



# City of Santa Clara

## Meeting Agenda

### Salary Setting Commission

Wednesday, March 29, 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=MGIlnaU9rWUVhRVZ3ZkpiMW1iVHZpZz09>

Webinar ID: 886 5629 1223

Passcode: 673211

OR

Phone: 1(669) 444-9171

#### **CALL TO ORDER AND ROLL CALL**

#### **CONSENT CALENDAR**

1. **23-466** [Action to Approve the Salary Setting Commission Meeting Minutes of March 20, 2023](#)

**Recommendation:** Approve the Meeting Minutes of March 20, 2023

#### **PUBLIC PRESENTATIONS**

#### **GENERAL BUSINESS**

2. **23-459** [Action to Consider Comparative Information and to Set the Salary of Police Chief \(Job Code 141\)](#)

**Recommendation:** Staff has no recommendation other than to encourage the Commission to consider the available information, and when ready, act to set the salary of the Police Chief.

3.     **23-476**     [Action on Resolution Setting the Salary of City Clerk as unchanged for the Period July 1, 2023, to June 30, 2025](#)

**Recommendation:** Adopt the Resolution Setting the Salary of City Clerk as unchanged for the Period of July 1, 2023, to June 30, 2025

**STAFF REPORT**

4.     **23-380**     Informational Report that Includes Additional Background Information about the City Clerk position

**Recommendation:** This item is for information only; no action is required at this time.

**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

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23-466

Agenda Date: 3/29/2023

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### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Action to Approve the Salary Setting Commission Meeting Minutes of March 20, 2023

#### RECOMMENDATION

Approve the Meeting Minutes of March 20, 2023



**Salary of the City Clerk as unchanged for the period of July 1, 2023 to June 30, 2025, pursuant to City Charter Section 702.**

**The Commission also requested responses to the following questions:**

- 1. What work does the elected City Clerk do with regard to the tracking and enforcement of the dark money ordinance?**
- 2. What contact does the elected City Clerk have with the FPPC regarding enforcement or complaints?**
- 3. Does the elected City Clerk do any work relating to the elections? Is this a more ceremonial position?**
- 4. Is the "Pathway To Citizenship" class still going on? Is it transferred to the Library or does the City Clerk still get involved in that?**
- 5. Are the job tasks the same between our elected City Clerk and those of the comparator agencies?**
- 6. What is the history of pay changes for the position and the history of the elections (how many people ran for the position in each election)**

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

#### **STAFF REPORT**

**Director of Human Resources, Aracely Azevedo, reported that two vacancies remain on the Salary Setting Commission. The City Clerk will continue to recruit for the positions.**

#### **COMMISSIONERS REPORT**

**None**

#### **ADJOURNMENT**

**A motion was made by Commissioner Lawson, seconded by Vice Chair Sontag, to adjourn the Salary Setting Commission meeting at 5:51pm.**

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

#### **MEETING DISCLOSURES**

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## Agenda Report

23-459

Agenda Date: 3/29/2023

### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Action to Consider Comparative Information and to Set the Salary of Police Chief (Job Code 141)

#### BACKGROUND

The Police Chief (Job Code 141) position is an elected position under City Charter Section 600. City Municipal Code Section 2.80.015 requires the Commission to set the Police Chief's compensation on July 1, 2019 and every two years thereafter. Charter Section 702 provides that salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure.

#### DISCUSSION

##### ***Police Chief (Job Code 141)***

City Charter Section 906 sets forth the duties for the position of Police Chief.

The Chief of Police shall have power and be required to:

- (a) Preserve the public peace;
- (b) Execute and return all process issued to him/her by legal authority; and
- (c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

The current Charter Section 701.1 was adopted in 2000 (Measure I) and introduced the requirement that the Chief of Police be able to satisfy the state law qualification requirements imposed upon candidates for County Sheriff. Prior to the 2000 election, the only requirements were that the Chief of Police be a City resident and qualified registered voter. The requirements of the state law are not stringent. Government Code Section 24004.3 sets forth the requirements for County Sheriff as follows:

- (1) An active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training.
- (2) One year of full-time, salaried law enforcement experience, and possesses a master's degree from an accredited college or university.
- (3) Two years of full-time, salaried law enforcement experience, and possesses a bachelor's degree from an accredited college or university.
- (4) Three years of full-time, salaried law enforcement experience, and possesses an associate in arts or associate in science degree, or the equivalent, from an accredited college.



- (5) Four years of full-time, salaried law enforcement experience, and possesses a high school diploma or the equivalent.

### ***Assistant Police Chief (Job Code 027)***

Beginning June 2020, in collaboration with the Police Chief, the City Manager appointed two Assistant Police Chiefs. Having two experienced leaders in this role will help broaden the department's ability to respond to critical, time sensitive matters and lead the department and serve the community.

The classification specification for Assistant Chief of Police requires both an advanced certificate and a management certificate from POST and it is desirable to possess completion certificates from POST Supervisory Leadership Institute (SLI), FBI National Academy, or POST Command College. Please refer to Attachment 1. Classification Specification for Assistant Police Chief.

### ***Comparator Information for Police Chief***

Staff completed a compensation survey that includes comparator agencies for the classification of Police Chief (Attachment 2). This compensation survey is consistent with the information presented to the Salary Setting Commission in 2019 and 2021.

### **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**

Any costs associated with approved salary increases will be incorporated in the development of future budgets.

### **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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Staff has no recommendation other than to encourage the Commission to consider the available information, and when ready, act to set the salary of the Police Chief.

Reviewed by: Aracely Azevedo, Director of Human Resources  
Approved by: Nadine Nader, Chief Operating Officer/Assistant City Manager

**ATTACHMENTS**

1. Classification Specification for Assistant Police Chief
2. Police Chief Survey
3. 2021 Police Chief Resolution

**CITY OF SANTA CLARA, CALIFORNIA**  
**ASSISTANT POLICE CHIEF**  
(Unclassified)  
(027)

**EDUCATION AND EXPERIENCE**

Any education or experience equivalent to:

- Possession of a Bachelor's Degree in Criminal Justice, Police Science, Business Administration, or an approved related field, and
- Minimum of two (2) years experience as a Police Lieutenant with the City of Santa Clara.

Desirable experience to include:

- Successful completion (and application of the concepts) of the P.O.S.T. Supervisory Leadership Institute (SLI), FBI National Academy, or P.O.S.T. Command College;
- At least two (2) years experience at the Police Sergeant level or higher in one of the following assignments: Personnel, Training, Professional Standards, Reserve Police Unit Director, or Traffic Lieutenant;
- Applicant should have served as a Police Sergeant or Police Lieutenant in more than one division for at least two (2) years; and
- Consideration will be given to applicants who have actively sought a diversity of assignments.

**LICENSES**

Possession of an appropriate, valid California driver's license is required.

**CERTIFICATION**

Possession of an Advanced P.O.S.T. Certificate and P.O.S.T. Management Certificate is required.

**DISTINGUISHING CHARACTERISTICS**

This is a sworn leadership position in the Police Department. The Assistant Police Chief is responsible for the overall daily operation of the Police Department, requiring thorough knowledge of all department operations, as well as a complete working knowledge of the Department's budget, including its preparation, administration, and oversight. The incumbent acts as the Chief of Police in his/her absence. This position will oversee the administration of the functions of the Professional Standards Unit and other persons as required.

An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; commands the respect of, and sets a good example for, his/her superiors, peers, and subordinates; understands, accepts, and correctly applies the tenets of the Department's philosophy and values; has established and maintains a good rapport with other City departments and Department Heads; exercises good independent judgment and discretion; manages and directs employees as required; formulates and oversees administrative policies for the effective use of assigned personnel and budgets; and consistently demonstrates a

## **ASSISTANT POLICE CHIEF (continued)**

willingness to cooperate with the remainder of the Management Team, other members of the Department, and other City offices.

As a member of the City's Unclassified Service, this is an "at will" position, and the incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values.

### **TYPICAL DUTIES**

This description may not include all the duties listed below, nor do the examples cover all duties that may be performed.

With general direction:

- Manages the various functions of all divisions, in formulating and revising general orders on policy and procedure, in analyzing operations, and in the assignment of personnel;
- Studies and does research on police field activities and in administrative matters;
- Takes over responsible charge of the personnel, activities and equipment of the Police Department in the absence of the Chief of Police;
- Maintains discipline;
- Confers with officers and supervisors in regards to departmental working relationships;
- Periodically inspects and appraises all officers' work during tours of duty;
- Assists in the preparation of the annual budget and the annual report;
- Receives reports forwarded to the Chief's Office and refers to the Chief of Police all matters of importance requiring his/her attention;
- Consults with and keeps City Manager informed of matters of importance; gives such information as may be desired upon police questions, and acts on or disposes of them in accordance with the policy of the Chief of Police;
- Maintains effective public relations in the field and in the office, including addressing public gatherings;
- Initiates correspondence;
- Prepares special reports;
- Coordinates the investigation of complaints referred to the Chief's Office by the City Manager, other City Departments, or members of the public;
- Handles routine assignments; and does related work as required, and
- Performs other duties as assigned.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

Thorough knowledge of:

- Personnel administration and police science.

Knowledge of:

- Laws, ordinances and regulations affecting the work of the Department. Familiarity with the Charter of the City of Santa Clara and commitment to the City Code of Ethics and values;

## **ASSISTANT POLICE CHIEF (continued)**

- Principles and practices of effective leadership and management techniques, e.g. team building practices, problem solving and conflict resolution, project and workload planning and safety procedures and standards; and
- Supervisory personnel practices and procedures.

### Ability to:

- Analyze reports and statistics concerning accidents, crimes, and juvenile delinquency;
- Prepare comprehensive reports;
- Establish and maintain effective working relationships with City officials, state and local authorities, and the general public;
- Plan, train, and supervise the work of police and non-sworn personnel;
- Work as team player and be willing to deliver excellent customer service to both internal and external City clients;
- Strong interpersonal skills and communicate effectively both orally and in writing to consistently represent facts and situations accurately, transmit information concisely and in an effective manner, and present a balanced picture of situations; and
- Be an active member of the executive management team and work effectively to achieve common goals.

### SUPERVISION RECEIVED

Works under the general direction of the Chief of Police and City Manager.

### SUPERVISION EXERCISED

Directly supervises the work of Police Captains and other persons as required, and, in the absence of the Chief of Police, of the entire Police Department.

### OTHER REQUIREMENTS

Must be able to perform all of the essential functions of the job assignment.

### CONFLICT OF INTEREST

Incumbents in this position are required to file a Conflict of Interest statement upon assuming office, annually, and upon leaving office, in accordance with City Manager Directive 100.

**CITY OF SANTA CLARA, CALIFORNIA**  
**ASSISTANT POLICE CHIEF**  
(Unclassified)  
(027)

**EDUCATION AND EXPERIENCE**

Any education or experience equivalent to:

- Possession of a Bachelor's Degree in Criminal Justice, Police Science, Business Administration, or an approved related field, and
- Minimum of two (2) years experience as a Police Lieutenant with the City of Santa Clara.

Desirable experience to include:

- Successful completion (and application of the concepts) of the P.O.S.T. Supervisory Leadership Institute (SLI), FBI National Academy, or P.O.S.T. Command College;
- At least two (2) years experience at the Police Sergeant level or higher in one of the following assignments: Personnel, Training, Professional Standards, Reserve Police Unit Director, or Traffic Lieutenant;
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**LICENSES**

Possession of an appropriate, valid California driver's license is required.

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Possession of an Advanced P.O.S.T. Certificate and P.O.S.T. Management Certificate is required.

**DISTINGUISHING CHARACTERISTICS**

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## **ASSISTANT POLICE CHIEF (continued)**

willingness to cooperate with the remainder of the Management Team, other members of the Department, and other City offices.

As a member of the City's Unclassified Service, this is an "at will" position, and the incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values.

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- Consults with and keeps City Manager informed of matters of importance; gives such information as may be desired upon police questions, and acts on or disposes of them in accordance with the policy of the Chief of Police;
- Maintains effective public relations in the field and in the office, including addressing public gatherings;
- Initiates correspondence;
- Prepares special reports;
- Coordinates the investigation of complaints referred to the Chief's Office by the City Manager, other City Departments, or members of the public;
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Knowledge of:

- Laws, ordinances and regulations affecting the work of the Department. Familiarity with the Charter of the City of Santa Clara and commitment to the City Code of Ethics and values;

## **ASSISTANT POLICE CHIEF (continued)**

- Principles and practices of effective leadership and management techniques, e.g. team building practices, problem solving and conflict resolution, project and workload planning and safety procedures and standards; and
- Supervisory personnel practices and procedures.

### Ability to:

- Analyze reports and statistics concerning accidents, crimes, and juvenile delinquency;
- Prepare comprehensive reports;
- Establish and maintain effective working relationships with City officials, state and local authorities, and the general public;
- Plan, train, and supervise the work of police and non-sworn personnel;
- Work as team player and be willing to deliver excellent customer service to both internal and external City clients;
- Strong interpersonal skills and communicate effectively both orally and in writing to consistently represent facts and situations accurately, transmit information concisely and in an effective manner, and present a balanced picture of situations; and
- Be an active member of the executive management team and work effectively to achieve common goals.

### SUPERVISION RECEIVED

Works under the general direction of the Chief of Police and City Manager.

### SUPERVISION EXERCISED

Directly supervises the work of Police Captains and other persons as required, and, in the absence of the Chief of Police, of the entire Police Department.

### OTHER REQUIREMENTS

Must be able to perform all of the essential functions of the job assignment.

### CONFLICT OF INTEREST

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Total Compensation Survey  
Police Chief  
(2023)

Police Chief		Insurance (Family)					(Classic)										
Agency	Top Step Salary	Life	Medical	Dental	LTD	Vision	Social Security Medicare (Base Pay Only)	Employer Total Retire. Rate (Base Pay + POST Only)	ER Paid EE Ret.	Deferred Comp	Auto Allow.	Prof. Devel.	POST Pay (%) (Adv.)	POST pay (\$) (Adv.)	Uniform Allowance	Retiree Medical	Total Compensation
City of Santa Clara	\$ 26,141.00	\$ 3.82	\$ 1,113.74	\$ 22.22	\$ -	\$ 9.00	\$ 400.90	\$ 16,630.77	\$ -	\$ 150.00	\$ -	\$ -	5.0%	\$ 1,307.05	\$ 50.00	\$ 406.00	\$ 46,234.50
City of Hayward	\$ 22,314.93	\$ -	\$ 2,901.63	\$ 184.04	\$ -	\$ 28.70	\$ 323.57	\$ 10,626.93	\$ -	\$ 200.00	\$ -	\$ -	7.5%	\$ 1,673.62	\$ 36.67	\$ 508.00	\$ 38,798.08
City of Milpitas	\$ 25,964.14	\$ 7.00	\$ 2,375.72	\$ 221.22	\$ 19.50	\$ 17.05	\$ 376.48	\$ 15,360.39	\$ -	\$ 75.00	\$ 550.00	\$ -	0.0%	\$ -	\$ 112.50	\$ -	\$ 45,079.00
City of Mountain View	\$ 29,393.72	\$ 24.98	\$ 2,809.40	\$ 250.16	\$ 37.91	\$ 10.00	\$ 426.21	\$ 13,730.39	\$ -	\$ -	\$ -	\$ 83.33	0.0%	\$ -	\$ 37.50	\$ 2,574.92	\$ 49,378.52
City of Palo Alto	\$ 28,211.73	\$ 29.62	\$ 2,260.00	\$ 187.65	\$ 37.20	\$ 15.38	\$ 409.07	\$ 20,665.23	\$ -	\$ 2,500.00	\$ -	\$ 500.00	7.5%	\$ 2,115.88	\$ -	\$ 2,124.00	\$ 59,055.77
City of Redwood City	\$ 26,507.00	\$ 34.46	\$ 2,002.25	\$ 113.67	\$ 66.27	\$ 11.83	\$ 384.35	\$ 14,488.73	\$ -	\$ 530.14	\$ 400.00	\$ 62.50	0.0%	\$ -	\$ 66.67	\$ 762.74	\$ 45,430.60
County of Alameda	\$ 23,535.20	\$ 9.14	\$ 1,040.43	\$ 55.84	\$ -	\$ 20.10	\$ -	\$ 10,849.73	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ 104.17	\$ 578.00	\$ 36,192.61
County of San Mateo	\$ 27,615.47	\$ 3.58	\$ 1,897.00	\$ 121.76	\$ 14.47	\$ 16.52	\$ 410.00	\$ 21,003.29	\$ -	\$ -	\$ 513.00	\$ -	7.5%	\$ 2,071.16	\$ 108.33	\$ 400.00	\$ 54,174.58
County of Santa Clara	\$ 27,603.27	\$ 18.05	\$ 2,268.02	\$ 117.50	\$ 51.20	\$ 9.64	\$ 400.25	\$ 14,453.07	\$ -	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ 351.76	\$ 45,272.76

*Figures highlighted in yellow and in red have not been verified by the agency; information is from the 2021 total compensation survey. An updated survey will be provided if/when current information is received.*

Average (No CSC)	\$ 26,975.79	\$ 46,672.74
Average (Below/Above)	-3.09%	-0.94%

**RESOLUTION NO. 21-3**

**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, 2021, TO JUNE 30, 2023, INCLUSIVE, PURSUANT TO CITY CODE SECTION 2.80.015 AND 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 five qualified electors of the City was appointed by the Civil Service Commission, and commenced performance of its duties in January 2021;

**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, 2021, and ending on June 30, 2023;

**WHEREAS**, the Salary Setting Commission met during the months of January, February and March of 2021, during which the compensation level for the position of Chief of Police was discussed;

**WHEREAS**, the Salary Setting Commission was presented with, and took into consideration, various data points including, but not limited to, the history of compensation for the position of Chief of Police; comparator agency salary levels; comparisons of the positions of Chief of Police and Assistant Chief of Police under the City Charter, City Code, and job specifications; compensation levels for the position of Assistant Chief of Police; 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.

- a. 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).
  - b. 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.
2. 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.
3. In 2019, the Salary Setting Commission approved Resolution 19-2 which held the salary of the Chief of Police as unchanged at the rate of \$26,141 per month for the period July 1, 2019 through June 30, 2021. Currently, that salary level of \$26,141 per month is approximately 11% higher than the average salary level for the position in the comparator agencies reviewed by the Salary Setting Commission. When taking into consideration medical and other benefits, the current total compensation is approximately 2% higher than the average total compensation paid by the comparator agencies.
4. 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.
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 \$40 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 existing collective bargaining agreements.
  - c. The City has thus far reached agreements with several bargaining units whereby the employees represented by said units will forego previously negotiated cost of living and merit-based or step structure compensation adjustments for a period of two years, in order to reduce ongoing general fund budget deficits; effectively, these employees are subject to a salary freeze for a period of two years.
6. The Commission firmly believes that at this time, when the City's short-term fiscal condition is so critical that much of the City's staff has agreed to a salary freeze, demonstrated leadership is likewise critical in modeling the virtue of fiscal discipline.
  7. The Commission discussed the possibility of a reduction in compensation for the position of Chief of Police – which was, by no means, intended to be a commentary on performance – in order to clearly communicate the Commission's opinion that salary reductions for all positions should be considered as a means to address the budget shortfall. Upon consideration of various factors, including parity with the bargaining units and other elected officials, and key legal considerations, the Commission ultimately decided not to reduce the compensation.

**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, 2021, to June 30, 2023, 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, 2021, to June 30, 2023, inclusive, 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 set to expire on December 25, 2023.

3. That for the period July 1, 2021, to June 30, 2023, inclusive, any accrued leave balances held by the Chief of Police 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).

4. 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 24<sup>th</sup> DAY OF MARCH, 2021, BY THE FOLLOWING VOTE:

AYES: 4	COMMISSIONERS:	Sontag, Kumar, Banko, Chu
NOES: 0	COMMISSIONERS:	None
ABSENT: 0	COMMISSIONERS:	None
ABSTAINED: 1	COMMISSIONERS:	Misra

ATTEST:   
 \_\_\_\_\_  
 JOHN SONTAG, CHAIR  
 SALARY SETTING COMMISSION

Attachments incorporated by reference: None



## Agenda Report

23-476

Agenda Date: 3/29/2023

### **REPORT TO SALARY SETTING COMMISSION**

#### **SUBJECT**

Action on Resolution Setting the Salary of City Clerk as unchanged for the Period July 1, 2023, to June 30, 2025

#### **BACKGROUND**

The City Clerk (Job Code 062) position is an elected position under City Charter Section 660. City Municipal Code Section 2.20.015 requires the Commission to set the City Clerk's compensation on July 1, 2019 and every two years thereafter. Charter Section 702 provides that salaries so established by the Commission shall not exceed one hundred ten percent (110%) of the previous figure. The Salary Setting Commission has met and thoroughly reviewed and discussed the various data points pertaining to, and aspects of, the issue of salary setting for the City Clerk.

At their March 20, 2023 meeting, the Commission voted 3-0 to leave the current salary level of City Clerk 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 level for the City Clerk, the Commission took into consideration the following:

- The information set forth in the 2019 City Clerk Salary Resolution
- The information set forth in the 2021 Mayor and City Council Salary Resolution
- A total compensation survey that included agencies with an elected City Clerk
- Updated City budget information

#### **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 City Clerk salary level, 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 Salary of City Clerk as unchanged for the Period of July 1, 2023, to June 30, 2025

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: City Manager's Office

**ATTACHMENTS**

1. Resolution

**RESOLUTION NO. 23-2**

**A RESOLUTION OF THE SALARY SETTING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, SETTING THE SALARY FOR THE POSITION OF CITY CLERK FOR THE PERIOD JULY 1, 2023, TO JUNE 30, 2025, INCLUSIVE, PURSUANT TO CITY CHARTER SECTION 702 AND SANTA CLARA CITY CODE SECTION 2.20.015**

**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 City Code Section 2.20.015, the Salary Setting Commission is charged with establishing the compensation of the elected position of City Clerk for the period commencing on July 1, 2023, and ending on June 30, 2025;

**WHEREAS**, the Salary Setting Commission met during the months of February and March of 2023, during which time the compensation level for the position of City Clerk was discussed;

**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 the City Clerk, comparator agency salary levels, modification of the duties of the City Clerk under the Charter and the City Code, and City budget projections; and

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

1. Charter Section 903 sets forth generally the various duties of a City Clerk including attending Council meetings and maintaining the minutes of said meetings, maintaining the official contracts entered into by the City, acting as custodian of the City seal, and having charge of all City elections.
2. In July 2018, the City Council by ordinance (SCCC 2.20.020) reduced the scope of the elected City Clerk's duties to having charge of City elections and acting as custodian of



the City seal; the remainder of the duties listed in the Charter were assigned to the Assistant City Clerk (SCCC 2.20.030).

3. The primary duty of the City Clerk is to manage (i.e., “have charge of”) the City elections. Because elections are generally held every two years, the Commission understands that the position will be subject to a biennial increase in time commitment. The Commission further understands that in non-election years, the time commitment associated with discharging the duties of the position will be minimal. Additionally, the Assistant City Clerk performs much of the work associated with the elections.
4. Concurrently with the reduction in scope of official duties of the City Clerk in 2018, the City Council also reduced the salary associated with the position to the sum of \$2,000 per month, which is the same salary earned by Council Members.
5. In 2019, the Salary Setting Commission approved a decrease in the salary for the position of City Clerk to the sum of \$1,500 per month, for the reasons set forth in Commission Resolution 19-3.
6. The City Clerk is not a “regular” employee of the City, subject to internal performance review. Rather, the City Clerk 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 City Clerk, irrespective of the identity or performance of the current office holder.
7. The position of City Clerk is similar to that of Council Member in that it is an elected, part-time, executive-level position, and the office holder may hold separate full-time employment in addition to service in his/her elected position. However, unlike the position of Council Member, the City Clerk has no formal requirements for meeting attendance or other specific activities related to his/her City service.
8. At the current fully loaded rate of \$2,125.05 per month, the total compensation for the

position of City Clerk is below average current total compensation for the position in the two comparator agencies reviewed by the Commission.

9. The Commission appreciates the importance of the position of City Clerk as it relates to properly managing the City elections and strives to strike a balance between acting in a fiscally responsible manner, properly aligning compensation with the duties of the position, and attracting capable candidates for this important position.

10. 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 existing 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.

11. The Commission discussed the possibility of a reduction in compensation for the position of City Clerk – which was, by no means, intended to be a commentary on performance – in order to clearly communicate the Commission's opinion that salary reductions for all positions should be considered as a means to address the budget shortfall. Upon consideration of various factors – including timing of the reduction, key legal

considerations, and the practical impact of such a reduction being negligible to the general fund – the Commission ultimately decided not to reduce the compensation.

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

1. That the salary for the position of City Clerk shall remain at its current level (\$1,500 per month) for the period July 1, 2023, to June 30, 2025, inclusive.
2. 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 29<sup>th</sup> DAY OF MARCH, 2023, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

ATTEST: \_\_\_\_\_  
MV KUMAR, CHAIR  
SALARY SETTING COMMISSION

Attachments incorporated by reference: None



## Agenda Report

23-380

Agenda Date: 3/29/2023

### REPORT TO SALARY SETTING COMMISSION

#### SUBJECT

Informational Report that Includes Additional Background Information about the City Clerk position

#### BACKGROUND AND DISCUSSION

During the Salary Setting Commission on March 20, 2023, the Commission reviewed information and discussed the compensation for the elected position of City Clerk. In its discussion, the Commission made several inquiries. The following is responsive to the inquiries made by the Commission.

1. What work does the elected City Clerk do with regard to the tracking and enforcement of the dark money ordinance?

The Administration reached out to the Assistant City Clerk and it is unclear what the City Clerk does, or whether he tracks or enforces the dark money ordinance. However, in at least one instance following the 2020 election, the City Clerk did take action to communicate with the FPPC regarding campaign finance reporting and compliance by a political action committee.

2. What contact does the elected City Clerk have with the FPPC regarding enforcement or complaints?

The Administration has been informed that the City Clerk has previously contacted FPPC and filed a complaint as a follow up from the public.

3. Does the elected City Clerk do any work relating to the elections?

In the 2022 election, the City Clerk did not perform any work related to the election. The Assistant City Clerk performed to full scope of duties required for the election.

What tasks does the City Clerk perform?

Prior to the most recent election, the City Clerk gave the election result report and administered the oath of office to some of the elected members in 2020. As indicated above, the Assistant City Clerk performed these duties in 2022.

Is there anything that he is actually "in charge" of?

Ordinance 1983 adopted on July 17, 2018 states the duties and responsibility of the elected City Clerk are to be the custodian of the seal of the City and have charge of all city elections.

It is unclear what duties the City Clerk is actually performing.

Is this a more ceremonial position?  
At this time, yes.

4. Is the “Pathway To Citizenship” class still going on?

The Administration was informed that this was transitioned to the Library Department approximately at the end of 2017 or early 2018.

5. How do the duties of the elected City Clerk in comparable agencies compare to the City Clerk in Santa Clara?

The Administration was able to obtain a copy of the job duties performed by the elected City Clerk for the City of Antioch. Please refer to Attachment 1. The duties of the City Clerk for the City of Antioch expand to the duties that are performed by the Assistant City Clerk in the City of Santa Clara.

The Administration was unable to locate a job description for the City of Fairfield.

6. What is the history of pay changes for the position of City Clerk and the history of the elections (how many people ran for the position in each election)

Year	Salary
2021	\$1,500/month
2019	\$2,000/month
2017*	\$292,521/yr*

*\*Prior to July 2018, the elected City Clerk and appointed City Auditor functions were combined and performed by the same employee. The amount listed is total compensation as of the 2017 reporting period.*

Year	No. of Applicants Who Ran for City Clerk
2020	1
2018	6
2016	2
2012	1
2008	1
2004	3
2000	1

**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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

This item is for information only; no action is required at this time.

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: City Manager's Office

**ATTACHMENTS**

1. City of Antioch City Clerk Job Description

**CITY CLERK**  
(Elected)

**DEFINITION**

To prepare and distribute City Council agendas; record and maintain proceedings of City Council meetings; maintain official City records; to conduct assist in the general municipal elections; and to perform or coordinate a variety of other administrative and secretarial duties for the City Council.

**SUPERVISION RECEIVED AND EXERCISED**

May receive administrative direction from the City Manager.

Exercises direct and indirect supervision over other secretarial and clerical staff.

**EXAMPLE OF DUTIES** - Duties may include, but are not limited to, the following:

Prior to Council meetings, schedule agenda items, prepare and process notices of public hearings, and finalize minutes of previous meetings; coordinate final agenda packet preparation, and respond to citizen inquiries.

Following Council meetings, attest, publish and post ordinances and resolutions; prepare and send out minutes; execute/acknowledge contracts, certify legal documents, coordinate recording of documents, and certifies maps.

Manage the City's record management program including serve as custodian of the official City records; plan and direct the maintenance, filing and safekeeping of all municipal documents.

Act as Secretary to the Antioch Development Agency.

Provide contract administration; supervise contract bid openings and performance bonds.

Coordinates municipal elections and certify the official results to the City Council.

Accept, log and process all claims filed against the City.

Prepare departmental budget; monitor on an on-going basis.

Administer the Fair Political Practices Program for the City.

Administer the oath of office to City personnel, City Council and Board/Commission members.

Register and maintain records of all City vehicles.

Perform related duties as assigned.

### **QUALIFICATIONS**

This is an elected position, as such the only qualifications are that the individual be a registered voter in the City. The following qualifications, therefore are desirable, not required.

#### Knowledge of:

Appropriate state and local laws, e.g. government code.

Election laws and procedures, including voter registration requirements.

City Clerk's Handbooks

Modern office methods, procedures, filing systems and equipment.

Business English and letter writing.

#### Ability to:

Understand the operation and organization of a city, provide information and organize material on municipal laws, regulations and policies.

Meet the public and provide required information pleasantly and efficiently.

Supervise and train assigned personnel

Perform complex clerical work.

Communicate effectively and tactfully in both oral and written forms.

Establish and maintain complex and extensive record keeping and indexing systems and files.

Operate and use a variety of office equipment.

Establish and maintain effective work relationships with those contacted in the performance of required duties.



**EXPERIENCE AND EDUCATION**

Any combination of experience and education that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

ELECTED POSITION

Education:

ELECTED POSITION

**License or Certificate**

Possession of a valid California State Driver's License.

Certified Municipal Clerk Certificate desirable.