



RESOLUTION NO. 2010-187

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING A POLICY ENTITLED "TRANSPARENCY IN CITY GOVERNMENT ACT"

WHEREAS, It is the policy of the City to safeguard City funds and provide for transparency, accountability, full disclosure and comparative analysis of the terms, conditions and compensation relating to elected officials, employees and consultants; and

WHEREAS, Council may implement this policy by resolution; and

WHEREAS, this resolution is intended to supplement and not limit or modify, existing federal, state and local requirements regarding disclosure including disclosure of public records, provided that nothing herein shall require disclosure of information that is legally protected from disclosure; and

WHEREAS, this resolution is adopted pursuant to Fresno Municipal Code Section 3-124.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF FRESNO, as follows:

1. The City of Fresno Transparency in City Government Act ("Act"), attached hereto and incorporated herein, is hereby adopted.
2. If any sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this resolution. Council hereby declares that it would have adopted this resolution and each sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sentences, clauses or phrases be declared invalid or unconstitutional.
3. This resolution is adopted pursuant to Fresno Municipal Code Section 3-124 and shall take effect concurrently therewith.

Attachment: Exhibit A: City of Fresno Transparency in City Government Act

Adopted 8/26/10
Approved 9/7/10
Effective 9/7/10



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 26th day of August, 2010.

AYES: Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Approval: _____ September 7 _____, 2010
Mayor Approval/No Return: _____ N/A _____, 2010
Mayor Veto: _____ N/A _____, 2010
Council Override Vote: _____ N/A _____, 2010

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: R 8-18-10
Robert R. Coyle
Senior Deputy City Attorney



CITY OF FRESNO

TRANSPARENCY IN CITY GOVERNMENT ACT



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.



ARTICLE I DEFINITIONS

Base Salary

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

Benchmark or Peer Cities

Benchmark or peer cities represent the 10 largest cities in California.

Consultants

Professional service providers, individuals or entities, who are not employed by the City of Fresno.

Elected Officials

The Mayor and City Council members.

Employees

All part-time and full-time City employees including Executive Employees.

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 who 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).

EXHIBIT "A" TO RESOLUTION



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

Recent revelations in the City of Bell, California, 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. 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, Consultants and Elected Officials' compensation.
2. To provide a comparative analysis of compensation levels for executive employees and elected officials in peer cities in California.
3. To implement enabling legislation (i.e., Fresno Municipal Code Section 3-124) 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 total earnings of all City Employees in Gross Wages as reported on the year end W-2 form and 2) a separate list of total earnings of all Elected Officials and all Executive Employees in

EXHIBIT "A" TO RESOLUTION



Gross Wages as reported on the year end W-2 form. Both lists shall be in an easy to find location at the City web site, and printed lists at the City Clerk's office. The list shall be updated annually to the City web site as part of the Mayor's annual proposed budget.

The earnings disclosure for all Employees, except for the City Manager, Assistant City Manager 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 Employees. If an Executive 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 unrepresented Employees will also be provided along with the earnings disclosure. Copies of employment contracts for the City Manager and Assistant City Manager will be posted to the City web site and available at the City Clerk's Office.

ARTICLE IV CONSULTANT 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 Professional 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 SCOPE OF EARNINGS FOR CITY EMPLOYEES AND ELECTED OFFICIALS

Total earnings is defined as all taxable earnings (i.e. Gross Wages as reported on W-2 forms), which includes base salary/hourly wages; performance bonuses (unclassified employees only); overtime; leave payoff/administrative leave; deferred compensation; car allowance; and any pay differentials.

The reporting of earnings for all classified employees shall specify using the following categories: the base salary/hourly wages; over-time wages; all other benefits (i.e. leave payoff, pay differential) combined; and the total earnings of the employee.

EXHIBIT "A" TO RESOLUTION



A description of health and retirement benefits by bargaining unit and for unrepresented employees will also be provided along with the earnings disclosure. Copies of employment contracts for the City Manager and Assistant City Manager will be posted to the City web site and available at the City Clerk's Office.

ARTICLE VI CALIFORNIA 10 LARGEST CITIES EXECUTIVE EMPLOYEE COMPENSATION MATRIX

The compensation of executive employees for the 10 largest cities in California 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 in the discretion of City Council, the same 10 California benchmark cities shall be used.

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, during the annual budget hearings, 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.



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

The City Council shall be provided seven business days prior notice of the effective date of any Employee contract containing an evergreen provision and a base salary of \$100,000 per year or more.

**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 effective date of this 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.

Attachments: Exhibit A: Sample Matrix- Executive Employees
Exhibit B: Sample Matrix-Elected Officials

EXHIBIT 'A'

CALIFORNIA BENCHMARK CITIES COMPARATIVE EXECUTIVE COMPENSATION SURVEY CONDUCTED JULY, 2010

CITY MANAGER	
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+

ASSISTANT CITY MANAGER	
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

POLICE CHIEF	
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

POPULATION STATISTICS	
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

3

4

- 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

CITY ATTORNEY	
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

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

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

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

Average Salary \$ 208,343

Average Salary

Average Salary

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				

August 27, 2010

RECEIVED

Council Adoption: 08/26/10
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
cb for
FROM: REBECCA E. KLISCH, CMC
City Clerk

2010 SEP -7 PM 3:55
CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 8/26/10, Council adopted the attached Resolution No. 2010-187 re: **Approving establishing a policy entitled "Transparency in City Government Act", Item No. 9:00 AM (A-2)**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before September 7, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearingin
Ashley Swearingin Mayor

Date: 9-7-10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	