



City of Santa Clara

Call and Notice of Special Meeting

Salary Setting Commission

Agenda

Monday, March 13, 2023

4:30 PM

Hybrid Meeting
City Hall Council
Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

The City of Santa Clara is conducting the Salary Setting Commission meetings in a hybrid manner (in-person and a method for the public to participate remotely).

• Via Zoom: <https://santaclaraca.zoom.us/j/88656291223?pwd=MGlnaU9rWUVhRVZ3ZXpiMW1iVHZpZz09>

Webinar ID: 886 5629 1223

Passcode: 673211

OR

Phone: 1(669) 444-9171

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Santa Clara City Council to commence and convene on March 13, 2023, at 4:30 pm for a Special Meeting held in the Council Chambers (1500 Warburton Avenue), to consider the following matter(s) and to potentially take action with respect to them.

CALL TO ORDER AND ROLL CALL

CONSENT CALENDAR

1. 23-400 [Action to Approve the Salary Setting Commission Meeting Minutes of March 6, 2023](#)

Recommendation: Approve the Meeting Minutes of March 6, 2023

PUBLIC PRESENTATIONS

[This item is reserved for persons to address the body on any matter not on the agenda that is within the subject matter jurisdiction of the body. The law does not permit action on, or extended discussion of, any item not on the agenda except under special circumstances. The governing body, or staff, may briefly respond to statements made or questions posed, and appropriate body may request staff to report back at a subsequent meeting.]

GENERAL BUSINESS

2. **23-395** [Action on Resolution Setting the Salaries of Mayor and Council Members as unchanged for the Period July 1, 2023, to June 30, 2025, Pursuant to City Charter Section 702](#)

Recommendation: Adopt the Resolution Setting the Salaries of Mayor and Council Members as unchanged for the Period July 1, 2023, to June 30, 2025, Pursuant to City Charter Section 702

STAFF REPORT**COMMISSIONERS REPORT****ADJOURNMENT****MEETING DISCLOSURES**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.



City of Santa Clara

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

Agenda Report

23-400

Agenda Date: 3/13/2023

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action to Approve the Salary Setting Commission Meeting Minutes of March 6, 2023

RECOMMENDATION

Approve the Meeting Minutes of March 6, 2023



City of Santa Clara

Meeting Minutes

Salary Setting Commission

03/06/2023 4:30 PM Hybrid Meeting
City Hall Council Chambers/Virtual
1500 Warburton Avenue
Santa Clara, CA 95050

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CALL TO ORDER AND ROLL CALL

Chair Kumar called the meeting to order at 4:32pm.

Present 3 - Chair MV Kumar, Vice Chair John Sontag, and Commissioner Donald Lawson

CONSENT CALENDAR

1. Action to Approve the Salary Setting Commission Meeting Minutes of February 27, 2023

A motion was made by Vice Chair Sontag, seconded by Commissioner Lawson, to approve the February 27, 2023 Meeting Minutes.

Aye: 3 - Chair Kumar, Vice Chair Sontag, and Commissioner Lawson

PUBLIC PRESENTATIONS

A motion was made by Vice Chair Sontag, seconded by Commissioner Lawson, to take item 23-346, Informational Report Regarding City Budget and Forecast, out of order and have the item heard next on the Agenda.

Aye: 3 - Chair Kumar, Vice Chair Sontag, and Commissioner Lawson

GENERAL BUSINESS

2. Action to Consider Comparative Information and to Set Salaries of Mayor and City Council

The Commission directed staff to draft a Resolution Setting the Salaries of Mayor and Council Members as unchanged for the period of July 1, 2023 to June 30, 2025, pursuant to City Charter Section 702. Additionally, the Commission directed staff to include the parameters of the Commission when setting the compensation of the elected officials.

STAFF REPORT

3. Informational Report Regarding City Budget and Forecast

Kenn Lee, Director of Finance, provided a presentation on the Fiscal Outlook and 10-year General Fund Forecast.

COMMISSIONERS REPORT

Chair Kumar provided a summary of the State of the Valley meeting that he attended.

ADJOURNMENT

A motion was made by Vice Chair Sontag, seconded by Commissioner Lawson, to adjourn the Salary Setting Commission meeting at 5:49pm.

Aye: 3 - Chair Kumar, Vice Chair Sontag, and Commissioner Lawson

MEETING DISCLOSURES

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Agenda Report

23-395

Agenda Date: 3/13/2023

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action on Resolution Setting the Salaries of Mayor and Council Members as unchanged for the Period July 1, 2023, to June 30, 2025, Pursuant to City Charter Section 702

BACKGROUND

City Charter Section 702 requires that the Setting Commission establish the salaries for the positions of Mayor and Council Member every two years beginning in 2019. The Salary Setting Commission has met on three occasions over the period of February to March 2023 related to the Mayor and Council compensation, and the members of the Commission have thoroughly reviewed and discussed the various data points pertaining to, and aspects of, the issue of salary setting for these elected officials. The Charter requires that the Commission make their compensation decision for these positions by March 15th. At their March 6, 2023 meeting, the general consensus of the Commission was to leave the current salary levels of Mayor and Council Member unchanged for the subject period, and directed staff to return at the next meeting with a resolution setting forth the Commission's decision.

DISCUSSION

In arriving at its decision to maintain current salary levels for Mayor and Council, the Commission took into consideration the following:

- The Preamble section of the 2021 Mayor and Council Salary Resolution
- The Commission considered the City's Fiscal Situation, comparability information, and internal negotiated agreements

At the Commission's request, staff has incorporated the factors above into a Resolution, included herewith for the Commission's consideration.

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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

As there is no change to the Mayor and Council salary levels, there will be no change to the expected budget.

COORDINATION

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

PUBLIC CONTACT

Public contact was made by posting the Council 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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt the Resolution Setting the Salaries of Mayor and Council Members as unchanged for the Period July 1, 2023, to June 30, 2025, Pursuant to City Charter Section 702

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Nadine Nader, Chief Operating Officer/ Assistant City Manager

ATTACHMENTS

1. Resolution Setting the Salaries of Mayor and Council Members for the Period July 1, 2023, to June 30, 2025, Pursuant to City Charter Section 702

RESOLUTION NO. 23-1

A RESOLUTION OF THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA SETTING THE SALARIES OF THE POSITIONS OF MAYOR AND CITY COUNCIL MEMBER FOR THE PERIOD OF JULY 1, 2023, TO JUNE 30, 2025, INCLUSIVE, PURSUANT TO CITY CHARTER SECTION 702

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, in accordance with City Charter Section 702, a Salary Setting Commission consisting of three qualified electors of the City was appointed by the Civil Service Commission, and commenced performance of its duties in February 2023;

WHEREAS, pursuant to the City Charter, the Salary Setting Commission is charged with establishing the compensation of the Mayor and Council Members for the period commencing on July 1, 2023, and ending on June 30, 2025;

WHEREAS, the Salary Setting Commission met on three occasions in February and March of 2023, during which the compensation levels for the positions of Mayor and Council Member were discussed in detail;

WHEREAS, the Salary Setting Commission was presented with, and took into consideration, various data points including, but not limited to, the history of compensation received by Mayor and Council, comparator agency salary levels, and City's current fiscal outlook; and

WHEREAS, the final decision of the Salary Setting Commission as to the compensation for the positions of Mayor and Council Member, as set forth in this Resolution, is based upon the following:

1. The Commission finds that the pertinent history of the positions of the Mayor and Council Member compensation is as follows:
 - a. In the 2000 special election, the voters passed Measure J amending Charter Section 702 to set the salary of the Council Members at \$600 per month and salary of the Mayor at \$1,000 per month, and allowed for an automatic annual

salary increase in the amount of the local Consumer Price Index.

- b. By the time of the 2016 general election, as a result of the automatic CPI increases, the salary of the Council Members was \$855.27 per month and the salary of the Mayor was \$1,425.47 per month.
 - c. In the 2016 general election, the voters passed Measure O, which again amended Charter Section 702 to set the salary of the Council Members at \$2,000 per month and salary of the Mayor at \$2,500 per month. These salary increases more than doubled the Council Members' salaries and increased the Mayor's salary by approximately 75%.
 - d. In 2019 and in 2021, the Salary Setting Commission resolved to keep unchanged the compensation for the positions of the Mayor and Council Member for the period of July 1, 2019 through June 30, 2023.
2. The Mayor and Council Members are not "regular" employees of the City, subject to internal performance review. Rather, the Mayor and Council Members are 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 holders. Accordingly, the role of the Salary Setting Commission is to set the salary for the positions of Mayor and Council Members, irrespective of the identities of the current office holders.
 3. The positions of Mayor and Council Member are service-oriented, executive-level, positions paid a monthly stipend. There are no formal requirements for number of hours worked in City service per week, and the office holders may hold separate full-time employment in addition to service in their elected position.
 4. The salary levels for the positions of Mayor (\$2,500 per month) and Council Member (\$2,000) currently exceed the total compensation levels for these positions in some of the comparator agencies reviewed by the Salary Setting Commission.

5. 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.
 - a. The Covid-19 pandemic has, among other things, drastically reduced available revenue sources, resulting in a present budget deficit in excess of \$27 million, with the expectation of ongoing (albeit significantly smaller) budget deficits over the next several fiscal years.
 - b. To address these fiscal challenges, the City has taken measures such as instituting a hiring freeze, eliminating as-needed staff positions, limiting expenditures, and renegotiating collective bargaining agreements.
 - c. The City has reached agreements with the City's bargaining units whereby the employees represented by said units agreed to status quo compensation for a period of two years, in order to reduce ongoing general fund budget deficits; effectively, employees represented by some of these bargaining units were subject to a salary freeze for a period of two years.
6. The Commission discussed the possibility of a reduction in compensation for the positions of Mayor and Council Member – which was, by no means, intended to be a commentary on performance – in light of the City's ongoing fiscal challenges. Upon consideration of various factors, including those described below, the Commission ultimately decided not to reduce the compensation.
 - a. The voters, in passing Charter Section 702, stated clearly that the compensation for Mayor and Councilmember should be \$2,500 and \$2,000 respectively.
 - b. The voters included a limitation on the Commission's ability to increase compensation but did not include any language addressing or permitting a reduction in compensation.
 - c. State law, extended to the City of Santa Clara, does not allow for reduction of the

salary of an elected official during that official's current term of office. Any reduction of salary should be prospective in nature, applying only to the following term of the elected official.

- d. The Commission did not wish to make a compensation decision that would be applicable to some, but not all, of the councilmembers equally. Therefore, there was no action taken that would be applicable only to those councilmembers elected in the 2024 election.
- e. The current Salary Setting Commission will not take an action to set salaries in a manner that results in impairing the decision-making ability of future Salary Setting Commissions. Therefore, there was no action taken that would be applicable to Mayor and Councilmember positions beginning after the 2026 election (at which time all council districts would have been subject to an election for a new representative).
- f. Given the scope of the projected budget deficit as compared with the total amount of annual compensation for these elected positions, a reduction in compensation would not make a meaningful impact on the City's fiscal outlook.
- g. The Commission observed that an amendment to the Charter language to clearly address the issue of a potential decrease in compensation would likely be helpful to future Commissions in the discharge of their duties.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the salary of the position of Mayor shall remain at its current level (\$2,500 per month) for the period July 1, 2023, to June 30, 2025.
2. That the salary of the position of Council Member shall remain at its current level (\$2,000 per month) for the period July 1, 2023, to June 30, 2025.
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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9th DAY OF MARCH, 2023, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA