

M E M O R A N D U M

TO: Local Agency Formation Commission

FROM: Jill Broderon, Management Analyst
Stephen A. Lucas, Executive Officer

SUBJECT: **Agenda Item 2.2 - Review and Consideration of Amendment No. 1 to the Memorandum of Understanding between Butte LAFCO and its Employees**

DATE: October 30, 2013 for the Meeting of November 7, 2013

BACKGROUND:

In January 2008, LAFCO adopted Resolution No. 14 2007/08 approving a Memorandum of Understanding (MOU) between Butte LAFCO and its Employees. The MOU established employee consent and approval of the terms and conditions of employment with Butte LAFCO. In addition, the MOU addressed employee service dates, service years of credit and merit step at time of separation from the County, purposes of which established accrual rates for various benefits as described in the Butte LAFCO Personnel Policies, adopted November 1, 2007.

UPDATE:

The MOU in Section 1.1 - Term of Agreement, established an expiration date of the MOU of June 30, 2012. Given that many of the terms of the MOU are intended to remain in effect for the entire work career of the employees that signed the MOU, the inclusion of a termination date that has lapsed creates ambiguity in the implementation of LAFCO Personnel Policies and Procedures, specifically relating to benefits. The original employees who upon transition from employment with the County of Butte to Butte LAFCO on January 1, 2008 remain employed and shall be entitled to retain their status, compensation and benefits, as addressed in the original MOU (Resolution No. 14 2007/08).

Therefore, for the purposes of clarification, it is suggested that lapsed MOU be reinstated and amended to reflect:

Section 1.1 Term Of Agreement

This Agreement shall be effective on January 1, 2008 and continue as to the covered employees until amended or all of the covered employees cease to work for LAFCO. Either party may request an amendment to the Agreement at any time upon 30 days notice to the other.

ACTION REQUESTED: Review and adopt Resolution No. 18 2013/14 approving Amendment No. 1 to the Memorandum of Understanding between Butte LAFCO and its Employees.

Attachment:

1. Resolution No. (18 2013/14)

RESOLUTION NO. 18 2013/14

**RESOLUTION EXTENDING TERM OF
MEMORANDUM OF UNDERSTANDING BETWEEN BUTTE LOCAL AGENCY
FORMATION COMMISSION AND ITS EMPLOYEES**

WHEREAS, the Butte Local Agency Formation Commission (LAFCO) and its employees entered into a Memorandum of Understanding (Resolution No. 14 2007/08) on January 3, 2008 for the purposes of executing an employment relationship; and

WHEREAS, the Memorandum of Understanding was established to ensure LAFCO employees, upon their transition as employees from the County of Butte, receive compensation in the form of salary and benefits as defined and described in the Butte LAFCO Personnel Policies and Procedures as adopted on November 1, 2007, effective January 1, 2008; and

WHEREAS, the Memorandum of Understanding inadvertently lapsed on June 30, 2012 thus creating ambiguity in the implementation of the LAFCO Personnel Policies and Procedures related to employee salary and benefits; and

NOW, THEREFORE, BE IT RESOLVED by the Butte Local Agency Formation Commission, that Memorandum of Understanding be amended, pursuant to Exhibit A.

PASSED AND ADOPTED by the Butte Local Agency Formation Commission this 4th day of November 7, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission

ATTEST:

P. Scott Browne, Butte LAFCO Counsel

FIRST AMENDMENT
to
MEMORANDUM OF UNDERSTANDING
Between the
Butte Local Agency Formation Commission (LAFCO) and its Employees

The Butte Local Agency Formation Commission and its Employees agree to amend the Memorandum of Understanding adopted January 3, 2008 by Resolution 14 2007/08 as follows:

A-1 Section 1.1 Term of Agreement is revised to read as follows:

This Agreement shall be effective on January 1, 2008 and continue as to the covered employees until amended or all of the covered employees cease to work for LAFCo. Either party may request an amendment to the Agreement at any time upon 30 days notice to the other.

IN WITNESS WHEREOF, the parties hereto have executed this amendment to the Agreement as of the day and year last below written.

BUTTE LAFCO

DATED: _____, 2013

Carl Leverenz, Chair

DATED: _____, 2013

P. Scott Browne, Butte LAFCO Counsel

Designated Officer for Service of Notice:

Stephen A. Lucas, Executive Officer

Address for Service of Notice:

Butte LAFCO
1453 Downer Street, Suite C
Oroville, CA 95965-4950

BUTTE LAFCO EMPLOYEES

DATED: _____, 2013

Stephen Betts

Jill Broderson

Joy Stover