agreement based on County HR's recommendations. The resolution, attached as Exhibit 3, additionally authorizes the Executive Officer to make a minor correction the LAFCO-County Memorandum of Understanding to reflect the reclassification of the Commission Clerk approved previously in 2009. County HR will then be requested to take any actions necessary to effectuate the reclassifications of the Executive Officer and Assistant Executive Officer in the County's position allocations.

EXECUTIVE OFFICER'S AGENDA REPORT
MARCH 22, 2023
PAGE 6

If the Commission desires additional information, it is recommended that the Commission designate an ad-hoc advisory committee to meet with County HR and return to the Commission with a recommendation for action.

Attachments:

- Exhibit 1 – County HR's Reclassification Letters Dated January 23, 2023 and March 1, 2023
- Exhibit 2 – County Benefit Summaries (Management and Department Head)
- Exhibit 3 – LAFCO Draft Resolution 2023-03 (Approving the Reclassification Recommendations)

EXHIBIT 1

**County HR's Reclassification Letters
Dated January 23, 2023 and March 1, 2023**

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CHIEF EXECUTIVE OFFICE

Jody L. Hayes
CHIEF EXECUTIVE OFFICER

Patrice M. Dietrich
ASSISTANT EXECUTIVE OFFICER/
CHIEF OPERATIONS OFFICER

Tina M. Rocha
ASSISTANT EXECUTIVE OFFICER

Ruben Imperial
ASSISTANT EXECUTIVE OFFICER

January 23, 2023

Sara Lytle-Pinhey
Executive Officer
Stanislaus Local Agency Formation Commission

RE: Classification study of one Manager IV (position # 10004) and one Manager II (position # 10005)

Dear Ms. Lytle-Pinhey,

The Chief Executive Office – Human Relations Division has completed the compensation and classification studies of the positions noted above requested as part of the County's 2022-23 Adopted Budget. The study was initiated because of a request by the LAFCO Commission, Resolution No. 2022-07, and the LAFCO Executive Officer's Agenda Report dated May 25, 2022. The compensation and classification study request included the following:

- Reclassify one Manager IV-Executive Officer - LAFCO position (10004) based upon compensation equity survey
- Reclassify one Manager II position (10005) to a block-budgeted Manager I/II/III classification with a working title of Assistant Executive Officer – LAFCO

The relationship between Stanislaus County and LAFCO is governed by a memorandum of understanding. According to the current *Agreement Between the County of Stanislaus and the Local Agency Formation Commission of Stanislaus County for Operational Service*:

The personnel provided by the County to LAFCO shall be employees of the County and governed by all County employment rules and ordinances and receive all employee benefits applicable to County employees generally; provided, however, the County employee serving as the Executive Officer shall be subject solely to appointment by LAFCO pursuant to Government Code Section 56384.

As the employer of record, the County relies upon County Ordinance 3.12.020 to inform its classification plan as follows:

The classification plan of the County shall mean the arrangement and allocation of positions under distinct classifications established by the Board of Supervisors. The purpose of the classification plan shall be to designate each kind of employment in County service which shall encompass within it all positions having duties and responsibilities sufficiently similar so that the same descriptive title and the same requirements



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and qualifications as to education, experience, knowledge, skills and abilities may be required of incumbents and so that the same schedule of compensation may be made to apply with equity.

Process

The compensation and classification study process involves the evaluation of a position or family of positions and is applied to all job classifications approved by the County Board of Supervisors. The study focuses on a position and not a particular incumbent filling the position. A Position Description Questionnaire (PDQ) is typically completed by the incumbent, incumbent's supervisor, and Human Relations representative to identify job duties, responsibilities, tasks, and other information germane to the work performed within the job classification under review. Information gleaned from the PDQs is used to analyze and evaluate work activities, attributes, and context to determine whether the work being performed correctly aligns with the job classification specifications. If there is no existing job classification having sufficiently similar duties and responsibilities, a new job classification will be recommended. Once the correct job classification is identified, a compensation study may follow.

Compensation studies involve analysis of salary, fringe benefits, and at times incentives commensurate with the nature, scope, and responsibilities of a particular position. In addition, labor market data and compensation of like positions in comparable counties are assessed. The value of salary and benefits are compared against a mean dollar value at the top of the salary range from such comparable counties. The standard practice is to generally place a job classification within 95-105% of the comparable mean.

Sometimes comparable counties do not structure like positions the same way or rely upon contract employees or independent contractors to perform like work. Typically contract employees and independent contractors receive a salary premium to offset the absence of the value of fringe benefits. Current industry practice uses 75-80% of contractor salaries to compare to regular full-time employees who also receive benefits. However, it is not the standard practice of the County to include contractors in compensation studies due to obvious variances typical of contract work and higher costs of associated with superior County benefits offerings.

Studies are performed by trained HR personnel who specialize in compensation and classification. Once the work is completed, it is peer reviewed and submitted to a Senior Management Consultant for approval. A report is rendered and submitted to County Senior Leadership for review and consideration. If approved by Senior Leadership, a Board Agenda Item is drafted and submitted to the County Board of Supervisors to consider in accordance with the County Salary and Position Allocation Resolution. If approved by the County Board of Supervisors, the County Human Relations team is charged to execute the item.

Study Summary

Manager IV, Executive Officer LAFCO

The findings of the study indicated an increased level of responsibilities growing from the evolution of the position and a series of legislative changes. LAFCO is not a county department, and the work is unique when compared to existing County job classifications. The study accounted for many variables to include number of cities, special districts, population, and median household income within the purview of the comparable LAFCO Commissions.

The compensation survey relied upon like positions in the County's established eight comparable counties (Fresno, Kern, Madera, Merced, Monterey, Sacramento, San Joaquin, and Tulare); however, Kern, Madera, and Merced counties were excluded due to contract work and/or part time work differences. Labor market data indicated the Manager IV classification serving as the Executive Officer – LAFCO is approximately 9.5% below the comparable mean at the top of Management Salary Band D. Fringe benefits were assessed using the same methodology.

Of note, the existing agreement between the County and LAFCO in Article 3(a) only provides for compensation of the Executive Officer at the existing Manager IV classification. The County and the LAFCO, if they so choose, would have to amend this provision in order to effect any change in the existing Manager IV classification.

Manager II, Assistant Executive Officer LAFCO

The findings of the study indicated an increased level of responsibilities growing from the evolution of the position and a series of legislative changes. Variables considered are consistent with those used in the Executive Officer study. Compensation was also determined utilizing the same process measured at the top of Management Salary Bands B and C respectively.

Analysis and Recommendations

Manager IV, Executive Officer LAFCO

CEO-HR recommends creating a new job classification, Executive Officer - LAFCO to replace the existing Manager IV classification allocated to the LAFCO Commission. The nature, scope, responsibilities, work activities, attributes, and context all align with like positions in other LAFCO commissions affiliated with comparable counties. CEO-HR also recommends changing the existing Manager IV position FLSA Status from *Administrative* to *Executive*, and benefits from *Management Employees* to *Department Heads*. Finally, CEO-HR recommends applying Executive Salary Band E to the new classification of Executive Officer – LAFCO which effectively places the classification at 1.5% above the comparable mean, or 101.5% of the mean; an approximate 11% salary increase from the Manager IV classification. The total compensation package is competitive with comparable counties (See Salary Survey).

Manager II, Assistant Executive Officer LAFCO

CEO-HR recommends reclassifying the Manager II, Assistant Executive Officer – LAFCO upward to Manager III, with a working title of Assistant Executive Officer – LAFCO. The nature, scope, responsibilities, work activities, attributes, and context all align with like positions in other LAFCO commissions affiliated with comparable counties. CEO-HR also recommends a commensurate salary increase from Management Salary Band B to Management Salary Band C resulting in an approximate 13% salary increase. Finally, CEO-HR recommends no changes in FLSA Status or benefits. The classification will remain as FLSA Status *Administrative*, and *Management Employees* benefits respectively. The position will be block-budgeted to Manager I/II/III consistent with budgeting protocols for this classification.

Sincerely,



Bernard Licata (Jan 23, 2023 07:59 PST)

Bernard Licata

Sr. Management Consultant

Stanislaus County CEO-HR

Local Agency Formation Commission
2022 Salary Survey

	County	Comparable Classification	Minimum	Average	Maximum	County Equiv or Unique Classification	# of Cities	Districts	Population	Median Household Income
	Fresno	LAFCO Executive Officer	\$95,000	\$122,500	\$150,000	County	15	116	999,101	\$53,969
	Kern	LAFCO Executive Officer	\$156,000	\$161,200	\$166,400	Unique	11	100	900,202	\$51,579
	Madera	LAFCO Executive Officer	\$46,665	\$69,998	\$93,330	Unique	2	41	157,327	\$52,884
	Merced	LAFCO Executive Officer	\$83,200	\$124,800	\$166,400	Unique	6	53	277,680	\$53,672
	Monterey	LAFCO Executive Officer	\$99,132	\$117,228	\$135,324	County	12	90	434,061	\$70,681
	Sacramento	Principal Planner (LAFCO Executive Officer)	\$135,386	\$142,318	\$149,250	County	7	87	1,552,000	\$69,767
	San Joaquin	LAFCO Executive Officer	\$128,266	\$142,539	\$156,811	County	7	134	762,148	\$64,432
	Tulare	LAFCO Executive Director	\$111,921	\$139,761	\$167,600	County	8	102	466,195	\$48,817
	County Comparables *Excludes Kern, Madera, and Merced Counties		\$113,941	\$132,869	\$151,797	Averages	8.5	90	693,589	\$58,225
	Stanislaus	Manager IV (Current per MOU)	\$92,394	\$115,502	\$138,611	County	9	72	550,660	\$60,321
		Difference from Comparable County Average \$	(\$21,547)	(\$17,367)	(\$13,186)					
		Difference from Comparable County Average %	-23.3%	-15.0%	-9.5%					
	CEO-HR Recommendation	Executive Salary Range - Band E	\$102,690	\$128,357	\$154,024					
		Difference from Comparable County Average \$	(\$11,251)	(\$4,512)	\$2,227					
		Difference from Comparable County Average %	-9.9%	-3.4%	1.5%					
	*All contract rate counties calculated at 75-80% salary due to zero value fringe benefits. Not included in comparable county averages									
	Kern County	Contract rate of \$100 p/hr F/T calculated Min = 75% Max = 80%								
	Madera County	Contract Rate of \$44.87 p/hr P/T calculated Min = 1040 hrs Max = 2080 hrs								
	Merced County	Contract Rate of \$100 p/hr P/T - F/T calculated Min = 1040 hrs @ 80% Max = 2080 hrs @ 80%								



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CHIEF OPERATIONS OFFICER

Tina M. Rocha
ASSISTANT EXECUTIVE OFFICER

Ruben Imperial
ASSISTANT EXECUTIVE OFFICER

March 01, 2023

Sara Lytle-Pinhey
Executive Officer
Stanislaus Local Agency Formation Commission

RE: Classification study of one Manager IV (position # 10004) Follow Up

Dear Ms. Lytle-Pinhey,

The Chief Executive Office – Human Relations Division has completed an updated compensation and classification study of the position per your request to investigate discrepancies with reported comparable salaries and to examine arrangements specific to Kern, Merced, and Monterey LAFCO. As you are aware, the original study began in June 2022 and completed in October 2022. The study was initiated because of a request by the LAFCO Commission, Resolution No. 2022-07, and the LAFCO Executive Officer's Agenda Report dated May 25, 2022.

Study Summary

Manager IV, Executive Officer LAFCO

Each of the LAFCOs either contract with its respective county to act as the employer of record or acts as its own employer as a public agency. Fresno, Sacramento, San Joaquin, and Tulare LAFCOs contract with the county, whereas the remaining comparable agencies do not. Kern and Monterey LAFCOs are stand-alone public agencies that employ a full time Executive Officer and staff who independently negotiate salaries and are charged to administer human resources functions. Madera and Merced currently contract part time Executive Officers with clear limitations on the number of hours permitted. For example, the Merced LAFCO EO negotiated a new rate of pay from \$110 per hour to \$180 per hour effective July 1, 2022, with 400 allowable hours worked per fiscal year (Annual Salary of \$72,000). The following summarizes findings specific to your request:

1. Merced LAFCO: Contracts a part time EO at a rate of \$180 per hour limited to 400 hours per fiscal year. The county also has a job classification for the LAFCO EO for a full time, benefitted position. Utilizing a part time contract rate does not accurately comport as a comparable; however, the published and current job specification does. As a result, CEO-HR relied upon the current job specification published by Merced County to determine the comparable value of compensation should the Merced LAFCO choose to contract with the county.



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2. Kern LAFCO: Contracts a full time, benefitted EO and staff as an independent public agency. As a public agency, Kern LAFCO has an agreement with CalPERS (Kern LAFCO Employer ID #5612540391) to provide retirement benefits at an employer cost of 16.17% (Misc) or 7.76% (PEPRA) of pensionable compensation. The employer costs to participate in CalPERS is significantly less than an Act 37 county retirement agency ranging at approximately 30% of pensionable compensation. Other fringe benefits are generally comparable. Since salary surveys generally compare the maximum compensation value, CEO-HR included Kern LAFCO in the comparison without considering the value of the total compensation.
3. Monterey LAFCO: Contracts a full time, benefitted EO and staff as an independent public agency. Much like Kern LAFCO, there is an agreement with CalPERS (Monterey LAFCO Employer ID #7449296272) to provide retirement benefits at an employer cost of 10.87% (Misc) or 7.47% (PEPRA) of pensionable compensation. Other fringe benefits are generally comparable. CEO-HR included Monterey LAFCO in the comparison without considering the value of total compensation.

Of note, the existing agreement between the County and LAFCO in Article 3(a) only provides for compensation of the Executive Officer at the existing Manager IV classification. The County and the LAFCO, if they so choose, would have to amend this provision to effect any change in the existing Manager IV classification.

Analysis and Recommendations

Manager IV, Executive Officer LAFCO

CEO-HR recommends creating a new job classification, Executive Officer - LAFCO to replace the existing Manager IV classification allocated to the LAFCO Commission. The nature, scope, responsibilities, work activities, attributes, and context all align with like positions in other LAFCO commissions affiliated with comparable counties. CEO-HR also recommends changing the existing Manager IV position FLSA Status from *Administrative* to *Executive*, and benefits from *Management Employees* to *Department Heads*. Finally, CEO-HR recommends applying Executive Salary Band E to the new classification of Executive Officer – LAFCO which effectively places the classification at 2.8% above the comparable mean, or 102.8% of the mean; an approximate 11% salary increase from the Manager IV classification. The total compensation package is competitive with comparable counties resulting in an overall compensation increase of 11.5% (See Tables Below).

The following table compares the proposed reclassification from Manager IV to Executive Officer – LAFCO and estimates the total compensation package.

TOTAL COMPENSATION STANCO LAFCO EXECUTIVE OFFICER		
	M-Salary Band D	E-Salary Band E
Base Salary	\$ 138,611.00	\$ 154,024.00
Health	\$ 20,336.00	\$ 20,336.00
Vision/Dental	\$ 996.00	\$ 996.00
Retirement	\$ 43,634.74	\$ 48,486.76
FICA/Medicare	\$ 10,603.74	\$ 11,782.84
Deferred Comp	\$ 2,079.17	\$ 3,080.48
Prof. Development	\$ 900.00	\$ 1,200.00
Car Allowance	\$ 2,400.00	\$ 4,800.00
	\$ 219,560.65	\$ 244,706.07
Increase in Total Compensation:		11.5%

The following table illustrates salaries of LAFCOs in the eight comparable counties:

Local Agency Formation Commission 2023 Salary Survey								
County	Comparable Classification	Minimum	Average	Maximum	County Equiv or Unique Classification	# of Cities	# of Special Districts	Median Household Income
Fresno ¹	LAFCO Executive Officer	\$95,000	\$122,500	\$150,000	County	15	116	\$53,969
Kern ²	LAFCO Executive Officer			\$140,000	Unique	11	100	\$51,579
Madera ³	LAFCO Executive Officer	\$46,665	\$69,998	\$93,330	Unique	2	41	\$52,884
Merced ⁴	LAFCO Executive Officer	\$113,381	\$125,674	\$137,966	Unique	6	53	\$53,672
Monterey ²	LAFCO Executive Officer			\$203,465	Unique	12	90	\$70,681
Sacramento ¹	Principal Planner (LAFCO Executive Officer)	\$135,386	\$142,318	\$149,250	County	7	87	\$69,767
San Joaquin ¹	LAFCO Executive Officer	\$128,266	\$142,539	\$156,811	County	7	134	\$64,432
Tulare ¹	LAFCO Executive Director	\$111,921	\$139,761	\$167,600	County	8	102	\$48,817
8 County Comparables	LAFCO Executive Director Salary Averages*	\$105,103	\$123,798	\$149,803	Averages	8.5	90.4	\$58,225
Stanislaus ¹	LAFCO Executive Director/Manager IV (per MOU)	\$92,394	\$115,502	\$138,611	Stan County	9	72	\$60,321
	Difference from Comparable County Average \$	(\$12,710)	(\$8,296)	(\$11,192)				
	Difference from Comparable County Average %	-13.8%	-7.2%	-8.1%				
CEO-HR Recommendation	Executive Salary Range - Band E	\$102,690	\$128,357	\$154,024				
	Difference from Comparable County Average \$	(\$2,414)	\$4,559	\$4,221				
	Difference from Comparable County Average %	-2.3%	3.7%	2.8%				

*	Kern and Monterey Counties are excluded from the minimum and average salary range calculation since both utilize flat rate salaries determined by its respective LAFCO Commission
1	EO is a county employee with benefits
2	EO is a public agency employee with benefits and a flat rate salary with no established salary range
3	EO is a contract employee working part time or full time with limited or no benefits
4	Current EO is a contract employee working part time with no benefits. County has established full time job specification

Sincerely,



Bernard Licata (Mar 1, 2023 15:12 PST)

Bernard Licata

Sr. Management Consultant

Stanislaus County CEO-HR

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EXHIBIT 2

County Benefit Summaries (Management & Department Head)

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STANISLAUS COUNTY MANAGEMENT EMPLOYEES* 2022 BENEFIT SUMMARY

Revised 01/2022

**Management Lieutenants, please refer to your MOU.*

TYPE	SEMI-MONTHLY PREMIUMS	DESCRIPTION	SUBJECT TO TAXES
MEDICAL INSURANCE HEALTH PARTNERS OF NORTHERN CALIFORNIA (HPNC) OR UNITED HEALTHCARE (UHC) Medical Plan Carrier is based on employee's zip code. See Employee Benefit Guide for zip code list.	HDHP WITH HSA Employee Only\$326.50 Employee+1.....\$653.50 Family\$882.00 EPO Employee Only\$390.50 Employee + 1\$781.00 Family\$1,054.50 Health Savings Account (HSA) funded by the County: \$1,350 single per year. \$2,300 family per year. \$75.00 semi-monthly medical waive credit provided with proof of other coverage.	Employee/dependent HDHP coverage paid at 95%. Employee/dependent EPO coverage paid at 80%. Employees working a benefitted percentage schedule will have a reduced employer contribution toward health insurance benefits. 30-34 hours/week = 75% of the employer contribution. 35-39 hours/week = 90% of the employer contribution. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No Waive Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
DENTAL INSURANCE DELTA DENTAL	CORE PLAN Employee Only\$17.00 Employee + 1\$34.00 Family\$59.00 BUYUP PLAN Employee Only\$28.50 Employee + 1\$56.50 Family\$97.50	Employee/dependent Dental coverage paid at 80% of the Core Plan. Employees working a benefitted percentage schedule will have a reduced contribution toward health insurance benefits. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
VISION INSURANCE VSP	CHOICE PLAN Employee Only\$3.75 Employee + 1\$7.50 Family\$10.00	Employee/dependent Vision coverage paid at 80%. Employees working a benefitted percentage schedule will have a reduced contribution toward health insurance benefits. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
SUPPLEMENTAL EMPLOYEE AND SPOUSAL TERM AD&D LIFE INSURANCE AND CHILD TERM LIFE INSURANCE VOYA/RELIASTAR	Opt. 1 - \$ 20,000.....\$ 2.10 EE and SP Opt. 2 - \$ 30,000.....\$ 3.15 EE and SP Opt. 3 - \$ 50,000.....\$ 5.25 EE Only Opt. 4 - \$100,000.....\$10.50 EE Only Opt. 5 - \$150,000.....\$15.75 EE Only Opt. 6 - \$200,000.....\$21.00 EE Only Opt. 7 - \$250,000.....\$26.25 EE Only Opt. 8 - \$300,000.....\$31.50 EE Only Opt. 1 - \$ 10,000.....\$ 1.25 CH Only	This is a voluntary benefit offered to employees with two options available for spouses. All premiums will be deducted semi-monthly after tax from paycheck.	Premium Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
BASIC TERM AD&D LIFE INSURANCE VOYA/RELIASTAR	Regular Employee Basic Term Life \$30,000 - \$1.64.	County pays 100% of Basic Term Life and AD&D insurance premiums.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
ACCIDENT AND CRITICAL ILLNESS INSURANCE VOYA/RELIASTAR	See Employee Benefit Guide for Rates.	These are voluntary benefits offered to employees and their dependents. All premiums will be deducted semi-monthly after tax from paycheck.	Premium Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No





STANISLAUS COUNTY MANAGEMENT EMPLOYEES* 2022 BENEFIT SUMMARY

Revised 01/2022

**Management Lieutenants, please refer to your MOU.*

TYPE	BIWEEKLY	DESCRIPTION	SUBJECT TO TAXES
VACATION ACCRUAL	3.08 hours biweekly first 2 years. 4.62 hours biweekly beginning year 3 thru 10. 6.16 hours biweekly beginning year 11 thru 20. 7.70 hours biweekly beginning year 21. Prorated if less than 80 hours base.	80 hours—2 weeks annually 120 hours—3 weeks annually 160 hours—4 weeks annually 200 hours—5 weeks annually Maximum of 800 hours plus one year accruals.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
VACATION FLOATS	1.24 hours biweekly - Posted as part of per pay period vacation accrual.	32 hours total annually - additional vacation included in biweekly accruals.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
ANNUAL VACATION CASH OUT ALLOWANCE		Twice in any 12-month period (total up to individual annual vacation accrual rate). Contingent upon departmental budget/approval.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
TERM VACATION CASH OUT		Balance of hours paid at termination.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
MANAGEMENT LEAVE		56 hours per year, no carry over, no cash out. Use it or lose it. Prorated for new Manager.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
SICK LEAVE ACCRUAL	3.7 hours per pay period. Prorated if less than 80 hours base.	96.20 hours annually.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
TERM SICK LEAVE CASH OUT		0% - Less than one year of service. 25% - Over one year of service. 75% - Upon retirement (service/disability) or death up to 600 hours or individual maximum set in 11/9/94 and 1/18/95. Employees receive hour for hour retirement service credit for any sick leave above 600 hours or their personal maximum amount.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
SICK LEAVE CONVERSION		Convert sick leave to vacation time at open enrollment. Rate = 40%. Remaining sick leave balance = 500 hours.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
DEFERRED COMPENSATION	1.5% of base wages.	County pays 1.5% of employee's base wages to designated deferred compensation plan.	Federal/State—No FICA/Medicare—No Retirement Contributable— Dependent on Retirement Tier
PROFESSIONAL DEVELOPMENT	\$900 annually (fiscal year).	Reimbursement allowance to assist eligible employees in achieving professional and educational growth related to their professional position. The allowance covers work-related expenditures such as classes and seminars, professional memberships, registration fees, educational materials, tools, and equipment. See policy for further details.	Reimbursement can be either: Taxable Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No Non-Taxable Federal/State—No FICA/Medicare—No Retirement Contributable—No
SHORT TERM DISABILITY		Waiting period—7 days. On day 8 receive 50% biweekly salary for eleven months when completely disabled.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
LONG TERM DISABILITY		60% to a maximum of \$6,000 per month. Waiting period—365 days.	Premium Federal/State—No FICA/Medicare—Yes Retirement Contributable—No
CAR ALLOWANCE	\$0, \$46.15 or \$92.30 per pay period, plus mileage. Based on Department Head discretion.	\$0, \$1,200 or \$2,400 annually based on determination of Department Head.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
MOVING ALLOWANCE	Recruited from out-of-County up to \$5,000. Paid by the Department.	See Personnel Policy Tab 12.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No





**STANISLAUS COUNTY
DEPARTMENT HEADS
2022 BENEFIT SUMMARY**
Revised 01/2022

TYPE	SEMI-MONTHLY PREMIUMS	DESCRIPTION	SUBJECT TO TAXES
MEDICAL INSURANCE HEALTH PARTNERS OF NORTHERN CALIFORNIA (HPNC) OR UNITED HEALTHCARE (UHC) Medical Plan Carrier is based on employee's zip code. See Employee Benefit Guide for zip code list.	HDHP WITH HSA Employee Only\$326.50 Employee+1.....\$653.50 Family\$882.00 EPO Employee Only\$390.50 Employee + 1\$781.00 Family\$1,054.50 Health Savings Account (HSA) funded by the County: \$1,350 single per year. \$2,300 family per year. \$75.00 semi-monthly medical waive credit provided with proof of other coverage.	Employee/dependent HDHP coverage paid at 95%. Employee/dependent EPO coverage paid at 80%. Employees working a benefitted percentage schedule will have a reduced employer contribution toward health insurance benefits. 30-34 hours/week = 75% of the employer contribution. 35-39 hours/week = 90% of the employer contribution. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No Waive Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
DENTAL INSURANCE DELTA DENTAL	CORE PLAN Employee Only\$17.00 Employee + 1\$34.00 Family\$59.00 BUYUP PLAN Employee Only\$28.50 Employee + 1\$56.50 Family\$97.50	Employee/dependent Dental coverage paid at 80% of the Core Plan. Employees working a benefitted percentage schedule will have a reduced contribution toward health insurance benefits. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
VISION INSURANCE VSP	CHOICE PLAN Employee Only\$3.75 Employee + 1\$7.50 Family\$10.00	Employee/dependent Vision coverage paid at 80%. Employees working a benefitted percentage schedule will have a reduced contribution toward health insurance benefits. Employee share will be deducted semi-monthly before tax from paycheck.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
SUPPLEMENTAL EMPLOYEE AND SPOUSAL TERM AD&D LIFE INSURANCE AND CHILD TERM LIFE INSURANCE VOYA/RELIASTAR	Opt. 1 - \$ 20,000.....\$ 2.10 EE and SP Opt. 2 - \$ 30,000.....\$ 3.15 EE and SP Opt. 3 - \$ 50,000.....\$ 5.25 EE Only Opt. 4 - \$100,000.....\$10.50 EE Only Opt. 5 - \$150,000.....\$15.75 EE Only Opt. 6 - \$200,000.....\$21.00 EE Only Opt. 7 - \$250,000.....\$26.25 EE Only Opt. 8 - \$300,000.....\$31.50 EE Only Opt. 1 - \$ 10,000.....\$ 1.25 CH Only	This is a voluntary benefit offered to employees with two options available for spouses. All premiums will be deducted semi-monthly after tax from paycheck.	Premium Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
BASIC TERM AD&D LIFE INSURANCE VOYA/RELIASTAR	Regular Employee Basic Term Life \$30,000 - \$1.64.	County pays 100% of Basic Term Life and AD&D insurance premiums.	Premium Federal/State—No FICA/Medicare—No Retirement Contributable—No
ACCIDENT AND CRITICAL ILLNESS INSURANCE VOYA/RELIASTAR	See Employee Benefit Guide for Rates.	These are voluntary benefits offered to employees and their dependents. All premiums will be deducted semi-monthly after tax from paycheck.	Premium Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No





**STANISLAUS COUNTY
DEPARTMENT HEADS
2022 BENEFIT SUMMARY**
Revised 01/2022

TYPE	BIWEEKLY	DESCRIPTION	SUBJECT TO TAXES
VACATION ACCRUAL	4.62 hours biweekly first year. 6.16 hours biweekly beginning year 2 thru 20. 7.70 hours biweekly beginning year 21. Prorated if less than 80 hours base.	120 hours—3 weeks annually. 160 hours—4 weeks annually. 200 hours—5 weeks annually. Maximum of 800 hours plus one year accruals or their actual balance on 12/15/95 if more than 800 hours.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
VACATION FLOATS	1.24 hours biweekly - posted as part of per pay period vacation accrual.	32 hours total annually - additional vacation included in biweekly accruals.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
ANNUAL VACATION CASH OUT ALLOWANCE		Twice in any 12-month period (total up to individual annual vacation accrual rate). Contingent upon departmental budget/approval.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
TERM VACATION CASH OUT		Balance of hours paid at termination.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
MANAGEMENT LEAVE		56 hours per year, no carry over, no cash out. Use it or lose it. Prorated for new Department Head.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
SICK LEAVE ACCRUAL	3.7 hours per pay period. Prorated if less than 80 hours base.	96.20 hours annually.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
TERM SICK LEAVE CASH OUT		0% - Less than one year of service. 25% - Over one year of service. 75% - Upon retirement (service or disability) or death up to 600 hours or individual maximum set in 11/9/94 and 1/18/95. Employees receive hour for hour retirement service credit for any sick leave above 600 hours or their personal maximum amount.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No
SICK LEAVE CONVERSION		Convert sick leave to vacation time at open enrollment. Rate = 40%. Remaining sick leave balance = 500 hours.	Taxed when time is used. Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
DEFERRED COMPENSATION	2.0% of base wages.	County pays 2.0% of employee's base wages to designated deferred compensation plan.	Federal/State—No FICA/Medicare—No Retirement Contributable— Dependent on Retirement Tier
PROFESSIONAL DEVELOPMENT	\$1,200 annually (fiscal year).	Reimbursement allowance to assist eligible employees in achieving professional and educational growth related to their professional position. The allowance covers work-related expenditures such as classes and seminars, professional memberships, registration fees, educational materials, tools, and equipment. See policy for further details.	Reimbursement can be either: Taxable Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No Non-Taxable Federal/State—No FICA/Medicare—No Retirement Contributable—No
SHORT TERM DISABILITY		Waiting period—7 days. On day 8 receive 50% biweekly salary for eleven months when completely disabled.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—Yes
LONG TERM DISABILITY		60% to a maximum of \$6,000 per month. Waiting period—365 days.	Premium Federal/State—No FICA/Medicare—Yes Retirement Contributable—No
CAR ALLOWANCE	\$184.62 per pay period, plus mileage.	\$4,800 annually.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable— Dependent on Retirement Tier
MOVING ALLOWANCE	Recruited from out-of-County up to \$7,500. Paid by the Department.	See Personnel Policy Tab 12.	Federal/State—Yes FICA/Medicare—Yes Retirement Contributable—No



EXHIBIT 3

**LAFCO Draft Resolution No. 2023-03
(Approving the Reclassification
Recommendations)**

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: March 22, 2023

NO. 2023-03

SUBJECT: Reclassification of the LAFCO Executive Officer and Assistant Executive Officer

On the motion of Commissioner _____, seconded by Commissioner _____, and approved by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, pursuant to Government Code Section 56380, the Commission is empowered to make its own provision for personnel and may choose to contract with any public agencies for personnel;

WHEREAS, the Commission's staff are currently provided through an agreement between Stanislaus County and LAFCO that describes salaries and benefits as being equivalent to positions in the County's classification system;

WHEREAS, the Commission also enters into an agreement directly with the employee it appoints as the LAFCO Executive Officer;

WHEREAS, on April 27, 2022, the Commission requested that Staff prepare information regarding salary comparisons and classification of Staff;

WHEREAS, on May 25, 2022, the Commission adopted its final budget and included a request that the County initiate reclassification studies for the LAFCO Executive Officer and Assistant Executive Officer positions;

WHEREAS, approval of the Commission's final budget included and contemplated potential financial impacts of the reclassification studies;

WHEREAS, the Commission's request for reclassification studies followed review of eight comparison county LAFCOs, similar classifications in Stanislaus County, city planning departments, joint-power authorities and other agencies governed by Commissions;

WHEREAS, the purpose of the reclassification studies is to ensure that LAFCO's Staff remain fairly and competitively compensated;

WHEREAS, a reclassification of the Commission Clerk to a Confidential Assistant IV was previously approved by the Board of Supervisors on February 17, 2009;

WHEREAS, the County Human Relations Division completed a study recommending the LAFCO Executive Officer be reclassified with compensation at a “Band E” level with department head benefits; and,

WHEREAS, the County Human Relations Division further recommended the LAFCO Assistant Executive Officer be reclassified to a block-budgeted Manager I/II/III equivalent.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Concurs with the results of the County Human Relations Division reclassification studies for the LAFCO Executive Officer and Assistant Executive Officer.
2. Authorizes the Executive Officer to execute the necessary amendments to the LAFCO-County Memorandum of Understanding and LAFCO Executive Officer Memorandum of Agreement based on the recommendations of the County Human Relations Department and further authorizes the Executive Officer to include a technical amendment reflecting the reclassification of the Commission Clerk that occurred in 2009.
3. Directs the Executive Officer to forward this resolution to the County Human Relations Division and request that any necessary steps be taken to complete the reclassification of the LAFCO Executive Officer and Assistant Executive Officer.

ATTEST:

Sara Lytle-Pinhey
Executive Officer