

benda ITEM#5



City Manager & Attorney Roles

- Over the past year, Chief Sellers has made multiple verbal requests for a cost of living compensation increase. City Manager and Attorney researched and this resulted in various discoveries that are itemized in the public City Council report.
- Role of City Manager and City Attorney:
 - City Manager transmits and processes action made by an independent body
 - or City Council with respect to compensation adjustments for elected official. o Inappropriate to have the City Manager determine compensation
 - increases for any elected official.
 - Inappropriate for the City Manager's staff to process any compensation increase without complying with the law.
 - -City Attorney advises on the legal requirements.

Background

- Unit 9A MOA approved in Closed Session March 21, 2017;
- City Attorney was requested to "report out" an approval of an increase in the compensation of the elected Chief of Police as the result of this vote in Closed Session;
- City Attorney refused because such an approval was not permitted under the Brown Act;
- The Chief of Police began to receive an increase shortly after this time.
- City Attorney was unaware that an increase had happened.

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	y conclusion is that the increases need to be during a noticed agenda item at an open regular council eting. If counties do this differently, I am open to looking how they do it.
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> L	et me know if you would like to discuss on Monday.
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> T	nanks,
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> S	ent from my iPad

Council Discretion

- In its discretion, Council may increase the compensation for the Police Chief position
- Council is not bound by past practice and can change its policy
- Council may consider past practice of tracking to increases to Unit 9A compensation
- Council's action sets the compensation for the Elected Office, not the individual holding the Office. (Whatever compensation the City Council sets will be the compensation for the next elected Chief of Police.)

Step Increases?

- Council may consider compaction issues resulting from past step increases to Assistant Chief position
- Council should not adjust compensation based on performance of the current office holder
- Merit increases should not be awarded by the Council or anyone else

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Conflict of Interest

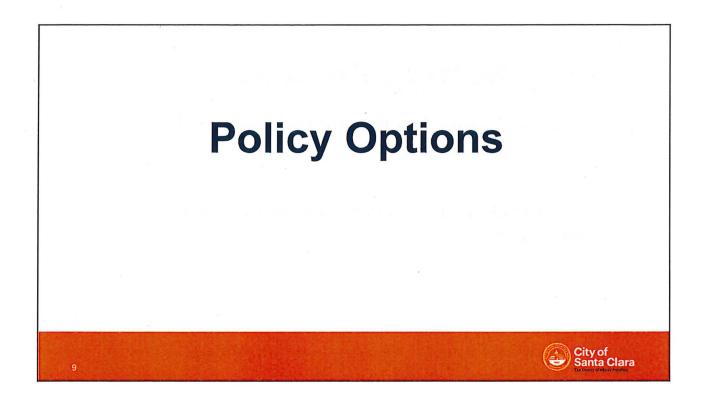
- Chief of Police compensation should not be automatically increased as a result of a decision in which he participates.
- If Council sets forth an automatic increase as a percentage over the actual compensation paid to the Assistant Chief, then the Chief should not participate in the decision to award a step or merit increase to the Assistant Chief.
- The Council could set forth a percentage differential over the top of the range or interim step of the range for the Assistant Chief.

Background

Many past practices and procedures for setting the compensation were at variance with state laws. These past non-conforming actions include:

- City Council action to delegate authority to the City Manager to administer merit increases to elected officials;
- Providing "merit" increases to elected officers, in general;
- Providing automatic cost-of-living increases linked to Unit 9A and Unit 9 MOU negotiations without proper (legally required) public Council action.

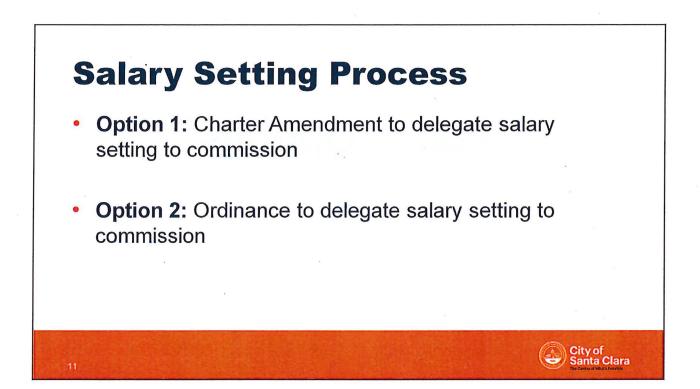
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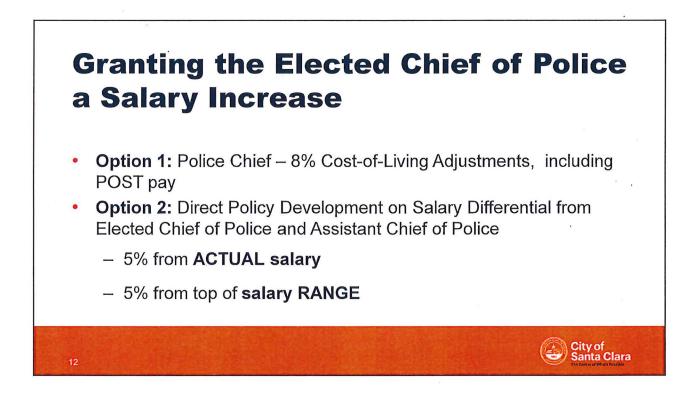


Council Consideration

- Compensation request of the current elected Police Chief for cost of living.
- 2. Policy options on how to proceed with salary setting for both the elected positions of Police Chief and City Clerk.

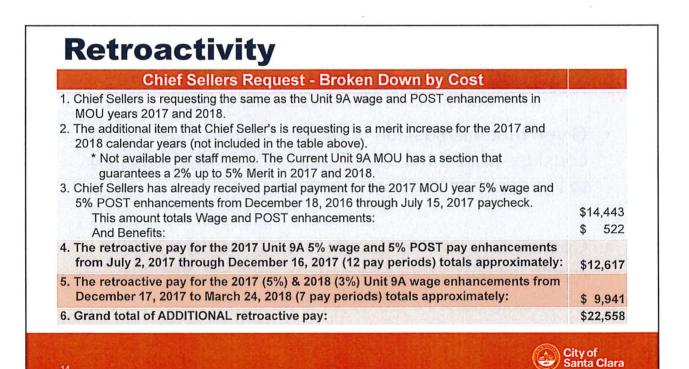
Note: If more information is needed, the City Council may continue the item and direct staff to return with additional information to make an informed decision.



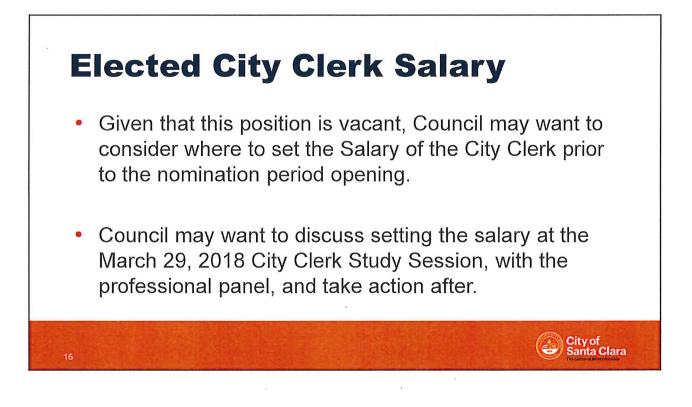


Unit 9A Compared to Chief Sellers' Request

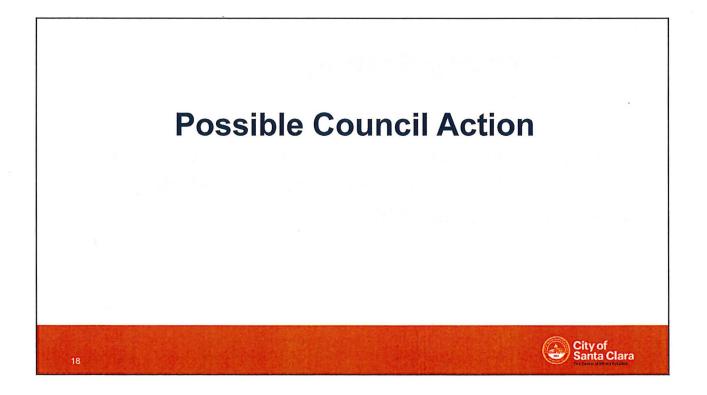
Unit 9A Wage and POST Enhancements if Applied to Chief Sellers	MOU Wage Increase	Monthly Salary	Annual Salary	POST Annual	Annual Salary + POST Annual
Mike Sellers Current Pay + Current POST	N/A	\$ 24.171	\$ 290,052	\$ 2,400	\$ 292,452
2017 Unit 9A MOU Wage Increase & 5% POST Applied	5%		\$ 304,560	\$ 15,228	
2018 Unit 9A MOU Wage Increase & 5% POST Applied	3%	\$ 26,141	\$ 313,692	\$ 15,685	\$ 329,377
Chief Seller's Salary Request	MOU Wage Increase	second		POST Annual	Annual Salary + POST Annual
Mike Sellers Current Pay + Current POST	N/A	\$ 24,171	\$ 290,052	\$ 2,400	\$ 292,452
If 2017 Unit 9A MOU Wage Increase & 5% POST Applied	5%	N. ABCI	\$ 304,560	\$ 15,228	Red Land
If 2018 Unit 9A MOU Wage Increase & 5% POST Applied	3%		\$ 313,692	\$ 15,685	\$ 329,377



Year	Compensation Increase	%
12/18/20	12 Elected to Chief of Police	5.0
5/25/20	14 Merit Increase	5.0
11/09/20	14 Merit Increase	5.0
3/15/20	5 Wage Adjustment tied to Police Mgmt. Unit 9A	3.1
11/08/20	15 Merit Increase	5.0
12/20/20	5 Wage Adjustment tied to Police Mgmt. Unit 9A	6.0
12/18/20	6 Unit 9A Wage Adjustment of 5.0%	
12/17/20	7 Unit 9A Wage Adjustment of 3.0%	109.24



Year	Compensation Increase	%
12/08/2004	Elected to City Clerk	as the first
07/17/2005	City Council Wage Adjustment	15.00
12/16/2007	Wage Adjustment tied to Unit 9 Misc. Mgmt.	2.30
11/30/2008	Merit Increase	10.00
07/12/2009	Merit Increase	7.57
12/27/2009	Wage Adjustment tied to Unit 9 Misc. Mgmt.	5.35
5/25/2014	Merit Increase	4.37
01/04/2015	Merit Increase	4.39
06/07/2015	Merit Increase	4.42
12/20/2015	Wage Adjustment tied to Unit 9 Misc. Mgmt.	4.50
12/15/2016	Wage Adjustment tied to Unit 9 Misc. Mgmt.	4.00



Rec 3: Repeal/Discontinue

City Manager recommends the City Council approve changes to the current salary setting process, as follows:

- Repeal the previous City Council action to delegate authority to the City Manager to administer merit increases to elected officials;
- 2. Discontinue the practice of granting "merit" increases to elected officers;
- 3. Discontinue the practice of granting any increases, including automatic costof-living increases linked to Unit 9A and Unit 9 MOU negotiations, without proper public disclosures at noticed regular meetings of the City Council

Rec 1: Salary Setting

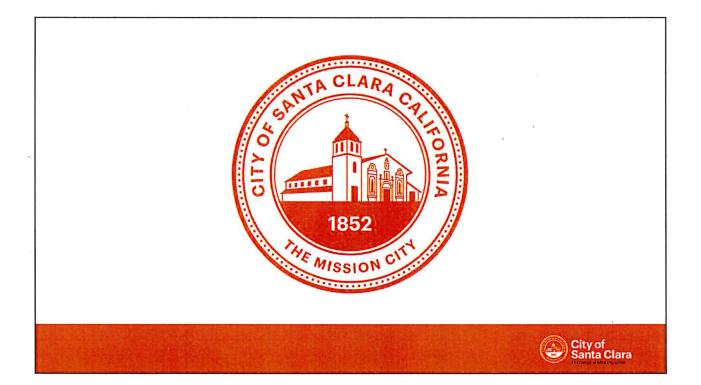
Provide direction to staff based on policy options for the salary setting process. The City Manager has no recommendation.

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Rec 2: Chief Salary

- 1. Council action on a cost-of-living adjustment, POST premium pay adjustment and other benefits equal to 9A, and an additional cost of living increase of 3% effective December 17, 2017. These actions would be commensurate with the Unit 9A adjustments for 2016 and 2017.
- **2.** The Council could continue the item if more information is needed.

Note: The City Manager has no recommendation.



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