



RESOLUTION NO. 2022-254

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO AMENDING THE "TRANSPARENCY IN CITY GOVERNMENT ACT" TO ALLOW PAYMENT OF RETENTION AND RECRUITMENT INCENTIVES AS PREVIOUSLY AUTHORIZED BY COUNCIL; TO DISCLOSE EARNINGS THROUGH THE CALIFORNIA STATE CONTROLLER'S OFFICE; TO AUTHORIZE DEFERRED COMPENSATION CONTRIBUTIONS AND AUTHORIZE SEVERANCE PAYMENT UP TO ONE YEAR IN AT-WILL EMPLOYMENT AGREEMENTS.

WHEREAS, some City positions remain vacant due to a highly competitive job market; and

WHEREAS, fully staffing City positions best serves members of the public; and

WHEREAS, Council, in recognition of the foregoing, approved Fiscal Year 2023 Salary Resolution No. 2022-152, to include a provision permitting the payment of certain retention and recruitment incentives with approval by Council for classifications designated as hard to fill by the City Manager, City Attorney, Retirement Administrator or City Clerk; and

WHEREAS, the Transparency in City Government Act (the Act) needs to be amended to allow for the authorized retention and recruitment incentives, deferred compensation contributions if allowed in the City's Salary Resolution; and

WHEREAS, the payment of severance pay not to exceed one year base pay and City contribution of health care and benefits during that period will aid in retention and recruitment of Unit 2, Non-represented Management and Confidential classes who have at-will employment agreements; and



WHEREAS, the Act was adopted prior to the codification of public sector compensation reporting requirements to the State Controller's Office pursuant to California Government Code sections 53891 and 53892; and

WHEREAS, after codification of public sector compensation reporting requirements to the State Controller's Office, independent and separate reporting by the City to the Council and members of the public is now duplicative and an unnecessary use of City resources; and

WHEREAS, Councilmembers and members of the public have access to compensation data for all City elected officials and employees on the State Controller's Office website, consistent with California Government Code section 12463.

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

1. The Council hereby adopts the attached Exhibit "A" Amended Transparency in City Government Act as formal Council policy and thereby rescinds and replaces any prior version of the Act.
2. This resolution shall become effective upon final approval.



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

I, TODD STERMER, 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 17th day of November 2022.

AYES : Arias, Maxwell, Chavez, Esparza
 NOES : Bredefeld
 ABSENT : Soria, Karbassi
 ABSTAIN : None

Mayor Approval: November 21, 2022
 Mayor Approval/No Return: N/A, 2022
 Mayor Veto: N/A, 2022
 Council Override Vote: N/A, 2022

TODD STERMER, CMC
 City Clerk

By: [Signature] 11-28-2022
 Deputy Date

APPROVED AS TO FORM:
 RINA M. GONZALES
 Interim City Attorney

By: [Signature] _____
 Jenni DeRuosi Date
 Supervising Deputy City Attorney



CITY OF FRESNO

TRANSPARENCY IN CITY GOVERNMENT ACT



Amended November 17, 2022

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 cash that are in addition to base salary but not covered by another form of Council authorized compensation (e.g., authorized pays such as car allowance, premium pay, leave cash out, City funded deferred compensation contributions, recruitment and/or retention incentives).

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 management and confidential positions set forth in Unit 2 of the City's salary resolution.

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 deferential.

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

The City of Fresno shall provide the California State Controller's Office with compensation data on an annual basis as required by California Government Code sections 53891 and 53892. An easy to find link on the City's website shall be directed to the information published on the State Controller's Office website (publicpay.ca.gov) disclosing such information, consistent with California Government Code section 12463.

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
UNIT 2 EMPLOYMENT CONTRACTS, BONUS, SALARY INCREASES, AND SEVERANCE PAY

For all Unit 2 – Non-represented Management and Confidential Classes officials and employees, no additional cash compensation in addition to base salary shall be paid unless authorized in the City's salary resolution (i.e., if it is not covered by another form of Council authorized compensation it is an unauthorized cash bonus). Unless specifically authorized by Council, all Unit 2 – Non-represented Management and Confidential Classes officials and employees shall only receive base salary increases in their current classifications to be effective no earlier than 30 days prior to the date of submission to the Personnel Services Department of a completed employee action form (EAF) (i.e., retroactive raises shall be for no more than 30 days and shall only be granted due to delays in processing times of the employee action form). No increases authorized herein shall be submitted to the Personnel Services Department for processing until a written performance evaluation of the official or employee has been completed.

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 for the payment of deferred compensation as authorized in the City's salary resolution;
4. The contract may provide for severance pay, not to exceed one year 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; except when the City Manager determines that it is in the City's best interest to pay up to three (3) months severance for the good of the service.
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 (attached hereto and incorporated by reference).

**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 calendar year to reflect current population statistics and compensation levels. Please see **Exhibit 'B'** for sample matrix (attached hereto and incorporated by reference).

**ARTICLE VIII
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 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 IX
TRANSPARENCY**

Since the inception of this Act, there have been changes to State law that require the City to submit compensation for all City employees to the State Controller's office. This information is readily available at publicpay.ca.gov.

**ARTICLE X
EFFECTIVE DATE**

This resolution shall take effect upon its adoption.

Attachments: Exhibits A and B



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

CITY MANAGER		ASSISTANT CITY MANAGER		POLICE CHIEF		POPULATION STATISTICS	
Agency	Base Salary	Agency	Base Salary	Agency	Base Salary	Agency	Population
Fresno	\$189,000	Fresno	\$162,804	Fresno	\$169,701	Fresno	505,679
Anaheim	\$261,891	Anaheim	\$238,686	Anaheim	\$226,615	Anaheim	348,467
Bakersfield	\$222,154	Bakersfield	\$175,312	Bakersfield	\$172,157	Bakersfield	338,952
Long Beach	\$235,000	Long Beach	\$217,499	Long Beach	\$219,911	Long Beach	492,682
Oakland	\$238,334	Oakland	\$216,667	Oakland	\$195,343	Oakland	404,155
Riverside	\$275,000	Riverside	\$196,104	Riverside	\$241,020	Riverside	300,430
Sacramento	\$215,000	Sacramento	Not Reported	Sacramento	\$192,459	Sacramento	463,794
San Diego	\$250,860	San Diego	\$185,640	San Diego	\$177,060	San Diego	1,279,329
San Jose	\$250,000	San Jose	\$236,550	San Jose	\$221,652	San Jose	948,976
Santa Ana	\$245,772	Santa Ana	\$129,664-\$183,240	Santa Ana	\$245,772	Santa Ana	355,662
Stockton	\$200,000+	Stockton	Not reported	Stockton	\$174,120	Stockton	322,462

Average Salary	\$238,301	Average Salary	\$198,658	Average Salary	\$203,255
----------------	-----------	----------------	-----------	----------------	-----------

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



November 18, 2022

Council Adoption: 11/17/2022

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR JERRY DYER

FROM:  TODD STERMER, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of November 17, 2022, Council adopted the attached Resolution No. 2022-254 *****RESOLUTION - Adoption of Amendment to the "Transparency in City Government Act" (Transparency Act) (Subject to Mayor's Veto)**. Item 1-M-2, File ID 22-1765, by the following vote:

Ayes : Arias, Maxwell, Chavez, Esparza
Noes : Bredefeld
Absent : Soria, Karbassi
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 November 28, 2022. 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.

APPROVED /NO RETURN: _____

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



Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: 11/21/22

Date: _____

CITY OF FRESNO
CITY CLERK'S OFFICE

2022 NOV 21 P 3:30

RECEIVED