



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

2014 MAY -9 PM 12 57

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: CEO
Department No.: 012
For Agenda Of: 5/20/2014
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

14-00385

0520-28

TO: Board of Supervisors

FROM: Department Director(s) Mona Miyasato, County Executive Officer
Contact Info: Michael Allen, Chief Deputy Clerk of the Board - 568-2240

SUBJECT: Administrative Services Agreement between the County of Santa Barbara and the Santa Barbara County Local Agency Formation Commission.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: NA

Recommended Actions:

That the Board of Supervisors:

Approve and authorize the Chair to execute the amended agreement between the County of Santa Barbara and the Santa Barbara County Local Agency Formation Commission.

Summary Text:

On March 7, 2013, the Local Agency Formation Commission (LAFCO) entered into an agreement with Paul Hood for LAFCO Executive Officer services for a period of up to two years. That Agreement required Mr. Hood to provide all necessary administrative support services, including clerking meetings and maintaining records of the Commission.

In order to provide for professional administrative support, on June 6, 2013 Mr. Hood entered into a contract with the County of Santa Barbara in order for the Clerk of the Board office to provide clerking and related administrative services LAFCO and the Executive officer

Per the contract, Mr. Hood would pay for these services on a time and materials basis out of the compensation provided to him under his agreement with LAFCO. After a nine (9) month review of the agreement in terms of services and compensation to both Mr. Hood and to the Clerk of the Board Office it was suggested that LAFCO review the agreement and make any necessary adjustments.

At the LAFCO meeting of March 6, 2014, the Commission amended the current contract in order to have LAFCO directly compensate the Clerk of the Board for all clerking and related administrative services and to relieve Mr. Hood of this responsibility. Independent of the issue of compensation, the working relationship between Mr. Hood, the Commission and the County Executive Office has been positive and productive.

This attached amended contract will provide for payment to the County by LAFCO for all clerking and related administrative functions in support of the LAFCO and the Executive Officer.

Background:

The Local Agency Formation Commission (LAFCO) is an independent regulatory commission created by the State Legislature that exists in every county in California. The Commission is responsible for working closely with citizens, the county, cities and special districts on a variety of issues concerning the organization of local governments, jurisdictional/boundary change and public services.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

This revenue contract is based on the principal of cost recovery for enhanced services provided to private parties. As a result of cost recovery, there is no net cost to the General Fund for providing this service.

Special Instructions:

Please provide (1) Minute Order and (1) duplicate original of the executed contract to Jacquelyne Alexander, Clerk to LAFCO.

Attachments:

Contract for services between the County of Santa Barbara and the Local Agency Formation Commission, for clerking and related administrative services.

Authored by:

Michael Allen, Chief Deputy Clerk of the Board - 568-2240

**AMENDED AGREEMENT FOR CLERK SERVICES BETWEEN THE EXECUTIVE
OFFICER OF THE SANTA BARBARA COUNTY LOCAL AGENCY FORMATION
COMMISSION, THE LOCAL AGENCY FORMATION COMMISSION, AND THE
COUNTY OF SANTA BARBARA**

This Amended Agreement for Clerk Services ("Amended Agreement") is entered into this 6th day of March 2013, by and between the Executive Officer of the Santa Barbara Local Agency Formation Commission, in his official capacity, (hereinafter "LAFCO Executive Officer"), the Santa Barbara County Local Agency Formation Commission (hereinafter "Commission") and the County of Santa Barbara (herein after "County").

RECITALS

A. On March 7, 2013, the Santa Barbara County Local Agency Formation Commission ("LAFCO") entered into a contract for Professional and Executive Officer Services ("LAFCO Executive Officer Contract") that retained Paul Hood as the LAFCO Executive Officer.

B. On June 6, 2013, the LAFCO Executive Officer, County, and Commission entered into an Agreement wherein the parties agreed that the duties of the Clerk of the Commission would be provided by the County through the office of the Clerk of the Board of Supervisors

C. The LAFCO Executive Officer and Commission wish to amend the Agreement for Clerk Services to transfer certain obligations for paying the cost of Clerk Services from the Executive Officer to the Commission and County has no objection to this amendment.

NOW, THEREFORE, IN CONSIDERATION of the mutual rights and duties set forth in this Amended Agreement, the parties agree the Agreement for clerk services is amended to be as follows:

1) Clerk Duties. Through the Clerk of the County Board of Supervisors, County shall provide clerk services to the LAFCO Executive Officer and the Commission for regular and special meetings of the Commission, including publishing and posting necessary agendas and other public notices, preparation of minutes, and any other necessary and proper duties related to clerking such meetings. Such duties are further defined as follows:

- a. Agendas. The LAFCO Executive Officer will prepare an agenda for each meeting of the Commission and submit it to the Clerk for posting and distribution. Working with the LAFCO Executive Office, the Clerk will finalize the agenda and post and distribute as appropriate.
- b. Notice of Hearing. The LAFCO Executive Officer will prepare and distribute the Notice of Hearing.

- c. Distribution of Staff Reports. The Clerk shall distribute the agenda and staff reports and other related material such as public comment letters to the members of the Commission.
- d. Filings. The Clerk shall receive filing of petitions and applications for organizational and reorganizational changes under the Cortese Knox Hertzberg Act. The Clerk will also receive public comment letters on items on the Commission agenda. All such documents or copies of such documents shall be forwarded to the LAFCO Executive Officer as soon as practicable.
- e. Optional Services. If requested in writing by the LAFCO Executive Officer, the Clerk may also provide additional agreed upon services, subject to the Clerk's Office having the administrative capacity. This may include the following services:
 - 1) Website management, including posting agendas and staff reports.
 - 2) Commission records management.
 - 3) Stipend reimbursements.
 - 4) Recording documents;
 - 5) Coordinating report backs from the County.
 - 6) Coordination of special district selection committee meetings.
 - 7) Other administrative work mutually agreed to by the parties.

2) Reimbursement:

For any service provided by County to LAFCO under this agreement, the Commission shall reimburse County for the cost of services provided. County will prepare and submit a regular bill for such services. County charges for staff services shall be based on an hourly charge, including overhead, established annually by the Santa Barbara County Auditor's Office.

3) Payment. The Commission shall pay County for any cost identified in a properly submitted invoice within 30 days of receipt.

4) Records. County shall keep and provide to the LAFCO Executive Officer and the Commission or its agents, upon request, accurate financial records (including invoices) necessary to enable review County's performance of this Agreement. Such records shall be kept in accordance with County's records retention policy.

5) Termination. Either the Commission or the County may terminate this Agreement for convenience by giving sixty-day written notice.

6) Notices. Any notice or consent required or permitted to be given under this Agreement shall be given to the respective parties in writing, by first class mail, postage prepaid, or otherwise delivered as follows:

To Commission: Santa Barbara LAFCO
c/o Office of County Counsel
105 East Anapamu Street, Suite 201
Santa Barbara CA 93101

To County: Chief Executive Officer
County of Santa Barbara
105 E. Anapamu St.
Santa Barbara, CA. 93101

LAFCO Executive Officer: Paul Hood
P.O. Box 1641
Atascadero, CA. 93423

7) Assignment. This Agreement is made with Paul Hood in his capacity as Executive Officer of LAFCO. Except as specifically provided herein, this Agreement shall not be assignable without the specific written consent of the Commission and the County.

8) Modification. With the transfer of responsibility from the LAFCO Executive Officer to the Commission to pay all Clerk fees and costs, Mr. Hood is no longer a necessary party to this Agreement. Future amendments to this Agreement may be made without the LAFCO Executive Officer's consent. This Agreement may only be amended in writing executed by the Commission and the County.

9) Entire Agreement. This Agreement represents the entire and integrated Agreement between the parties and supersedes any and all other negotiations, representations, and/or agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

This Agreement was entered into on the date when fully executed by all of the parties at Santa Barbara, California.

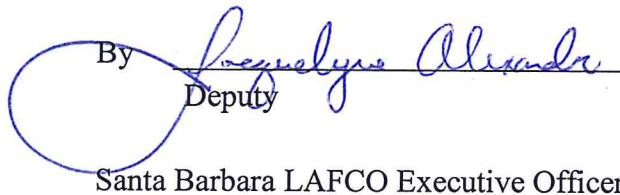
ATTEST:


Clerk of the Board

By _____
Deputy

ATTEST:

Clerk of the Commission

By 
Deputy
Santa Barbara LAFCO Executive Officer

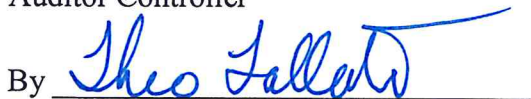

Paul Hood
Date: 3/6/14

APPROVED AS TO FORM:

RAY AROMATORIO
Risk Program Administrator

By 

ROBERT W. GEIS
Auditor Controller

By 

Santa Barbara County

By _____
Chair

Date: _____

Santa Barbara Local Agency Formation
Commission

By 
Chair

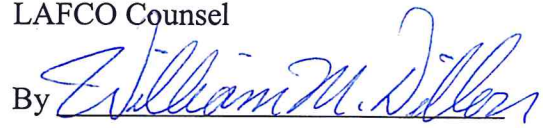
Date: 3/6/14

MICHAEL C. GHIZZONI

County Counsel

By  5/8/2014

MICHAEL C. GHIZZONI
LAFCO Counsel

By 
William M. Dillon,
Senior Deputy