



City of Santa Clara

Meeting Agenda

Salary Setting Commission

Monday, May 8, 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=MGIlnaU9rWUVhRVZ3ZXpiMW1iVHZpZz09>

Webinar ID: 886 5629 1223

Passcode: 673211

OR

Phone: 1(669) 444-9171

CALL TO ORDER AND ROLL CALL

Pledge of Allegiance

CONSENT CALENDAR

1. **23-623** [Action to Approve the Salary Setting Commission Meeting Minutes of May 1, 2023](#)

Attachments: [Salary Setting Commission Minutes - May 1, 2023.p](#)

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. **23-624** [Action on Resolution Setting the Salary of the Police Chief, and Setting the Benefits Allocated to the Position, for the Period of July 1, 2023 to June 30, 2025.](#)

Attachments: [Reso. Police Chief. SR 5-8-23](#)

3. **23-625** [Action on Delegating Authority to Approve the Meeting Minutes of May 8, 2023 to the Chair of the Salary Setting Commission](#)

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

23-623

Agenda Date: 5/8/2023

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action to Approve the Salary Setting Commission Meeting Minutes of May 1, 2023

RECOMMENDATION

Approve the Meeting Minutes of May 1, 2023



City of Santa Clara

Meeting Minutes

Salary Setting Commission

05/01/2023

4:30 PM

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CALL TO ORDER AND ROLL CALL

Chair Kumar called the meeting to order at 4:33pm.

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

Absent 1 - Commissioner Natasha Humphries

CONSENT CALENDAR

1. Action to Approve the Salary Setting Commission Meeting Minutes of March 29, 2023

A motion was made by Vice Chair Sontag, seconded by Commissioner Lawson, to approve the March 29, 2023 Meeting Minutes.

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

Absent: 1 - Commissioner Humphries

PUBLIC PRESENTATIONS

None

GENERAL BUSINESS

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

A motion was made by Commissioner Lawson, seconded by Vice Chair Sontag, to increase the pay rate for the position of Police Chief by 10%; keep the benefits received unchanged, as outlined in the current Unclassified Police Management (Unit 9A) Memorandum of Agreement that expires on December 31, 2023; continue to keep vacation and sick leave frozen; and directed staff to bring forward a resolution with these terms for the period of July 1, 2023 to June 30, 2025, pursuant to City Charter Section 702.

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

Absent: 1 - Commissioner Humphries

STAFF REPORT

Director of Human Resources, Aracely Azevedo, informed the Commission that the City Clerk's Office is continuing the recruitment for the remaining vacancy on the Salary Setting Commission.

COMMISSIONERS REPORT

None

ADJOURNMENT

A motion was made by Vice Chair Sontag, seconded by Commissioner Lawson, to adjourn the Salary Setting Commission meeting at 5:40pm.

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

Absent: 1 - Commissioner Humphries

MEETING DISCLOSURES

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Agenda Report

23-624

Agenda Date: 5/8/2023

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action on Resolution Setting the Salary of the Police Chief, and Setting the Benefits Allocated to the Position, for the Period of July 1, 2023 to June 30, 2025.

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. The Commission has thoroughly reviewed and discussed the various data points pertaining to, and aspects of, the issue of salary setting for the Police Chief.

At their May 1, 2023 meeting, the Commission voted 3-0 (1 Commissioner was absent) to increase the salary of the Police Chief by 10%; keep the benefits provided as unchanged and in alignment with the Unclassified Police Management (Unit 9) Memorandum of Agreement that expires on December 31, 2023; keep the vacation and sick leave frozen; 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 Police Chief, the Commission took into consideration the following:

- The information set forth in the 2019 and 2021 Police Chief Salary Resolutions
- A total compensation survey that included agencies with an elected Police Chief
- The compaction that exists between the Police Chief and Assistant Chief of Police classifications
- 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

The total compensation cost of the 10% increase is approximately \$50,000. The additional cost is expected to be absorbed within the Police Department's FY 2023/24 budget.

COORDINATION

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

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 Police Chief and Setting the Benefits Allocated to the Position, for the Period of July 1, 2023 to June30, 2025.

Reviewed by: Aracely Azevedo, Director of Human Resources

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

ATTACHMENTS

1. Resolution

RESOLUTION NO. 22-3

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, 2023, TO JUNE 30, 2025, 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 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 2.80.015 and City Charter Section 702, the Salary Setting Commission is charged with establishing the compensation of the Chief of Police 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 through May 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; potential impacts upon decision-making of future commissions; 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. Unlike the other elected positions in the City, the position of Chief of Police is a full time regular employee of the City.
4. Currently, the salary level of \$26,141 per month is approximately 3% lower 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% lower than the average total compensation paid by the comparator agencies.
5. Currently, the average salary of the two incumbents in the position of Assistant Chief of Police Salary is approximately \$29,000, which is approximately 11% higher than the current monthly salary for the position of Chief of Police. The Unit 9A Memorandum of Understanding ("MOU"), which covers the position of Assistant Chief of Police, expires in December 2023 and a successor MOU may result in a wage increase for that position. The Salary Setting Commission is concerned about the potential consequences of continuation and exacerbation of compaction of the salaries for these two positions.

6. The next Salary Setting Commission will meet in early 2025 to again analyze the salary level for the position of Chief of Police. By that time, if the Assistant Chief of Police position receives a wage increase under the new MOU (and in light of the 10% maximum salary increase under Charter Section 702), the Salary Setting Commission may not be in a position to adequately or meaningfully address compaction.
7. 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. The Commission does not believe that the salary increase granted to the position of Chief of Police will negatively impact, in any meaningful way, the City's financial position.

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

1. In accordance with Resolution 21-3 of the Salary Setting Commission, up to and including June 30, 2023, the monthly salary for the position of Chief of Police shall be \$26,141.00. For the period July 1, 2023, to June 30, 2025, inclusive, the monthly salary for the position of Chief of Police shall be increased by 10% for a new monthly salary of \$28,755.00.
2. That for the period July 1, 2023, to June 30, 2025, inclusive, the position of the Chief of Police shall continue to receive benefits equivalent to those currently 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, 2023, to June 30, 2025, inclusive, any accrued leave balances held by the Chief of Police shall continue to 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 8th DAY OF MAY, 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

23-625

Agenda Date: 5/8/2023

REPORT TO SALARY SETTING COMMISSION

SUBJECT

Action on Delegating Authority to Approve the Meeting Minutes of May 8, 2023 to the Chair of the Salary Setting Commission

BACKGROUND

Since it began its work in February 2023, the Salary Setting Commission (Commission) has held six (6) meetings to set the compensation of the Mayor and Council members, Chief of Police and City Clerk pursuant to the City Charter Section 702 and applicable City Code sections. As of the May 8, 2023, meeting the Commission will have completed its business and will reconvene in January 2025.

DISCUSSION

The Commission is expected to complete its business on May 8, 2023, and is not expected to have additional meetings until January 2025. Generally, following a meeting, staff prepares meeting minutes and presents the minutes to the Commission for approval at the next meeting. With May 8, 2023, being the final meeting for the current period, the Commission will not be able to approve the final meeting minutes during its last meeting.

Staff recommends delegating the Commission's authority to approve the meeting minutes of May 8, 2023, to the Chair of the Commission.

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

There is no fiscal impact associated with this report.

COORDINATION

This report has been 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 or at the public information desk at any City of Santa Clara public [<mailto:clerk@santaclaraca.gov>](mailto:clerk@santaclaraca.gov)

library.

RECOMMENDATION

Staff recommends delegating the authority to approve the meeting minutes of May 8, 2023 to the Chair of the Salary Setting Commission.

Reviewed by: Aracely Azevedo, Director of Human Resources

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