

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY REEVE, DIRECTOR OF HUMAN RESOURCES
SUBJECT: APPROVAL OF AMENDMENT NO. 3 TO CITY ATTORNEY'S
EMPLOYMENT AGREEMENT AND INTRODUCE AN
ORDINANCE TO INCREASE THE COMPENSATION OF THE
CITY ATTORNEY BY PROVIDING (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) ONE-TIME NON-PENSIONABLE LUMP SUM
PAYMENT OF \$5,000, AND (4) \$500 ANNUALLY FOR
WELLNESS

AGENDA ACTION: RESOLUTION AND ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 3 to the Employment Agreement of the City Attorney and introduce an Ordinance to increase the compensation of the City Attorney by providing, (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.

EXECUTIVE SUMMARY

The Human Resources Department recommends that the Council consider amending the Employment Agreement of the City Attorney and introduce an Ordinance increasing the Compensation of the City Attorney by providing the City Attorney a 3% cost of living salary adjustment effective November 7, 2021, a one-time non-pensionable lump sum payment of \$5,000 and \$500 annually for wellness as the Council previously approved for Executive Management Staff.

Additionally, it is recommended that the Council provide a 2.5% cost of living salary adjustment effective April 10, 2022.

BACKGROUND

The City Attorney's salary and compensation are set by ordinance adopted by City Council as required by the City Charter, and the City's employment agreement with the

APPROVAL OF AMENDMENT NO. 3 TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT
PAGE 2 OF 4

City Attorney is approved by the Council by resolution.

As established by ordinance, and provided in the City Attorney's employment agreement ("Employment Agreement"), the City Attorney's current salary is \$19,388.00 per month.

The Employment Agreement currently provides that "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."

PRIOR CITY COUNCIL REVIEW

On April 18, 2017, Council, by resolution RES-2017-061, appointed Sue Gallagher to the position of City Attorney, approved the Employment Agreement – City Attorney and authorized the Mayor to execute the agreement on behalf of the City.

On May 2, 2017, Council adopted Ordinance ORD-2017-007 Establishing Salary and Other Compensation and Benefits for the City Attorney setting the City Attorney's salary at \$17,083.34 per month.

On June 26, 2018, Council approved Amendment No. 1 to the Employment Agreement by resolution providing a 3% cost of living adjustment in the City Attorney's salary effective July 8, 2018 and a contribution by the City of equal to 0.5% of base salary contribution to the City Attorney's Retiree Health Savings Plan.

On July 10, 2018, Council adopted an Ordinance setting the City Attorney's salary at \$17,595.84 per month as of July 8, 2018. This increase was based on the cost of living allowance received by Executive Management.

On December 3, 2019, Council approved Amendment No. 2 to the Employment Agreement by resolution providing a 7.5% merit increase, a 2.5% increase in deferred compensation for a total contribution of 5% of base pay and a 2.5% cost of living adjustment to salary and an increase to the City contribution for the 2019-2020 fiscal year in an amount equal to 0.25% of base wage, to employee Retiree Health Savings Plan, for a total City contribution of 0.75%, to take effect on July 7, 2019.

On December 10, 2019, Council adopted an Ordinance setting the City Attorney's salary at \$18,916 per month as of May 12, 2019 based on a merit increase; and at \$19,388 per month as of July 7, 2019 based on the cost of living allowance received by Executive Management.

On November 21, 2021, Council approved resolution RES-2021-193, a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for

APPROVAL OF AMENDMENT NO. 3 TO CITY ATTORNEY'S EMPLOYMENT AGREEMENT
PAGE 3 OF 4

Executive Management. The Agreement includes a one-time non-pensionable lump sum payment of \$5,000; effective November 7, 2021, a 3.0% cost of living salary adjustment and \$500 annually for wellness. It also includes, effective the first full pay period following April 1, 2022, a 2.5% cost of living salary adjustment.

ANALYSIS

The City Attorney's Employment Agreement provides that "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."

On November 21, 2021, Council approved resolution RES-2021-193, a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. The Agreement includes a one-time non-pensionable lump sum payment of \$5,000; effective November 7, 2021, a 3.0% cost of living salary adjustment and \$500 annually for wellness. It also includes, effective the first full pay period following April 1, 2022, a 2.5% cost of living salary adjustment.

To provide the City Attorney with the same cost of living salary adjustments and payments provided to the executive management team in Fiscal Year 2021-2022, Council must approve, by resolution, an amendment to the City Attorney Employment Agreement and adopt an Ordinance establishing the City Attorney's new compensation.

FISCAL IMPACT

Approval of this action does not have a fiscal impact. Funds were appropriated in the previously adopted midyear budget amendment for this fiscal year.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it 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 Guidelines Section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

APPROVAL OF AMENDMENT NO. 3 TO CITY ATTORNEY'S EMPLOYMENT
AGREEMENT
PAGE 4 OF 4

ATTACHMENTS

- Attachment A – Amendment No. 3 to Employment Agreement
- Resolution/Exhibit A
- Ordinance

CONTACT

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