

## RESOLUTION NO. 19-2

### A RESOLUTION OF THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, SETTING THE COMPENSATION FOR THE POSITION OF CHIEF OF POLICE FOR THE PERIOD JULY 1, 2019, TO JUNE 30, 2021, INCLUSIVE, PURSUANT TO CITY CODE SECTION 2.80.015 AND CHARTER SECTION 702

#### BE IT RESOLVED BY THE SALARY SETTING COMMISSION:

**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 City Code Section 2.80.015, the Salary Setting Commission is charged with establishing the compensation of the Chief of Police for the period commencing on July 1, 2019, and ending two years thereafter;

**WHEREAS**, the Salary Setting Commission met on twelve occasions from January 8, 2019, through June 11, 2019, inclusive, during which the compensation for Chief of Police was discussed on several occasions;

**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 position of Chief of Police, compaction levels within the Police Department and City-wide, comparator agency salary levels, requirements for the position of Chief of Police under the City Charter, and City budget projections; and

**WHEREAS**, the final decision of the Salary Setting Commission as to compensation for the Chief of Police, as set forth in this Resolution, is based upon the following:

1. In the 2000 special election, the voters passed Measure I, adding Section 701.1 to the City Charter, which imposed upon candidates for the office of Chief of Police a requirement to meet the minimum eligibility and qualification requirements imposed by state law upon candidates for the office of county sheriff.

2. The minimum qualifications for the office of sheriff require only a California POST advanced certificate, and a combination of education (ranging from high school diploma to master's degree) and work experience (ranging from one to four years).
3. These Charter requirements are the only official substantive requirements for the position; because the position is elected, there exists no further job description or other requirement for seeking, or holding, the position of Chief of Police.
4. The Chief of Police, akin to a county sheriff, is 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 holder. Accordingly, the role of the Salary Setting Commission is to set the salary for the position of Chief of Police, irrespective of the identity, experience, or performance of the current office holder.
5. Currently, the salary for the position of Chief of Police (\$26,141 per month) is approximately 18% higher than the average salary level for the position in the comparator agencies reviewed by the Salary Setting Commission. When taking into consideration medical benefits and specialty pays, the current compensation is approximately 9% higher than the average total compensation paid by the comparator agencies. The comparator agencies reviewed were the cities of Mountain View, Palo Alto, Redwood City, Hayward, and Milpitas, as well as the counties of Santa Clara, San Mateo and Alameda. When limiting the comparator agencies to those with elected public safety department heads (counties), the total compensation received by the current Chief of Police is approximately 3% greater than the total compensation received by the comparator agency sheriffs.
6. The comparator agencies with elected public safety department heads (counties with elected sheriffs) do not provide vacation, management leave or sick leave, due to the elected nature of the position. Currently, the position of Chief of Police accrues all three of these categories of leaves and is eligible for payout of unused leave balances upon

separation from City employment.

7. The Salary Setting Commission is not persuaded that salary compaction within the police department management ranks alone justifies an increase to the salary level for Chief of Police.
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 for the period July 1, 2019, to June 30, 2021, inclusive, the salary for the position of Chief of Police shall remain at its current level of \$26,141 per month.
2. That for the period July 1, 2019, until such time as the individual elected to the position of Chief of Police at the next election for that position takes office (if such oath of office is taken before June 30, 2021), the position of the Chief of Police shall receive benefits equivalent to those received by members of the Unclassified Police Management Unit (9A) under the Memorandum of Understanding that expired on December 22, 2018, plus an additional \$50 per month towards VEBA and \$150 per month towards deferred compensation. Such benefits shall not be retroactive.
3. That for the period beginning when the individual elected to the position of Chief of Police at the next election for that position takes office (if such oath of office is taken before June 30, 2021) and ending on June 30, 2021, the position of Chief of Police shall receive the benefits set forth in paragraph 2, except that any accrued leave balances held by said newly-elected individual shall be "frozen" as of the date he/she takes office (i.e., shall neither accrue increases in leave balances, nor be subject to decreases in those balances, during his/her term of elected office).

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 11<sup>th</sup> DAY OF JUNE, 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