



# City of Santa Clara

## Meeting Agenda

### Salary Setting Commission

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**Wednesday, January 27, 2021**

**5:30 PM**

**Virtual Meeting**

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Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, Committee members will be attending the meeting remotely. The City of Santa Clara has implemented methods for the public to participate remotely via Zoom link or phone call in.

To join Zoom Meeting please use this URL to join.

<https://santaclaraca.zoom.us/j/92080920076?pwd=NWtXSWFoY0NiVGYwdkNBWU16L3c1dz09>

Meeting ID: 920 8092 0076

Passcode: 145362

#### **CALL TO ORDER AND ROLL CALL**

#### **CONSENT CALENDAR**

#### **PUBLIC PRESENTATIONS**

#### **GENERAL BUSINESS**

- 1      21-128      [Election of Salary Setting Commission Chair and Vice-Chair](#)
- 2      21-132      [Action To Set Future Commission Meeting Dates](#)

#### **STAFF REPORT**

- 1      21-134      [Informational Presentation and Overview of Relevant Provisions of Brown Act and Public Records Act](#)
- 2      21-135      [Overview of Legislative Actions, Review of Comparator Agency Information and Recommendations for Process to Review and Set Elected Legislative Officials Compensation](#)

**Attachments:**      [Charter Section 702](#)  
[Resolution for Mayor and Council Salaries 2019](#)  
[Comparator information for Mayor and Council - 202](#)

**COMMISSIONERS REPORT****ADJOURNMENT**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



## Agenda Report

21-128

Agenda Date: 1/27/2021

### REPORT TO SALARY SETTING COMMISSION

#### **SUBJECT**

Election of Salary Setting Commission Chair and Vice-Chair

#### **BACKGROUND**

City Charter, Article X, Section 1003 provides, "As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission."

#### **DISCUSSION**

The City Charter requires that commissions elect one of its members to serve as presiding officer by majority vote. There is no Charter requirement that a Vice Chair be elected but many commissions do so to ensure there is continuity in the event the Chair is absent.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **FISCAL IMPACT**

There is no fiscal impact associated with this item aside from administrative cost and expenses.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

#### **RECOMMENDATION**

Staff recommends that the Commission conduct an election for Chair and Vice Chair.

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Nadine Nader, Chief Operating Officer/Assistant City Manager



## Agenda Report

21-132

Agenda Date: 1/27/2021

### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Action To Set Future Commission Meeting Dates

#### BACKGROUND

Charter Section 702 requires the Salary Setting Commission (Commission) to set the compensation of the Mayor and Council prior to March 15, 2019 and thereafter, every two years. The Charter provision also provides that salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

#### DISCUSSION

The Commission will meet as often as necessary to conduct its business and set compensation rates prior to the dates designated in the City Charter and City Code.

Given the Charter deadline of March 15, 2021 for setting the Mayor and Council salaries, staff identified possible dates listed below with meetings set at 5:30 pm. Due to COVID-19, meetings will be held virtually. In the event additional meeting dates are needed beyond March 15, 2021, additional dates have been secured.

February 8, 10, 17, 22, 24  
March 1, 3, 8, 10, 17, 24, 31  
April 7, 14, 21, 28  
May 5, 12, 19, 26  
June 2, 9, 16, 23, 30

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### FISCAL IMPACT

There is no additional cost to the City other than administrative staff time.

#### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's

Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Poll Commissioners and set future meeting dates.

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Nadine Nader, Chief Operating Officer/Assistant City Manager



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
santaclaraca.gov  
@SantaClaraCity

## Agenda Report

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21-134

Agenda Date: 1/27/2021

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### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Informational Presentation and Overview of Relevant Provisions of Brown Act and Public Records Act

#### DISCUSSION

Public meetings require adherence to state open meeting laws (the Ralph M. Brown Act) and are generally conducted in accordance with Robert's Rules of Order. Commissioners are also subject to the Public Records Act. Staff will provide a brief presentation on both to assist in the Commission's business and governance.

This is an informational report, no action is to be taken by the Commission.



## Agenda Report

21-135

Agenda Date: 1/27/2021

### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Overview of Legislative Actions, Review of Comparator Agency Information and Recommendations for Process to Review and Set Elected Legislative Officials Compensation

#### BACKGROUND

Charter Section 702 requires the Salary Setting Commission to set the salary of the Mayor and Council prior to March 15, 2019 and thereafter, every two years. The Charter provision also provides that salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure. The Charter provision is included herewith as Attachment 1.

#### DISCUSSION

This report is to introduce the legislative provisions establishing the Commission's purpose, relative to Mayor and Council, to provide written guidelines and parameters to the Commission on how to proceed with its work, and to introduce and discuss compensation information for the City, its elected officials, and comparative information from other agencies.

Pursuant to the Brown Act, discussion of City Clerk and Chief of Police salary or compensation may only occur at regular meetings (rather than special meetings), and will be calendared accordingly once regular meeting dates are established. Further, setting the compensation of the Clerk and the Police Chief may involve other considerations that are not applicable to the Mayor and Council, staff will provide an analysis at a future regular meeting.

**Legislative provisions:** As described above, the governing legislative provision establishing the Commission's purpose and objectives is:

City Charter Section 702: "Commencing on July 1, 2017, each member of the City Council, other than the Mayor, shall receive as compensation the sum of two thousand dollars (\$2,000) per month. The Mayor shall receive as compensation the sum of two thousand five hundred dollars (\$2,500) per month.

Commencing on July 1, 2019, and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a Salary Setting Commission consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period

commencing July 1 of that odd year and ending two years thereafter. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him/her for such month shall be reduced by the sum of twenty-five dollars (\$25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.”

**Recommended Process:**

The Commission is tasked with setting salary rates for the City’s elected legislative officials. In order to accomplish that task, the Commission will likely need to know the following:

- Current salary rates of the City’s elected legislative officials
- Legislative directives for setting compensation rates
- Compensation rates of other jurisdictions for similar positions
- Fiscal/Budgetary considerations

In general, employers, both private and public, survey their labor market to ensure their salary and benefit levels are sufficiently competitive and reflect the service performed. In the case of elected public officials, there is a broad spectrum of compensation due to the types of positions (city councils, boards of supervisors, etc.), agency size, and agency location. Staff has gathered and presented for the Commission’s consideration compensation information for other agencies based upon certain criteria:

- Nature of services provided (i.e., part time/full time officials)
- Geographical proximity of comparators
- Comparator population and form of government
- Economic similarity

Commissioners should keep in mind that the positions at issue (Mayor and Council) are part-time and unbenefited (except for an option to enroll in CalPERS retirement).

For the Commission’s first meeting, Staff recommends that the Commission become acquainted with existing salary and compensation levels for these positions and the survey information provided for comparators. Staff anticipates that the Commission will have information requests and it will be helpful in the first meeting for Staff to learn what other information the Commission needs so that there is adequate time to prepare and present it at upcoming meetings. Because the Charter specifically requires that the Commission set compensation for the Mayor and City Council by March 15, 2021, staff recommends that the Commission conclude that process first.



**Compensation information:**

Currently, the compensation is [\\$2,500 per month <https://www.santaclaraca.gov/home/showpublisheddocument?id=64288>](https://www.santaclaraca.gov/home/showpublisheddocument?id=64288) for the position of Mayor, and [\\$2,000 per month <https://www.santaclaraca.gov/home/showpublisheddocument?id=64288>](https://www.santaclaraca.gov/home/showpublisheddocument?id=64288) for the position of Councilmember, as set by the last Salary Setting Commission. The Resolution approved by the Salary Setting Commission in March 2019 is included in this report (Attachment 2). The Charter limits biennial increases to 10%. The Commission may set percentage increases at any number between 0 and 10. The Commission may consider changes in cost of living and comparable compensation in other jurisdictions.

**Survey Information:**

Comparator information for the Mayor and Council is included in this report (Attachment 3). Staff will be prepared to answer Commissioner questions regarding the survey at the meeting.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There will be no action taken by the Commission at this meeting that will have a fiscal impact.

**PUBLIC CONTACT**

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**RECOMMENDATION**

This item is for information and discussion only, and no action is required at this time.

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Nadine Nader, Chief Operating Officer/Assistant City Manager

**ATTACHMENTS**

1. City Charter Section 702
2. Resolution for Mayor and Council Salaries - 2019
3. Comparator information for Mayor and Council - 2021

**City of Santa Clara Charter Sec. 702 Compensation.**

Commencing on July 1, 2017, each member of the City Council, other than the Mayor, shall receive as compensation the sum of two thousand dollars (\$2,000) per month. The Mayor shall receive as compensation the sum of two thousand five hundred dollars (\$2,500) per month.

Commencing on July 1, 2019, and every two years on July 1 thereafter, the compensation of the City Council and Mayor shall be set by a Salary Setting Commission consisting of five members to be appointed by the Civil Service Commission from the qualified electors of the City for a term of four years. The first members shall be appointed for a term commencing January 1, 2019. Initially, the Commissioners shall be appointed in a manner so that two are appointed for two-year terms and three are appointed for four-year terms. On or before March 15 of every odd year, the Salary Setting Commission shall establish the salary of the Mayor and members of the City Council for the period commencing July 1 of that odd year and ending two years thereafter. Salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him/her for such month shall be reduced by the sum of twenty-five dollars (\$25.00) for each meeting or study session not attended unless he/she is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

**RESOLUTION NO. 19-1**

**A RESOLUTION OF THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, SETTING THE SALARIES OF THE POSITIONS OF MAYOR AND COUNCIL MEMBER FOR THE PERIOD JULY 1, 2019, TO JULY 1, 2021, PURSUANT TO CITY CHARTER SECTION 702**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, in accordance with City Charter Section 702, a Salary Setting Commission consisting of five qualified electors of the City was appointed by the Civil Service Commission in November 2018, to commence performance of its duties in January 2019;

**WHEREAS**, pursuant to the City Charter, the Salary Setting Commission is charged with establishing the salary of the Mayor and members of the City Council for the period commencing on July 1, 2019, and ending two years thereafter;

**WHEREAS**, the Salary Setting Commission met on six occasions from January 8, 2019, through March 14, 2019, inclusive, and discussed the setting of Mayor and Council salary levels at each of these meetings;

**WHEREAS**, the Salary Setting Commission was presented with, and took into consideration, various data points including, but not limited to, the history of salary increases for the Mayor and Council positions, comparator agency salary levels, and City budget projections; and

**WHEREAS**, the final decision of the Salary Setting Commission as to the Mayor and Council Member salaries, as set forth in this Resolution, is based upon the following:

1. In the 2000 special election, the voters passed Measure J amending Charter Section 702 to set the salary of the Council Members at \$600 per month and salary of the Mayor at \$1000 per month, and allowed for an automatic annual salary increase in the amount of the local Consumer Price Index.
2. By the time of the 2016 general election, as a result of the automatic CPI increases, the salary of the Council Members was \$855.27 per month and the salary of the Mayor was \$1,425.47 per month.

3. In the 2016 general election, the voters passed Measure O, which again amended Charter Section 702 to set the salary of the Council Members at \$2,000 per month and salary of the Mayor at \$2,500 per month. These salary increases more than doubled the Council Members' salaries and increased the Mayor's salary by approximately 75%.
4. The nature and scope of the positions of Mayor and Council Member – in terms of the number of meetings attended, time commitment involved, types of issues considered, etc. – does not appear to have substantially changed since the time of the 2016 election.
5. The Mayor and Council Members are not “regular” employees of the City, subject to internal performance review. Rather, the Mayor and Council Members are elected by the voters of the City of Santa Clara; it is, therefore, solely within the purview of the voters to determine the quality of performance by the current office holders. Accordingly, the role of the Salary Setting Commission is to set the salary for the positions of Mayor and Council Members, irrespective of the identities of the current office holders.
6. The positions of Mayor and Council Member are service-oriented, executive-level, positions paid on a monthly salary basis, rather than an hourly basis. In addition, there are no formal requirements for number of hours worked in City service per week, and the office holders may hold separate full time employment in addition to service in their elected position. Therefore, the Consumer Price Index is not wholly applicable to the determination of appropriate salary level for these positions.
7. The current salary levels for Mayor (\$2,500 per month) and Council Member (\$2,000) are not inconsistent with the current salary levels for these positions in the comparator agencies reviewed by the Salary Setting Commission.
8. The Salary Setting Commission reviewed and considered the short- and long-term budget projections provided by staff; the Commission strives to arrive at a prudent and fiscally responsible decision.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the salary of the position of Mayor shall remain at its current level (\$2,500 per month) for the period July 1, 2019, to July 1, 2021.
2. That the salary of the position of Council Member shall remain at its current level (\$2,000 per month) for the period July 1, 2019, to July 1, 2021.
3. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 14<sup>TH</sup> DAY OF MARCH, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: Arquero, Banko, Kumar, Stealey and Chair Sontag

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

ABSTAINED: COMMISSIONERS: None

ATTEST:   
\_\_\_\_\_  
JOHN SONTAG, CHAIR  
SALARY SETTING COMMISSION

Attachments incorporated by reference: None

**CITY OF SANTA CLARA  
TOTAL MONTHLY SALARY  
(Mayor and City Council)**

<b>AGENCY</b>	<b>GENERAL LAW OR CHARTER</b>	<b>TOP STEP SALARY (Mayor)</b>	<b>TOP STEP SALARY (City Council)</b>
<b>City of Cupertino</b>	General Law	<u>\$ 743.07</u>	<u>\$ 743.07</u>
<b>City of Fremont</b>	General Law	<u>\$ 3,993.78</u>	<u>\$ 2,247.93</u>
<b>City of Mountain View</b>	Charter	<u>\$ 1,446.23</u>	<u>\$ 1,156.94</u>
<b>City of Palo Alto</b>	Charter	<u>\$ 1,150.00</u>	<u>\$ 1,000.00</u>
<b>City of Sunnyvale</b>	Charter	<u>\$ 3,591.10</u>	<u>\$ 2,693.32</u>
	<b>Survey Median:</b>	<b>\$ 1,446.23</b>	<b>\$ 1,156.94</b>
	<b>Survey Average:</b>	<b>\$ 2,184.84</b>	<b>\$ 1,568.25</b>
<b>City of Santa Clara</b>	Charter	<u>\$ 2,500.00</u>	<u>\$ 2,000.00</u>

<b>Santa Clara above/below Median Salary:</b>	<b>72.86%</b> <b>Above</b>	<b>72.87%</b> <b>Above</b>
<b>Santa Clara above/below Average Salary:</b>	<b>14.43%</b> <b>Above</b>	<b>27.53%</b> <b>Above</b>