



City of Santa Clara

Meeting Agenda

Salary Setting Commission

Tuesday, June 11, 2019

7:00 PM

City Hall - Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

1. 19-748 [Action to Approve the Meeting Minutes of June 5, 2019](#)

Recommendation: Approve the Meeting Minutes of June 5, 2019.

PUBLIC PRESENTATIONS

GENERAL BUSINESS

2. 19-746 [Action on Resolution Setting the Salary of the Police Chief as Unchanged, and Setting the Benefits Allocated to the Position, for the Period of July 1, 2019 to July 1, 2021.](#)

Recommendation: Adopt the resolution setting the salary and benefits of the Police Chief for the Period of July 1, 2019 to July 1, 2021.

3. 19-749 [Continued Discussion of, and Possible Action on, Salary Setting for City Clerk Pursuant to SCCC 2.20.015](#)

Recommendation: This item is for information and discussion only, there is no recommendation at this time.

STAFF REPORT

COMMISSIONERS REPORT

ADJOURNMENT

The next regularly scheduled meeting is June 20, 2019.



City of Santa Clara

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

Agenda Report

19-748

Agenda Date: 6/11/2019

SUBJECT

Action to Approve the Meeting Minutes of June 5, 2019

RECOMMENDATION

Approve the Meeting Minutes of June 5, 2019.

ATTACHMENT

1. Meeting Minutes of June 5, 2019



City of Santa Clara

Meeting Minutes

Salary Setting Commission

06/05/2019

7:00 PM

City Hall - Council Chambers
1500 Warburton Avenue
Santa Clara, CA 95050

CALL TO ORDER AND ROLL CALL

Chairperson Sontag called the meeting to order at 7:00 PM.

Present 5 - Commissioner Pilar Arquero , Commissioner Marjorie Banko ,
Commissioner MV Kumar , Commissioner John Sontag, and
Commissioner David Stealey

CONSENT CALENDAR

1. [19-717](#) Action to Approve the Meeting Minutes of May 23, 2019

Recommendation: Approve the Meeting Minutes of May 23, 2019.

**A motion was made by Commissioner Banko, seconded by
Commissioner Stealey, to approve the Meeting Minutes of May 23,
2019.**

Aye: 5 - Commissioner Arquero, Commissioner Banko , Commissioner
Kumar, Commissioner Sontag, and Commissioner Stealey

PUBLIC PRESENTATIONS

GENERAL BUSINESS

2. [19-718](#) Discussion of, and Possible Action on, Salary Setting for Police Chief
Pursuant to SCCC 2.80.015.

Recommendation: This item is for discussion only, there is no recommendation at this time.

**The Salary Setting Commission discussed this item and by
consensus, directed staff to bring forth a resolution to adopt the
salary and benefits of the Police Chief.**

3. [19-719](#) Continued Discussion of, and Possible Action on, Salary Setting for City Clerk Pursuant to SCCC 2.20.015

Recommendation: This item is for information and discussion only, there is no recommendation at this time.

A motion was made by Commissioner Stealey, seconded by Commissioner Kumar, to set the salary of the City Clerk at the current compensation rate until the next election in November 2020.

Aye: 5 - Commissioner Arquero, Commissioner Banko , Commissioner Kumar, Commissioner Sontag, and Commissioner Stealey

A motion was made by Commissioner Banko , seconded by Commissioner Arquero, to continue the discussion of the City Clerk's salary for the next election term 2020-2024.

Aye: 5 - Commissioner Arquero, Commissioner Banko , Commissioner Kumar, Commissioner Sontag, and Commissioner Stealey

STAFF REPORT

None

COMMISSIONERS REPORT

Commissioner Arquero informed staff and the Commission that she will not be available from July 15, 2019 through the end of August 2019.

ADJOURNMENT

Chairperson Sontag adjourned the meeting at 9:04 PM to the next regularly scheduled meeting on June 11, 2019.

A motion was made by Commissioner Kumar, seconded by Commissioner Arquero, to adjourn the meeting.

Aye: 5 - Commissioner Arquero, Commissioner Banko , Commissioner Kumar, Commissioner Sontag, and Commissioner Stealey



Agenda Report

19-746

Agenda Date: 6/11/2019

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action on Resolution Setting the Salary of the Police Chief as Unchanged, and Setting the Benefits Allocated to the Position, for the Period of July 1, 2019 to July 1, 2021.

BACKGROUND

City Code Section 2.80.015 requires the Salary Setting Commission to set the Chief of Police's compensation on July 1, 2019, and every two years thereafter. At the May 23, 2019 meeting, the Commission voted unanimously to leave the current annual salary of \$313,692 for the Chief of Police unchanged for the period beginning July 1, 2019 to July 1, 2021, and to provide benefits at the Unit 9A level, and directed staff to return with a resolution setting forth the Commission's decision.

DISCUSSION

As of the January 30, 2019 meeting, the Commission met on eight occasions and discussed in detail various data factors pertaining to setting the salary and benefits of the Chief of Police.

The Commission unanimously voted to maintain the current annual base salary of \$313,692 for the Chief of Police for the period of July 1, 2019 to July 1, 2021. In addition, the Commission unanimously voted to provide the Chief of Police, on a non-precedent basis, and with the understanding that future Commissions shall retain jurisdiction over the issue, benefits equivalent to those currently provided to members of the Unclassified Police Management Unit (9A) under the Memorandum of Understanding that expired on December 22, 2018, and an additional \$50 per month towards VEBA and \$150 per month towards deferred compensation, for the period of July 1, 2019 until such time as the winner of the next election for the position of Chief of Police takes office. The Commission also unanimously voted, for the period beginning when the winner of the next election for the position of Chief of Police takes office, until July 1, 2021, that the Chief of Police shall receive benefits equivalent to those currently provided to members of the Unclassified Police Management Unit (9A) under the Memorandum of Understanding that expired on December 22, 2018, and an additional \$50 towards VEBA and \$150 per month towards deferred compensation, except that any accrued leave balances held by said winner shall be "frozen" as of the date of taking office (i.e., shall neither accrue increases in leave balances, nor be subject to decreases in those balances, during the subject time period).

In arriving at its decision, the Commission 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.

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

The additional cost to the City's operational budget is the additional expense of \$50 monthly (\$600/annually) contribution towards VEBA and \$150 monthly (\$1,800/annually) contribution towards deferred compensation.

COORDINATION

This report has been coordinated with the coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Salary Setting Commission 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

Adopt the resolution setting the salary and benefits of the Police Chief for the Period of July 1, 2019 to July 1, 2021.

Reviewed by: Teresia Zadroga-Haase, Director, Human Resources

Approved by: Nadine Nader, Assistant City Manager

ATTACHMENTS

1. Resolution re Police Chief Salary

RESOLUTION NO.

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).



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Agenda Report

19-749

Agenda Date: 6/11/2019

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Continued Discussion of, and Possible Action on, Salary Setting for City Clerk Pursuant to SCCC 2.20.015

BACKGROUND

Pursuant to Santa Clara Code Section 2.20.015, commencing on July 1, 2019, and every two years on July 1st thereafter, the compensation of the City Clerk shall be set by a Salary Setting Commission.

DISCUSSION

The item to discuss the salary for the City Clerk has been included on the Salary Setting Commission meeting Agenda since January 2019. This item was continued for further discussion from the June 5, 2019, meeting. Survey and other information requested by the Commission was provided with the agenda packet for the January 30, 2019 Commission meeting.

RECOMMENDATION

This item is for information and discussion only, there is no recommendation at this time.

Reviewed by: Teresia Zadroga-Haase, Director, Human Resources

Approved by: Nadine Nader, Assistant City Manager