



LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

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**TO: COMMISSIONERS OF SLO LAFCO**

**FROM: BRIAN A. PIERIK, SAN LUIS OBISPO LAFCO LEGAL COUNSEL**

**DATE: MAY 21, 2020**

**SUBJECT: AMENDMENT TO EMPLOYMENT CONTRACT BETWEEN THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION AND MICHAEL PRATER**

**Recommendation.** It is respectfully recommended that the Commission consider approval of the attached 2020 Amendment to the Employment Contract with Michael Prater and direct the Chair to execute it on behalf of the Commission.

**Discussion.**

Executive Officer David Church has announced that he will be retiring effective July 24, 2020.

On May 17, 2010, the San Luis Obispo Local Agency Formation Commission (LAFCO) and Michael Prater entered into an Employment Contract for the position of Analyst and he was later promoted to the position of Deputy Executive Officer. There have been Amendments to that Employment contract since 2010 time with the most recent Amendment on July 1, 2019 (collectively referred to as "Employment Contract").

Mr. Prater has substantial experience with planning issues and with LAFCO issues as confirmed by his resume which is attached to this Staff Report.

Attached for consideration of the Commission is an Amendment to the Employment Contract to appoint Michael Prater as the Executive Officer of LAFCO effective July 25, 2020.

The current salary of Mr. Prater based on the 2019 Amendment to his employment contract is \$99,659.79 per year, payable in bi-weekly increments. The Employment Contract provides for a salary adjustment to include any consumer price index (CPI) increase provided to other

LAFCO employees. The average of the consumer price index increase for the Los Angeles and San Francisco areas for the last year is 3%.

The adjusted salary for Mr. Prater for the first full pay period in the fiscal year commencing July 1, 2020 is proposed in the attached Amendment to be \$102,650 based upon a 3% CPI increase.

The proposed Amendment does not change the benefits currently being received by Mr. Prater except for an increase in the pension contribution of \$2919.00 due to the CPI increase in salary. The total benefits on an annualized basis will be \$60,119.00.

The proposed Amendment provides that on or about January 21, 2021, LAFCO will conduct a performance evaluation of Mr. Prater and LAFCO may consider at that time an adjustment to the Mr. Prater's salary and benefits.

### **Attachments**

Resume of Michael Prater

Proposed Amendment to Employment Contract Between the San Luis Obispo Local Agency Formation Commission and Michael Prater

## **Attachment A**

### **Resume of Michael Prater**

## PROFILE

Mike  
Prater

[mprater@slolafco.com](mailto:mprater@slolafco.com)

(805) 781-5794

8484 Carmelita Ave.,  
Atascadero, CA 93422

## PROFESSIONAL SUMMARY

Twenty years of public agency planning experience with emphasis in local zoning practice for State and Municipal laws and ordinances governing land use, zoning, Coastal Act, and California Environmental Quality Act. My education includes the emphasis on urban design and architecture

## REFERENCES

Available upon request

## WORK EXPERIENCE

### San Luis Obispo LAFCO

San Luis Obispo, CA

2017-Present Deputy Executive Officer;

2015-2017 Senior Analyst; 2010-2015 Analyst

- Assisted in preparation of LAFCO Budget for last two years
- Coordinated and managed the Sphere of Influence Update Program
- Analyzed various Annexation, Formations, Dissolutions, Outside User Agreements
- Facilitated the update and approval of Memorandum of Agreements between Cities and County

### Mike Prater Planning & Consulting

Atascadero, CA

2009-2010 Principal

- Client programming and representation.
- Community outreach and consensus building.
- Coordination and site design with technical and environmental professionals, and California Environmental Quality Act (CEQA) compliance.
- Permit processing and policy analysis.
- Project facilitation and multi-consultant coordination.
- Regulatory liaison to local, state and federal regulatory agencies, decision makers and staff.
- Technical writing and permit application preparation.

### City of Morro Bay

Morro Bay, CA

2006-2009 Planning Manager; 2005-2006 Senior Planner;

2002-2005 Associate Planner; 2001-2002 Assistant Planner

- Plan, organize and direct the activities of the Planning Division.
- Consult with governmental agencies, other staff members, and the public; and attend meetings, make presentations and recommendations to officials.
- Supervise and participate in the preparation, revision, and implementation of the general plan, zoning ordinance, and related planning and environmental matters.
- Prepare ordinances and formulate recommendations for land use policies.
- Prepare clear, concise, and accurate reports and presentations to City officials for complex development projects.
- Prepare or supervise preparation of environmental documents and recommendations by staff or consultants.

### County of Santa Barbara

Santa Barbara, CA

2000-2001 Planner I

- Long range planning policy consistency review.
- Implement general plan, specific plans, and ordinances.
- Develop Old Town Orcutt Revitalization Plan

## EDUCATION

### California Polytechnic State University

San Luis Obispo, CA

1999

Bachelor of Science, City and Regional Planning with emphasis in Urban Design

### Modesto Junior College

Modesto, CA

1995

Associate of Science, Architecture

## LAFCO Proposals and Activities

Michael Prater, Deputy Executive Officer

### Major Proposals

- Worked with jurisdictions, property owners and the community to provide information about LAFCO, specific proposals, and how a particular process works, examples include:
  - Cayucos Fire District Dissolution
  - San Luis Ranch Annexation-San Luis Obispo
  - Los Robles Del Mar Annexation-Pismo Beach
  - Formation of California Water Districts
  - Orcutt Annexation-San Luis Obispo
- Prepared Municipal Service Reviews and Sphere of Influence Updates for all 52 jurisdictions in the County. Mid-way through completing my second round for each.
- Drafted Memorandum of Agreements agreed to by a City and County during the Sphere of Influence Update process. Facilitated City/County discussions regarding the terms of the MOA.
- Analyzed various proposals that included CEQA review, preparation of numerous Staff Reports, mapping and Power Point presentations, fiscal analysis, public notice, and presentations to various agencies and organizations.
- Provided comments on a number of upcoming proposals, including; San Luis Obispo Froom Ranch Project and Fiero Lane East/West Annexation, the Gateway Annexation, in Paso Robles.
- Prepared Directory of Agencies – 2010, 2012, 2014, 2016, 2018 and 2020. Included GIS mapped SOI/City Limits and Service Areas, information about rates and fees and Annexation History for Cities, and Special Districts and County Service Areas.
- Served on Program Committee for the CALFCO 2017 Staff Workshop in Fresno. Presented at CALFCO Workshop 2013 GIS Mapping in Davis.

### LAFCO ACTIVITIES

In reviewing a proposal or project I have often engaged in an evaluation of the laws regarding a proposal including the Cortese-Knox-Hertzberg Act, the California Environmental Quality Act (CEQA), the Revenue and Tax Code of California, laws that govern special districts and municipalities, and other laws or codes that may address a particular proposal. As LAFCO Staff I have undertaken the following activities:

- Initial Review of the file and existing materials
- Research the applicable state and local codes and laws
- Analysis/Evaluation of the proposal and the various options
- Coordination with the applicant, interested parties, public, and other agencies
- Preparing various analyses and studies
- Writing/preparing reports or other documentation
- Prepare Staff Reports, recommendation, and presentation materials

- Agendize and provide public notice for the proposal
- Present information at LAFCO Public Hearing
- Complete follow-up tasks associated with the proposal

In order to accomplish the above list of activities, research, analysis, coordination, and writing a report are important responsibilities along the process. The following is a brief discussion of the process and tasks that are associated with reviewing and processing of a proposal and knowledge that I embrace:

**Research** is a systematic investigation designed to develop or contribute to an already existing information base. Activities which meet this definition constitute research for purposes of understanding the legal context of a proposal, the applicable LAFCO policies, and identifying information gaps that may exist. Research may also include the activity of finding answers to questions that are posed by the public or other interested parties. Key tasks include searching through the federal, state and local laws and codes that may be applicable, compiling relevant studies and information, internet searches, and summarizing the data.

**Analysis** is a systematic approach to problem solving with regard to a particular proposal. Complex problems are made simpler by separating them into more understandable elements. This involves the identification of purposes and facts, identification of defensible assumptions, and the formulation of conclusions or recommendations. Breaking an idea or problem down into its parts helps the Commissioners, the public and others to understand a proposal and its implications. Key tasks include: reading and study, critical thinking, alternatives analysis, and writing.

**Coordination and outreach** includes working with the proposal proponents, the public, government agencies and other stakeholders. Key tasks include phone conferencing, meetings, issue identification, carefully listening to issues and concerns, and following up on questions and requests for information. Clear communication of the LAFCO role can help others understand how LAFCO fits into the process.

**Writing** a staff report is the culmination of the review process and involves compiling and summarizing the results for the Commission and public. Staff reports often include analysis and evaluation of various issues and information regarding a proposal. The staff report may include several attachments that include the documentation associated with a proposal. Finally, the report is presented to the Commission and public.

## **Attachment B**

# **Proposed Amendment to Employment Contract Between the San Luis Obispo Local Agency Formation Commission and Michael Prater**

**Amendment to Employment Contract between  
the San Luis Obispo Local Agency Formation Commission  
and Michael Prater**

This Amendment ("Amendment") is entered into by and between the San Luis Obispo Local Agency Formation Commission ("LAFCO") and Michael Prater ("Employee"), collectively the "Parties" with an effective date of July 1, 2020.

A. On May 17, 2010, Employee entered into an Employment Contract to provide services to LAFCO as an Analyst and thereafter Employee was promoted to the position of Deputy Executive Officer. There have been Amendments to that Employment Contract since 2010 with the most recent Amendment on July 1, 2019. The Employment Contract, and the Amendments to that Employment Contract, shall be collectively referred to as "Employment Contract".

B. The following provisions of the Employment Contract are hereby amended by this Amendment as follows:

1. **Employment.** Effective July 25, 2020, LAFCO hereby engages Employee as the Executive Officer of LAFCO, and Employee hereby agrees to perform for LAFCO the services hereinafter set forth for the compensation and benefits hereinafter set forth, all pursuant to the terms and conditions of the Employment Contract and this Amendment.

2. **Scope of Services.** Pursuant to this Amendment, Employee shall perform all functions and duties of the Executive Officer, as specified in the LAFCO's rules and regulations and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and such legally permissible and proper duties and functions as may be assigned by LAFCO.

5. **Compensation.** LAFCO shall pay to Employee as compensation in full for all services performed by Employee pursuant to the Employment Contract and this Amendment an annual salary of \$102,650 per year, payable in bi-weekly increments comparable with employees of the County of San Luis Obispo. The Employee's salary shall be adjusted to include any consumer price index increases provided to other LAFCO employees. The effective date of this salary shall be the first full pay period in the fiscal year commencing July 1, 2020 and includes 3% consumer price index increase. The amount of any merit increase shall be subject to approval by LAFCO and shall be based on an annual performance evaluation process and salary survey.

6. **Government Code Provisions.**

Pursuant to Government Code section 53260, in the event LAFCO provides Employee with a cash settlement related to termination of the

Employment Contract, the cash settlement shall not exceed the lesser of (1) an amount equal to the monthly salary of Employee multiplied by 18 or (2) an amount equal to the monthly salary of Employee multiplied by the number of months left on the unexpired term of the Employment Contract.

Pursuant to Government Code sections 53243 and 53243.3, in the event LAFCO provides paid leave salary to Employee pending an investigation into Employee, Employee shall fully reimburse LAFCO for any paid leave salary if Employee is convicted of a crime involving an abuse of his office or position.

Pursuant to Government Code sections 53243.1 and 53243.3, in the event LAFCO provides funds for Employee's legal criminal defense, Employee shall fully reimburse LAFCO for any such funds if Employee is convicted of a crime involving an abuse of his office or position.

Pursuant to Government Code sections 53243.2 and 53243.3, in the event LAFCO provides Employee with a cash settlement related to Employee's termination, Employee shall fully reimburse LAFCO for any such cash settlement if Employee is convicted of a crime involving an abuse of his office or position.

Pursuant to Government Code section 53243.4, an "abuse of office or position" means (a) an abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority, or (b) a crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

C. On or about January 21, 2021, LAFCO will conduct a performance evaluation of the Employee and may consider at that time an adjustment to the Employee's salary and benefits.

D. Except as modified by the Amendment, the Employment Contract shall remain in full force and effect.

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Michael Prater, Employee

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Tom Murray, Chair  
San Luis Obispo Local Agency Formation Commission

APPROVED AS TO FORM AND LEGAL EFFECT

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Brian Pierik, LAFCO Legal Counsel