

ORDINANCE NO. ORD-2019-023

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA INCREASING THE COMPENSATION OF THE CITY ATTORNEY TO PROVIDE, EFFECTIVE MAY 12, 2019, (1) A 7.5% MERIT INCREASE, AND (2) A 2.5% INCREASE IN DEFERRED COMPENSATION FOR A TOTAL CONTRIBUTION OF 5% OF BASE PAY, AND EFFECTIVE JULY 7, 2019, (1) A 2.5% COST OF LIVING SALARY ADJUSTMENT, AND (2) AN INCREASE IN CONTRIBUTION BY THE CITY FOR THE 2019-2020 FISCAL YEAR EQUAL TO 0.25% OF BASE WAGE TO THE CITY ATTORNEY'S RETIREE HEALTH SAVINGS PLAN, FOR A TOTAL CONTRIBUTION OF 0.75% OF BASE WAGE

WHEREAS, the City Attorney's Employment Agreement with the City dated April 18, 2017 ("Employment Agreement") states, "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"; and

WHEREAS, the Employment Agreement further states "A Retiree Health Savings Plan (RHS) shall be provided under the same terms it is provided to other executive management employees."; and

WHEREAS, on July 18, 2017, the Council approved a three-year Wages, Hours and other Terms and Conditions of Employment for Employees in the City's Unit 10 – Executive Management (Unit 10 Agreement); and

WHEREAS, the Unit 10 Agreement provided effective the first full pay period following July 1, 2017, a 3% cost of living salary adjustment, and a City contribution, for the 2017-2018 fiscal year, in an amount equal to 0.25% of base wage to the Retiree Health Savings Plan, provided effective the first full pay period following July 1, 2018, a 3% cost of living salary adjustment, and an increase in City contribution, for the 2018-2019 fiscal year, in an amount equal to 0.25% of base wage to the Retiree Health Savings Plan, for a total contribution of 0.5% of base wage and additionally provided effective the first full pay period following July 1, 2019, a 2.5% cost of living salary adjustment, and an increase in City contribution, for the 2019-2020 fiscal year, in an amount equal to 0.25% of base wage to the Retiree Health Savings Plan, for a total contribution of 0.75% of base wage; and

WHEREAS, on June 26, 2018, the City 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 an increase in the contribution to the City Attorney's 0.25% of base salary contribution to the City Attorney's Retiree Health Savings Plan for a total City contribution of 0.5% of base wage; and

WHEREAS, the City Council has completed the City Attorney's annual performance evaluation; and

WHEREAS, the City Attorney's salary is currently 10% below those of comparable cities.

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

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 12, 2019, (1) the salary of the City Attorney shall be increased by seven and one-half percent (7.5%), so that the monthly salary for the City Attorney shall be \$18,916; (2) the City Attorney will receive a two and a half percent (2.5%) increase in contribution in deferred compensation for a total contribution of five percent (5%).

Section 3. To match the cost of living salary adjustment the Council approved by Resolution RES-2017-146 in July 2017 for executive management for the 2019-20 fiscal year, the salary of the City Attorney shall be increased by two and a half percent (2.5%) cost of living salary adjustment, so that the monthly salary for the City Attorney shall be \$19,388, effective July 7, 2019.

Section 4. To match the RHS contribution by the City the Council approved in July 2017 to take effect the first full pay period following July 1, 2019 for executive management for the 2018-2019 fiscal year, commencing July 7, 2019, the City shall increase the City contribution for the 2019-2020 fiscal year in an amount equal to 0.25% of base wage to the City Attorney's RHS for a total contribution of .75% of base wage.

Section 5. 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 6. 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 7. 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 8. Effective Date. This ordinance shall take effect on the 31st day following its adoption. Notwithstanding the effective date of this ordinance, the merit increase, and the deferred compensation contribution set forth in this ordinance shall be effective as of May 12, 2019. The cost of living increase and RHS contribution set forth in this ordinance shall be effective as of July 7, 2019.

This ordinance was introduced by the Council of the City of Santa Rosa on December 3, 2019.

IN COUNCIL DULY PASSED AND ADOPTED this 10th day of December, 2019.

AYES: (6) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
Acting City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

Chief Assistant City Attorney