

Committee of the Proposed City Charter
By: Lum Fobi, City Attorney
June 18, 2018

City of Carson Current Resolutions and Municipal Code
Governing Treasurer and Clerk Compensation

❖ **Carson Municipal Code § 2303:**

- The City Clerk and City Treasurer shall receive, at stated times, compensation to be fixed by ordinance or resolution of the City Council. Such compensation shall be payable at the same time and in the same manner as salaries are paid to other officers of the City of Carson. This Section shall not be construed so as to preclude compensation of persons holding the office of Clerk or Treasurer for performance of duties other than those of Clerk or Treasurer, in such amounts as the City Council may from time to time determine by resolution. (Ord. 2, § 2301; Ord. 37, § 1; Ord. 69-113, § 1; Ord. 72-210, § 1)

❖ **Carson, Resolution 15-027 (Salary and Benefits for Clerk and Treasurer)**

➤ Longevity Pay (Article 1, Section 2)

- 2.1. The City agrees to pay the City Clerk and City Treasurer 2 ½% of their prevailing pay rate as longevity pay after they have attained fifteen (15) years' service credit.
- 2.2. The City agrees to pay the City Clerk and the City Treasurer an addition 2 ½% pay of their prevailing pay as longevity pay commencing after they have attained twenty (20) years' service credit.
- 2.3. The City agrees to pay the City Clerk and City Treasurer an additional 2 ½% of their prevailing pay rate as longevity pay commencing after they have attained thirty (30) years' service credit.

➤ Public Employee's Retirement System (Article II, Section 5)

- 5.1. The City shall continue to include elected officials that were elected into office prior to May 6, 2011, in the CalPERS "3% at 60" retirement plan with the following optional public agency contract provisions:
 - The optional contract provision relating to one (1) year final compensation;
 - The optional contract provision relating to military service credit as public service;
 - The optional contract provision relating to the 1959 Survivors Program at the level four benefits;
 - The optional contract provision relating to two years additional service credit;

- The optional contract provision relating to the ability to participate in the part time service credit purchase program, but solely at their own cost;
- The optional contract provision relating to the Pre-Retirement Option 2W Death Benefit
- 5.2. The City shall include elected officials that are elected into office on or after May 6, 2011, and are defined by CalPERS under the Public Employees' Pension Reform Act of 2013 (PEPRA) as "Classic Members," in the CalPERS "2% at 55" retirement plan with the following option public agency contract provisions:
 - The optional contract provision relating to one (1) year final compensation;
 - The optional contract provision relating to military service credit as public service;
 - The optional contract provision relating to the 1959 Survivors Program at the level four benefits;
 - The optional contract provision relating to two years additional service credit;
 - The optional contract provision relating to the ability to participate in the part time service credit purchase program, but solely at their own cost;
 - The optional contract provision relating to the Pre-Retirement Option 2W Death Benefit
- 5.3. Effective July 19, 2014, per approved Resolution Nos. 14-024 and 14-070, the City Clerk and City Treasurer shall pay the full percentage of the member contributions on a pre-tax basis.
- 5.4. The City shall include elected officials that are elected into office on or after January 1, 2013, and are defined by Assembly Bill 340 – Pension Reform, as "New Members" in the CalPERS "2% at 62" Plan with a three year final compensation period, and with the following optional contract provisions:
 - The optional contract provision relating to military service credit as public service;
 - The optional contract provision relating to the 1959 Survivors Program at the level four benefits;
 - The optional contract provision relating to two years additional service credit;
 - The optional contract provision relating to the ability to participate in the part time service credit purchase program, but solely at their own cost;
 - The optional contract provision relating to the Pre-Retirement Option 2W Death Benefit

5.4. "New Members" shall pay the full percentage of the member contributions on a pre-tax basis.

Sample Language from Other Cities

PERS Contribution paid by City

❖ Burbank, Resolution No. 17-28,982, Section 7¹

- The City of Burbank contracts with CalPERS for a defined benefit pension plan. Each Appointed Official and Department Manager will be enrolled as a member of CalPERS on the date they first become eligible. Per the California Public Employees' Retirement Law (PERL), Elected Officials, upon employment, will have the option to enroll in CalPERS retirement. CalPERS membership for Elected Officials will be established on a prospective basis, in accordance with PERL, if election is made after initial employment as an Elected Official. CalPERS classifies each member as either Classic or New.
- The City's contracted CalPERS retirement formula for Miscellaneous employees who are classified as Classic members is 2.5% at age 55. Based on the Public Employees' Pension Reform Act (PEPRA) effective January 1, 2013, Miscellaneous employees who are classified as New members have a PERS retirement formula that is 2% at age 62.
- Employer Paid Member Contributions (EPMC) are defined as contributions designated as employee contributions that are paid by the City of Burbank to CalPERS. The City of Burbank does not contribute EPMC to CalPERS on behalf of Appointed Officials, Elected Officials, or Department Managers. Appointed Officials, Elected Officials and Department Managers, except the Police and Fire Chiefs, who are Classic PERS members pay the full 8% PERS member contribution. The Police and Fire Chiefs, if Classic PERS members, pay the full 9% PERS member contribution. New PERS members will continue to pay for half of the pension's normal cost as required by PEPRA, which is currently 5.75% for Miscellaneous employees, 10.25% for Fire Safety employees, and 12.75% for Police Safety employees as of the adoption of this resolution.

❖ City of Colton, Resolution No. R-01-15, Article III

- Section 1. Retirement – PERS. The City shall provide Elected Officials with retirement benefits, as currently specified under the city's applicable contracts with the Public Employees' Retirement System (PERS) and consistent with the provisions of the Public Employees' Pension Reform Act of 2013 (PEPRA).
 - Classic Members. Any Elected Official that established CalPERS membership prior to the implementation of the Public Employees' Pension Reform Act of 2013 (PEPRA) in connection with City employment or that otherwise establishes "classic member" status, as defined in Section 579.1 of Title 2 of the California Code of Regulations, shall be subject to one of the following pre-PEPRA retirement formulas determined on the basis of the date on which they elected to be an optional member of the PERS pursuant to the City's retirement contract: 2.7% at 55 or 2.5% at 55. The normal member contribution applicable to members participating in these retirement formulas continues to be 8% which shall be paid in full by the Elected Official.
 - New members. Any Elected Official that is considered a "new member" as defined in PEPRA and which elects to be an optional member of PERS shall be subject to the PEPRA retirement formula for miscellaneous members of 2% at 62 (with a maximum of 2.5% at 67). PEPRA requires "new members" to contribute 50% of the annual actuarially

¹ <http://www.burbankca.gov/home/showdocument?id=42586>

determined normal cost attributable to the applicable retirement plan in which they are enrolled (i.e., 2% at 62), rounded to the nearest quarter of 1 percent. This mandatory employee contribution is set by CalPERS on an annual basis.

Accrue Sick Leave and Vacation

❖ Huntington Beach, Resolution No. 2016-50, Section V²

➤ Accrual

- Employees will accrue General Leave at the accrual rates outlined below. General leave may be used for any purpose, including vacation, sick leave, and personal leave. General leave for non-associated employees shall accrue as follows:

YEARS OF SERVICE	ANNUAL GENERAL LEAVE ALLOWANCE	BIWEEKLY GENERAL LEAVE ALLOWANCE
First through Fourth Year	176 hours	6.77
Fifth through Ninth Year	200 hours	7.69
Tenth through Fourteenth Year	224 hours	8.62
Fifteenth and Thereafter	256 hours	9.85

➤ Eligibility and Approval

- General leave must be pre-approved except for illness, injury or family sickness, which may require a physician's statement for approval. General leave accrued time is to be computed from hiring date anniversary. Employees shall not be permitted to take general leave in excess of actual time earned. Employees shall not accrue general leave in excess of six hundred forty (640) hours. Employees may not use their general leave to advance their separation date on retirement or other separation from employment.

➤ Leave Benefit Entitlements

- The City shall comply with all State and Federal leave benefit entitlement laws. An eligible employee on an approved leave shall be allowed to use applicable earned Sick Leave, General Leave, or Executive Leave for family or personal health issues. For more information on employee leave options contact the Human Resources Department.

➤ One Week Minimum Vacation Requirement

- The City Manager may require certain positions which handle money or transfer funds to take a minimum of one week, (i.e., five consecutive work days) paid vacation each calendar year.

➤ Deferred Compensation Contribution at Time of Separation

- The value of any unused earned leave benefits may be transferred to deferred compensation at separation (including retirement), but only during the time that the

² The Resolution does not allow elected officials to accrue sick leave; general leave serves that purpose.

employee is actively employed with the City. The latest opportunity for such transfer must be the beginning of the pay period prior to the employee's last day of employment.

❖ Seal Beach, Resolution No. 6444, Section 6

- The Elected Official who shall have at least one year's continuous service as a full time employee immediately preceding shall be given a vacation of approximately 120 hours with pay each year. The Elected Official employee shall be entitled to eight (8) additional hours of vacation for each year of full-time continuous service each year thereafter.
- The Elected Official shall only be allowed to accrue a maximum of 320 hours of vacation. This maximum can only be exceeded with approval of the City Manager.

Longevity Pay

❖ Torrance, Resolution 2016-05 (Salary for Elected Officials)

➤ City Clerk Benefits, Section 1.2/City Treasurer Benefits Section 2.2

- A longevity premium in the amount of 10% awarded with the completion of five years as an elected department head and with the commencement of 25 years of service with the City of Torrance. This premium is over and above base pay. Earned PERS service credit in another agency can be credited for up to seven years of the required 25 years of service.

❖ San Fernando, Resolution No. 7716 (Salary Plan for Elected Officials, including Treasurer)

➤ Section 3: Additional Compensation and Benefits (Longevity Pay)

- Employees shall receive longevity pay as follows:
 - Upon completion of 10 years of service from date of hire, an additional 3% above base salary
 - Upon completion of 20 years of service from date of hire, a total of 4% over and above base salary
 - Upon completion of 30 years of service from date of hire, a total of 5% over and above base salary

Salary Ranges

❖ Huntington Beach, Resolution No. 2016-50, Section I

➤ Salary Schedule

- All current Non-Associated employees shall receive the salaries as identified in Exhibit
- The City Council shall set the salaries of the elected executive management positions identified in Exhibit 1, at any rate within the designated salary range.
- The City Manager is authorized to set the salaries of the non-elected executive management positions identified in Exhibit 1 at any rate at or below the control point of the designated salary range. The City Manager is authorized to increase the salary by any percentage not greater than 5% based upon performance at annual review and market data. However, no salary for a new employee may be set above the control point at any time without City Council approval.

➤ Table 1

NON-ASSOCIATED EMPLOYEE PAY AND BENEFIT PROVISIONS							
EXHIBIT 1							
NON-ASSOCIATED EXECUTIVE MANAGEMENT SALARY SCHEDULE							
EFFECTIVE SEPTEMBER 24, 2016 - 2.0% Increase							
Job No.	Description	Pay Grade	Starting Point		Control Point		High Point
EXECUTIVE MANAGEMENT							
0591	City Manager	NA0591	NA		NA		128.29
DEPARTMENT HEADS							
0592	Assistant City Manager	NA0592	85.82		95.51		106.32
0009	Director of Building & Safety	NA0009	74.64		83.07		92.46
0014	Director of Community Services	NA0014	74.64		83.07		92.46
0008	Director of Economic Development	NA0008	74.64		83.07		92.46
0574	Director of Human Resources	NA0574	74.64		83.07		92.46
0479	Chief Information Officer	NA0479	74.64		83.07		92.46
0007	Director of Library Services	NA0007	69.94		77.85		86.66
0589	Community Development Director	NA0589	80.82		89.97		100.13
0010	Director of Public Works	NA0010	80.82		89.97		100.13
0518	Chief Financial Officer	NA0518	80.82		89.97		100.13
0015	Fire Chief	NA0015	85.82		95.51		106.31
0011	Police Chief	NA0011	85.82		95.52		106.31
ELECTED OFFICIALS							
0016	City Attorney	NA0016	100.18		111.51		124.10
0017	City Clerk	NA0017	69.94		77.85		86.66
ELECTED OFFICIALS PART-TIME							
0018	City Treasurer - PART-TIME	NA0018	74.64		83.07		92.46
*Annual Salary Not to Exceed \$51,812							
CONTRACT NON-DEPARTMENT HEAD							
Job No.	Description	Pay Grade	A	B	C	D	E
0593	Chief Assistant City Attorney	NA0593	71.05	74.96	79.08	83.43	88.01
<u>Historical changes to Non-Associated position titles:</u>							
Per Ordinance 3855 adopted on 1/19/10, Building & Safety Department duties were combined with the Planning Department creating a new position of Director of Planning and Building.							
Per Resolution 2010-106 adopted on 12/20/10 the City Treasurer was established as a part-time position.							
Per Ordinance 3906 adopted on 2/7/11 amended the title of City Administrator to City Manager.							
Per Ordinance 3959 adopted on 10/01/12, the position of Chief Assistant City Attorney was established.							
Per Resolution 2012-95 adopted on 12/17/12 the title of Deputy City Manager was changed to Assistant City Manager.							
Per Ordinance 4086 adopted 4/18/16: the position of Finance Director was changed to Chief Financial Officer, the Director of Information Services was changed to Chief Information Officer and the Director of Planning and Building was changed to Community Development Director.							

❖ Rancho Palos Verdes, Memorandum of Understanding between City and Employees Association, Pay Establishment and Increases Based Upon Evaluation of Qualifications and Subsequent Performance Review

➤ Initial Employment

- The rate of compensation for initial employment in any classification shall be determined by the City Manager at his/her sole discretion based upon the experience, education, skills and ability of the employee.

➤ Performance Evaluation

- A probationary employee shall receive a probationary performance evaluation at the conclusion of the probationary period, or any extension thereof. Each regular employee shall receive a performance evaluation after completing one (1) year of service within a job classification and annually thereafter. The evaluation date shall be adjusted as required by any break in service, transfer or promotion. Starting July 1, 2017, represented employees shall be eligible for salary merit adjustments within an individual salary range based upon each employee's annual performance evaluation rating as follows:

- Meets Expectations (Satisfactory): 1.0%
- Exceeds Expectations (Good): 2.0%-2.5%
- Exceptional (Excellent): 3.0%-3.5%

- The City Manager shall retain the sole discretion to approve merit adjustments within a salary range on an annual basis. The percentage salary increase within a range will be the same for all employees who receive the same performance review rating.
- Regardless of the date that an employee actually receives their performance review, the advancement of an employee within a classification's salary range, or merit bonus payment, shall have an effective date of the first day of the pay period in which the employee's anniversary date in the classification falls, subject to the City Manager's approval.
- Employees will be permitted to grieve performance evaluations that are less than a "good" rating. This grievance right shall be for a trial period through June 30, 2017 and the parties will meet and confer regarding discontinuing it for any successor MOU. The CITY will provide the Association with the total performance review ratings for each employee annually on or before September 30 of every year. The total performance review ratings report will be anonymous and will not contain information that would link a rating to an individual employee. The CITY will meet and confer with the Association during this MOU term to revise the performance review document.

❖ City of Orange, Resolution No. 11028, Section 6: Salary Advancement Within Schedule

➤ The following regulations shall govern salary advancements within ranges:

- Merit Advancement. An employee may be considered for advancement through the applicable salary range upon completion of the minimum length of service. The effective date of such merit increase if granted shall be the first day of the next pay period following the completion of the length of service required for such advancement. Advancement through the salary ranges steps A through F may be granted only for continuous meritorious and efficient service and continued improvement by the

employee in the effective performance of the duties of his position Such merit advancement shall require the following

- The department head shall file with the Human Resources Director a Personnel Action Form and a completed performance evaluation recommending the granting or denial of the merit increase and supporting such recommendation with specific reasons therefore. Disapproval from the Human Resources Director together with the reasons therefore shall be returned to the department head.
- The recommendation of the department head and the approval of the Human Resources Director shall be forwarded to the Payroll Division of Finance for change of payroll status.
- Advancements through the pay ranges Step A through Step F shall occur if granted in yearly increments.
- A lapse of service of 30 continuous calendar days or more for any reason shall extend the due date for the merit performance evaluation by an equal number of days absent.
- Special Merit Advancement. When an employee demonstrates exceptional ability and proficiency in the performance of his duties the department head may recommend to the Human Resources Director that the employee be advanced to a higher pay step without regard to the minimum length of service requirements contained in this Resolution With concurrence of the City Manager the Human Resources Director may, on the basis of a department head's recommendation, approve and effect such an advancement.

Certification Pay

❖ Burbank, Resolution No. 17-28,982, Section 20 (Bilingual Pay)

- A bilingual payment of \$100.00 per month shall be paid to any employee holding a position in a classification listed in Exhibit "A"³ who is assigned by the City Manager to speak a second language and such employee's proficiency in the second language has been evaluated pursuant to rules and procedures established by the City Manager.

❖ Torrance, Resolution 2016-05 (Salary for Elected Officials)

a. City Clerk Benefits, Section 1.2

- A longevity premium in the amount of 10% for the acquisition of the designation of "Certified California Municipal Clerk" awarded by the International Institute of Municipal Clerks. This designation must be retained in order to receive the premium.

➤ City Treasurer Benefits, Section 2.2

- A longevity premium in the amount of 10% for the acquisition of the designation of "Certified California Municipal Treasurer" awarded by the International Institute of Municipal Clerks. This designation must be retained in order to receive the premium.

³ Employees listed in "Exhibit A" include City Clerk and Treasurer