



# Agenda Report

May 21, 2001

TO: City Council

FROM: Council Ad-Hoc Committee on Contracts for City Clerk and  
City Attorney/City Prosecutor

RE: Approval of Employment Contract for City Clerk and  
Approval of Amendment to Employment Contract for  
City Attorney/City Prosecutor

## **RECOMMENDATION**

It is recommended that City Council do the following:

1. Approve an Employment Contract with the City Clerk setting forth the compensation and terms of employment for the City Clerk; and
2. Approve an Amendment to Employment Contract No. 17,080 with the City Attorney/City Prosecutor to provide for additional duties as the City Prosecutor and for a salary adjustment based upon those additional responsibilities.

It is also recommended that the City Council authorize the Director of Finance to prepare a journal voucher allocating funds from the Personnel Services Reserve to the affected General Fund budgets and from the respective unappropriated fund balance to the various non-General Fund budgets.

## **BACKGROUND**

1. Employment Contract for City Clerk:

Several years ago, the City Council established an employment contract with the City Manager, setting forth compensation and other terms and conditions of employment. This employment contract relationship has continued with the current City Manager. In October 1999, when Council appointed a new City Attorney, an employment contract was established for this incumbent as well. The third Council appointee, the City Clerk, has held "regular employee" status since her appointment as City Clerk in March 1996. Her compensation has been established through the Salary Resolution along with other regular employees of the City.

It is recommended that the employment relationship with the City Clerk be established by contract for an indefinite term. The proposed contract also includes several adjustments to the City Clerk's current compensation. The principal terms of the contract include the following:

- Salary – Effective November 6, 2000, establish an annual salary of \$90,000, and effective April 9, 2001, adjust the annual salary to \$100,000. A recent market survey supports the recommended salary adjustments, and the recommended salary is internally consistent with other executive positions in the City. The retroactive effective date of the first adjustment, November 6, 2000, is consistent with the effective date of the most recent salary adjustment provided to other executive managers in the City. There would be salary increases of 3% March 2002, and 3% March 2003, with a salary review in 2004.
- Merit Bonus – Establish an annual merit bonus plan based upon performance.
- Auto Allowance – Increase the auto allowance to \$400 per month, which is the same amount received by other Council appointees.
- Severance Pay – Establish a severance pay in the event Council terminates the employment of the City Clerk.
- Benefits and salary increases to which non-public safety department heads are entitled.
- Annual performance review and evaluations.

With the approval of the Employment Contract with the City Clerk, the employment relationship with all three Council appointees will be established by contract.

## 2. Amendment to Employment Contract No. 17,080 with City Attorney/City Prosecutor

In September 2000, the Council combined the City Attorney and City Prosecutor functions and formally appointed the City Attorney as the City Attorney/City Prosecutor. Prior to the formal appointment, the City Attorney had been providing management oversight to the prosecution function for the preceding six months.

In recognition of the expanded role and responsibility, it is recommended that the current salary for the City Attorney/City Prosecutor be increased by 4.0% to \$154,336. This salary rate is supported by a recent market survey of salaries of City Attorneys who have responsibility for the prosecution function in their agency. It is also recommended that the 4% increase be applied retroactively to the salary rates in effect on March 1, 2000 (the date that the City Attorney was assigned to oversee the prosecution function), and on October 1, 2000 (the date of a salary rate adjustment pursuant to the current contract).

The Amendment to the Employment Contract with the City Attorney/City Prosecutor provides for the salary adjustment described above, and is submitted for approval. The Amendment would also clarify provisions in the existing contract that the City Attorney is entitled to the same leave benefits as other non-safety department heads.

**FISCAL IMPACT**

1. Contract with City Clerk: The costs of the salary and car allowance adjustments are estimated at \$16,067 per year. The merit bonus is not an annual cost which is predictable because it is based upon performance. The severance pay is not a cost unless termination occurs.
2. Amendment to Contract No. 17,080 with the City Attorney/City Prosecutor: The cost of the salary adjustment is \$5,600 per year.

Respectfully submitted,



COUNCIL AD-HOC COMMITTEE  
Mayor William Bogaard, Council Members  
Joyce Streater and Steve Haderlein