



RESOLUTION NO. 2015-202

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, AMENDING THE  
"TRANSPARENCY IN CITY GOVERNMENT ACT"

WHEREAS, the Transparency in City Government Act was co-authored by Councilmember Lee Brand and former Councilmember Henry T. Perea, and approved on a 7-0 vote in 2010; and

WHEREAS, the employee compensation disclosure report was first presented to the Council in budget deliberations in June 2011; and

WHEREAS, for the past three years the Administration has failed to provide the report to the Council at budget time; and

WHEREAS, the Act as amended will improve the transparency in employee compensation disclosure, enhance the Council's authority over approving employee bonuses and toughen the enforcement of the Act in the future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

SECTION 1. The Council hereby adopts the attached Exhibit "A" Amended Transparency in City Government Act as a formal Council policy.

SECTION 2. This resolution shall become effective upon its adoption.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 12<sup>th</sup> day of November, 2015.

AYES : Brand, Brandau, Caprioglio, Olivier, Quintero, Soria, Baines  
NOES : None  
ABSENT : None  
ABSTAIN : None

YVONNE SPENCE, CMC  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

BY: *[Signature]* 11/17/15  
Katie Doerr [DATE]  
Assistant City Attorney

KBD:ns [67127ns/reso]- 5/11/15



# CITY OF FRESNO

## TRANSPARENCY IN CITY GOVERNMENT ACT



### **Amended November 12, 2015**

The following policies are enacted to help improve and enhance transparency in City of Fresno government operations by providing disclosure of City employees and elected officials compensation. This Act shall supersede any provisions of the Fresno Municipal Code, resolutions, or employment contracts that are **inconsistent, except for provisions** of any approved Memorandum of Understanding with a City bargaining unit.



## **ARTICLE I DEFINITIONS**

### **Base Salary**

The base salary is the defined salary of an elected or public official as set forth in either the annually approved City salary resolution or by a negotiated contract between the City and a public official.

### **Benchmark or Peer Cities**

Benchmark or peer cities represent those cities in California that are comparable population wise and demographically to Fresno.

### **Bonus**

Compensation paid to employees in the form of either cash or City funded deferred compensation contributions that are in addition to base salary but not covered by another form of authorized compensation (e.g., car allowance, premium pay, leave cash out).

### **City Charter Officials**

Certain City officials are identified in the City's Charter including the Mayor, Council members, the City Manager, City Attorney, City Clerk and City Controller/Treasurer.

### **Consultant Services**

Consultant services are professional services provided by individuals or entities who are not employed by the City of Fresno.

### **Evergreen Provision**

A contract provision that automatically renews the length of the agreement after a predetermined period, unless notice for termination is given. Evergreens are often used for long-term agreements such as memberships or maintenance contracts.

### **Executive Employees**

Executive level employees are unclassified, "at will" department head and above management positions.

### **Gross Wages**

An employee's pre-tax compensation including all normal salary/hourly earnings, bonuses, overtime, deferred compensation, leave payoff/administrative leave, car allowance, and pay deferral.

### **Municipal Code Section 4-107 (b)**

Municipal Code Section 4-107 (b) provides that except for legal services, the City Manager is authorized to contract for all services required by the City for which an appropriation has been made; provided the contract involves an expenditure of City moneys of less than or equal to fifty thousand dollars (\$50,000).



## **Professional Services**

Professional services are infrequent, technical or unique functions provided by independent contractors or consultants whose occupation is the rendering of professional services.

## **Request for Proposal**

A Request for Proposal (RFP) is a solicitation initiated by the City to provide a competitive process for selecting professional consultants, and establishing terms and conditions thereof.

## **ARTICLE II PURPOSE OF ACT**

Revelations in 2010 in the City of Bell, California and recently in the City of Fresno have brought attention to the compensation of public officials. In a time of declining revenues and decreasing budgets it is important for the City to demonstrate fiscal responsibility and transparency. Salaries, benefits and pension costs represent over 80% of the costs of the City General Fund. The public has a right to know compensation levels for all City employees. It is imperative that the City of Fresno takes the lead in providing full disclosure of compensation of its employees including executive public officials and elected officials. The purpose of this Act is to create an easy to find, readily available means to view current employees and elected officials compensation levels. It is also important to compare the compensation levels of City executive and elected officials with officials from our peer cities in California.

Objectives of Act:

1. To provide annual disclosure of City of Fresno employees and elected official compensation.
2. To provide a comparative analysis of compensation levels for executive employees and elected officials in peer cities in California.
3. Adopt enabling legislation via a municipal resolution to establish necessary policies.

## **ARTICLE III CITY ELECTED OFFICIALS AND EMPLOYEE EARNINGS DISCLOSURE**

It shall be the practice of the City of Fresno to provide: 1) a list of all earnings of all City employees in Gross Wages as reported on the year end W-2 form; and 2) a separate list, as provided below, of earnings from the prior calendar year of all elected officials and all Unit 2 – Non-represented officials and employees. Both lists shall be in an easy to find location at the City website, and printed lists at the City Clerk's office. The list shall be updated annually to the City website as part of the Mayor's annual proposed budget. The list shall be published and made available to Council at the time the Mayor's proposed budget is provided to Council, but in any event no later than June 1 of each year. The City Attorney shall timely advise the Administration and report to Council on the status of compliance with this Act.



**Review and approval of the annual employee/official compensation disclosure report(s) described in this Act by a majority vote of the Council is a pre-condition of approving the annual City budget.**

The earnings disclosure for all employees, except for the City Manager, Assistant City Manager, other Charter Officials, and department heads, will be listed by occupation/title only. It will not include individual employee names and will only list those employees who have been in the City's employment for 12 months or longer except for executive level employees. If an executive level employee has been employed for less than 12 months then the Gross Wages compensation shall computed based on earnings to date and projected for an annual figure.

A description of health and retirement benefits by bargaining unit and for non-represented employees will also be provided along with the earnings disclosure.

The reporting for all elected officials and all Unit 2 Non-represented officials and employees shall specify earnings, itemized by the following categories:

1. Total earnings
2. Base pay/salary
3. Overtime
4. Cash bonus (which are prohibited)
5. Deferred compensation bonus (which are prohibited)
6. Leave payoff/cash out
7. Auto allowance
8. Premium pay
9. Severance paid

#### **ARTICLE IV CONSULTANTS DISCLOSURE**

The total annual compensation paid to any consultant providing professional services for the City shall be disclosed including those consultants making less than \$50,000 per year. A report will be prepared by the City Manager detailing the following information:

1. The name of the consultant;
2. A description of the consulting services provided; and
3. A detailed account of all payments by the City to the consultant including the total paid for the fiscal year.

#### **ARTICLE V EMPLOYMENT CONTRACTS, BONUS AND SEVERANCE PAY**

For all Unit 2 – Non-represented Management and Confidential Classes officials and employees, no bonus in the form of cash compensation and/or City funded deferred compensation contributions, or any equivalent, shall be paid.

For all Unit 2 – Non-represented Management and Confidential Classes officials and employees, the appointing authority may authorize an employment contract with the official or employee. Unless specifically authorized by the Council, for any such



employment contract to be valid and enforceable, the following conditions shall be required:

1. The contract shall be executed by the appointing authority and the employee, and approved by the City Attorney as to form;
2. A copy of the fully executed contract, including any amendments, shall be provided to the City Clerk, who shall make the contract available for inspection on the City's website;
3. The contract may provide that the employee may accept a portion of salary/base pay in the form of deferred compensation;
4. The contract may provide for severance pay, not to exceed six (6) months base pay, plus the City's contribution of health care benefits during that time, starting from the last day of service; health care benefits shall not be authorized for a time period that exceeds the stated severance term;
5. Severance pay shall not be authorized in the event of the employee's voluntary separation from service, retirement, or termination for cause, including but not limited to criminal conviction, misfeasance, or malfeasance in office; and
6. Any existing applicable employment contracts shall be revised to conform to these provisions.

#### **ARTICLE VI BENCHMARK CITIES EXECUTIVE EMPLOYEE COMPENSATION MATRIX**

The compensation of executive employees for the 10 California benchmark cities shall be presented in a side-by side comparison matrix. The following executive positions shall be included in the peer city comparison: City Manager; Assistant City Manager; City Attorney; City Clerk; City Controller/Treasurer; Police Chief and Fire Chief. This matrix will detail comparable executive city positions showing the compensation levels. Compensation displayed will include base salaries and, when information is available, other types of compensation (e.g. performance bonuses). Because of the inherent difficulty in obtaining data on any additional compensation it may be difficult to disclose full compensation figures for defined executive positions from other peer cities.

If any future comparisons of any other employee classification become necessary, they shall use the same 10 California benchmark cities.

This matrix shall be updated every year to reflect current population statistics and compensation levels. Please see exhibit 'A' for sample matrix.

#### **ARTICLE VII CALIFORNIA 10 LARGEST CITIES ELECTED OFFICIALS COMPENSATION MATRIX**

The compensation for elected officials of the 10 largest cities in California shall be presented in a side-by-side comparison matrix. The matrix will detail comparable elected officials' compensation levels. This matrix display shall be updated every year to reflect current population statistics and compensation levels. Please see Exhibit 'B' for sample matrix.



**ARTICLE VIII  
ANNUAL COMPENSATION DISCLOSURE REPORT**

Once a year the City Manager will make a presentation to the Council and provide a written report to the Council members outlining all of the reporting described in Articles III, IV, V, VI and VII. The written report shall be made available to Council at the time the Mayor's proposed budget is provided to Council, but in any event no later than June 1 of each year, and the presentation shall be made during the annual budget hearings.

**ARTICLE IX  
EXTENDED NOTICE FOR CONTRACTS  
WITH CONTINUOUS ("EVERGREEN") PROVISIONS**

The City Council shall be provided seven days prior notice of the effective date of any employee contract containing an evergreen provision automatically increasing compensation for any employee earning a base salary of \$100,000 per year or more unless the increase is consistent with increases for other unclassified employees.

**ARTICLE X  
TRANSPARENCY**

All information and reports described in this Act shall be available for public viewing at an easy to find identified link titled, "City Elected Officials and Employee Earnings Disclosure" at the City's Home Page website. Hard copies shall also be available to members of the public for viewing or pickup at the City Clerk's office during regularly scheduled business hours.

**ARTICLE XI  
ONE-YEAR REVIEW**

One year from the adoption of this Amended Act, the Council shall, at a regularly scheduled meeting, review the implementation and practice of this Act and, if necessary, amend the Act to reflect required changes. The Act will continue to be effective whether or not the review takes place.

**ARTICLE XII  
EFFECTIVE DATE**

This resolution shall take effect upon its adoption.

**EXHIBIT 'A'**  
**CALIFORNIA BENCHMARK CITIES COMPARATIVE EXECUTIVE COMPENSATION**  
**SURVEY CONDUCTED JULY, 2010**

<b>CITY MANAGER</b>	
Agency	Base Salary
Fresno	\$189,000
Anaheim	\$261,891
Bakersfield	\$222,154
Long Beach	\$235,000
Oakland	\$238,334
Riverside	\$275,000
Sacramento	\$215,000
San Diego	\$250,860
San Jose	\$250,000
Santa Ana	\$245,772
Stockton	\$200,000+

<b>ASSISTANT CITY MANAGER</b>	
Agency	Base Salary
Fresno	\$162,804
Anaheim	\$238,686
Bakersfield	\$135,312
Long Beach	\$217,499
Oakland	\$216,667
Riverside	\$196,104
Sacramento	Not Reported
San Diego	\$185,640
San Jose	\$236,550
Santa Ana	\$129,684-\$183,240
Stockton	Not reported

<b>POLICE CHIEF</b>	
Agency	Base Salary
Fresno	\$169,701
Anaheim	\$226,615
Bakersfield	\$172,152
Long Beach	\$219,911
Oakland	\$195,343
Riverside	\$241,020
Sacramento	\$192,459
San Diego	\$177,060
San Jose	\$221,652
Santa Ana	\$245,772
Stockton	\$174,120

<b>POPULATION STATISTICS</b>	
Agency	Population
Fresno	505,679
Anaheim	348,467
Bakersfield	338,952
Long Beach	492,682
Oakland	404,155
Riverside	300,430
Sacramento	463,794
San Diego	1,279,329
San Jose	948,976
Santa Ana	355,662
Stockton	322,462

Average Salary \$238,301

1 Average Salary \$198,658

2 Average Salary \$203,255

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- Notes: 1. Average salary excludes Stockton  
 2. Average salary excludes Sacramento, Santa Ana, and Stockton  
 3. Average salary based upon all 11 cities  
 4. Population data based upon 2009-2010 estimates

<b>CITY ATTORNEY</b>	
Agency	Base Salary
Fresno	\$ 175,680
Anaheim	\$ 254,194
Bakersfield	\$ 179,628
Long Beach	\$ 235,176
Oakland	\$ 207,565
Riverside	\$ 212,844
Sacramento	\$ 188,999
San Diego	\$ 193,648
San Jose	\$ 231,599
Santa Ana	\$ 213,732
Stockton	\$ 198,708

Average Salary \$ 208,343

<b>CITY CLERK</b>	
Agency	Base Salary
Fresno	
Anaheim	
Bakersfield	
Long Beach	
Oakland	
Riverside	
Sacramento	
San Diego	
San Jose	
Santa Ana	
Stockton	

Average Salary

<b>CITY CONTROLLER</b>	
Agency	Base Salary
Fresno	
Anaheim	
Bakersfield	
Long Beach	
Oakland	
Riverside	
Sacramento	
San Diego	
San Jose	
Santa Ana	
Stockton	

Average Salary

<b>FIRE CHIEF</b>	
Agency	Base Salary
Fresno	
Anaheim	
Bakersfield	
Long Beach	
Oakland	
Riverside	
Sacramento	
San Diego	
San Jose	
Santa Ana	
Stockton	

Average Salary





**EXHIBIT 'B'**

**CALIFORNIA BENCHMARK CITIES COMPARATIVE ELECTED OFFICIALS  
COMPENSATION SURVEY CONDUCTED JULY, 2010**

City	2009-2010 Population	Mayor	City Council	No. Council Members	Notes
Fresno	505,679	\$130,000	\$65,000	7	
Anaheim	348,467			4	Meets twice a month
Bakersfield	338,952				
Long Beach	492,682			9	
Oakland	404,155			7	
Riverside	300,430				
Sacramento	463,794			8	
San Diego	1,279,329			8	
San Jose	948,976			10	
Santa Ana	355,662			6	Meets twice a month
Stockton	322,462				