

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: JEREMIA MILLS, EMPLOYEE RELATIONS ATTORNEY
HUMAN RESOURCES DEPARTMENT

SUBJECT: APPROVAL OF AMENDMENT NO. 1 TO CITY ATTORNEY'S
EMPLOYMENT AGREEMENT AND ORDINANCE TO INCREASE
THE COMPENSATION OF THE CITY ATTORNEY BY
PROVIDING, EFFECTIVE JULY 8, 2018, (1) A 3% COST OF
LIVING SALARY ADJUSTMENT, AND (2) A CONTRIBUTION BY
THE CITY FOR THE 2018-2019 FISCAL YEAR EQUAL TO 0.5%
OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH
SAVINGS PLAN

AGENDA ACTION: RESOLUTION AND ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Human Resources Department that the Council, by resolution, approve Amendment No. 1 to the Employment Agreement of the City Attorney and introduce an Ordinance to increase the compensation of the City Attorney by providing, effective July 8, 2018, (1) a 3% cost of living salary adjustment, and (2) a contribution by the City for Fiscal Year 2018-19 of 0.5% of base wage to the City Attorney's Retiree Health Savings Plan.

EXECUTIVE SUMMARY

The Human Resources Department recommends that the Council consider amending the Employment Agreement of the City Attorney and introducing an Ordinance increasing the Compensation of the City Attorney by providing the City Attorney, effective July 8, 2018, the same 3% cost of living salary adjustment and retiree health savings plan contribution for the current fiscal year of 0.5% of base salary that the Council previously approved for Executive Management Staff.

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

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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 \$17,083.34 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."

The Employment Agreement further provides "A Retiree Health Savings Plan (RHS) shall be provided under the same terms it is provided to other executive management employees."

On July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. In Fiscal Year 2017-18, the Agreement includes a 3% cost of living salary increase and a 0.25% of base wage retiree health savings plan contribution for executive management, effective the first full pay period following July 1, 2017. In Fiscal Year 2018-19, the Agreement includes, effective the first full pay period following July 1, 2018, a 3% cost of living salary adjustment and an increase in City's contribution by 0.25% of base wage retiree health savings plan contribution, for a total contribution of 0.5% of base wage.

PRIOR CITY COUNCIL REVIEW

On April 18, 2017, City 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, City 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 July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. In Fiscal Year 2017-18, the Agreement includes a 3% cost of living salary increase and a 0.25% of base wage retiree health savings plan contribution for executive management, effective the first full pay period following July 1, 2017. In Fiscal Year 2018-19, the Agreement includes, effective the first full pay period following July 1, 2018, a 3% cost of living salary adjustment and an increase in City's contribution by 0.25% of base wage retiree health savings plan contribution, for a total contribution of 0.5% of base wage.

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. 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." Additionally, the Employment Agreement provides that the City Attorney shall be provided a Retiree Health Savings Plan (RHS) "as provided to other management employees."

On July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment Agreement for Executive Management. In Fiscal Year 2017-18, the Agreement includes a 3% cost of living salary increase and a 0.25% of base wage retiree health savings plan contribution for executive management, effective the first full pay period following July 1, 2017. In Fiscal Year 2018-19, the Agreement includes, effective the first full pay period following July 1, 2018, a 3% cost of living salary adjustment and an increase in City's contribution by 0.25% of base wage retiree health savings plan contribution, for a total contribution of 0.5% of base wage.

To provide the City Attorney with the same cost of living salary adjustment, and the same retiree health savings plan contribution provided to the executive management team in Fiscal Year 2018-2019, 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

The total cost of this resolution and ordinance for the current fiscal year is \$7,205.69; this expenditure is included in the proposed Fiscal Year 2018 – 2019 budget.

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 Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

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NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment A – Amendment No. 1 to Employment Agreement
- Resolution/Exhibit A
- Ordinance

CONTACT

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