

ORDINANCE NO. ORD-2022-011

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE, EFFECTIVE MAY 8, 2022, (1) A 5% MERIT INCREASE IN SALARY, AND (2) A 3% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CITY CONTRIBUTION AMOUNT OF 8%

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Pursuant to the Employment Agreement between the City and the City Attorney dated April 18, 2017 and amendments thereto (“Employment Agreement”), “Subject to the limitations set forth in Government Code section 3511.2, the City Attorney’s compensation shall change by the percentage of the cost of living salary adjustment, if any, paid to the City’s executive management employees for the 2018-19 fiscal year and each fiscal year thereafter. Said cost of living increases shall not exceed the annual California Consumer Price Index for Urban Wage Earners and Clerical Workers as calculated by the Department of Industrial Relations, unless expressly approved by the Santa Rosa City Council. The City Attorney’s compensation shall also change by the benefits adjustment, if any, paid to the City’s executive management employee for the 2017-18 fiscal year and each fiscal year thereafter. In addition, upon completion of an annual performance evaluation as set forth in section 5, the City Council shall consider whether to provide a merit increase in the City Attorney’s salary subject to the maximum salary range established for the City Attorney classification. Whether to provide a merit increase, and the amount of any such increase, shall be in the exclusive discretion of the City Council, and such determinations shall be final. In setting the City Attorney’s annual compensation, the Council recognizes the City Attorney’s salary should be set at a reasonable differential higher than the salaries of the attorneys whom she supervises, giving consideration for the comprehensive responsibilities of managing the City Attorney’s Office.”

Section 2. The City Council has completed the City Attorney’s annual performance evaluation and is providing the following amendments to the City Attorney’s salary and benefits:

Effective on the first pay period following her anniversary date, May 8, 2022, (1) the salary of the City Attorney shall be increased by five percent (5%), so that the monthly salary for the City Attorney shall be \$21,492.32; (2) the City Attorney will receive a three percent (3%) increase in contribution in deferred compensation for a total compensation of eight percent (8%).

Section 3. Except as provided by this Ordinance, the other compensation and benefits payable to the City Attorney shall remain unchanged as provided in the Employment Agreement.

Section 4. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act (CEQA) in that the ordinance is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption. Notwithstanding the effective date of this ordinance, the merit increases and payments set forth in this ordinance shall be effective as of May 8, 2022, and may be paid retroactively to implement the change as of May 8, 2022.

This ordinance was introduced by the Council of the City of Santa Rosa on September 27, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this 11th day of October, 2022.

AYES: (5) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers

NOES: (0)

ABSENT: (2) Council Members Sawyer, Schwedhelm

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
Chief Assistant City Attorney