

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE (1) A 3% COST OF LIVING SALARY ADJUSTMENT EFFECTIVE NOVEMBER 7, 2021, (2) A 2.5% COST OF LIVING SALARY ADJUSTMENT EFFECTIVE APRIL 10, 2022, (3) A ONE-TIME NON-PENSIONABLE LUMP SUM PAYMENT OF \$5,000, AND (4) \$500 ANNUALLY FOR WELLNESS

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 (“Employment Agreement”), “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. The City Attorney’s compensation shall also change by the benefits adjustment, if any, paid to the City’s executive management 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 establish for the City Attorney classification.”

Section 2. To match the cost of living salary adjustment the Council approved by Resolution RES-2021-193 in November 2021 for executive management, the salary of the City Attorney shall be increased by a three percent (3%) cost of living salary adjustment, so that the monthly salary for the City Attorney shall be \$19,969.64, effective November 7, 2021; and a two and a half percent (2.5%) cost of living salary adjustment, so that the monthly salary for the City Attorney shall be \$ 20,468.88, effective April 10, 2022.

Section 3. To match the one-time non-pensionable lump sum payment and annual wellness payment the Council approved in November 2021 for executive management, the City shall provide the City Attorney a one-time non-pensionable lump sum payment of \$5,000 and annual wellness payment of \$500 effective November 7, 2021.

Section 4. 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 5. 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 6. 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 7. 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 November 7, 2021 and may be paid retroactively if necessary to implement the change as of November 7, 2021.

This ordinance was introduced by the Council of the City of Santa Rosa on March 15, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
Chief Assistant City Attorney