



Legislation Details (With Text)

File #: 23-287 Name:
Type: Staff Report Status: Agenda Ready - Administrative Business
File created: 4/5/2023 In control: City Council
On agenda: 4/12/2023 Final action:
Title: Report regarding a resolution approving a first amendment to the amended and restated employment agreement between the City of South San Francisco and Rosa Govea Acosta for service as City Clerk and approving an amendment to the City's salary schedule for the position of City Clerk. (Sky Woodruff, City Attorney and Leah Lockhart, Human Resources Director)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 to Staff report - Reso to amend Employment Agreement Rosa Govea Acosta

Table with 4 columns: Date, Ver., Action By, Action, Result

Report regarding a resolution approving a first amendment to the amended and restated employment agreement between the City of South San Francisco and Rosa Govea Acosta for service as City Clerk and approving an amendment to the City's salary schedule for the position of City Clerk. (Sky Woodruff, City Attorney and Leah Lockhart, Human Resources Director)

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving a first amendment to the employment agreement between the City of South San Francisco and Rosa Govea Acosta and an amendment to the City's Salary Schedule.

BACKGROUND/DISCUSSION

On November 6, 2018, Rosa Govea Acosta was duly elected as City Clerk of the City of South San Francisco ("City"). She was reelected on November 8, 2022, and was sworn into office on December 13, 2022. On January 11, 2023, the City Council approved and amended and restated the Employment Agreement between the City and Ms. Acosta. The amended Employment Agreement provided several clarifications to align with the parties' intent that Ms. Acosta would receive the same salary adjustments and benefits as City employees covered by the Executive Management Compensation Plan. It also established that the City would conduct a total compensation survey for the position using the same benchmark cities used for the Executive Management Unit. Upon completion of the survey, City Council would consider adjustments to the City Clerk's salary. The agreement stipulated that any changes to salary would be retroactive to December 13, 2022, when Ms. Acosta was sworn in for her new term of office.

Compensation Methodology

Staff conducted a total compensation survey using the benchmark cities of Alameda, Daly City, Hayward, Mountain View, Palo Alto, Redwood City, San Bruno, San Leandro, and San Mateo, utilizing the same methodology that was recently used for the Executive Management group survey. Accordingly, the 60th percentile of the market was used for comparison as the target for market. The South San Francisco City Clerk salary was found to be 10.6% below the 60th percentile of the market for total compensation, and 13.8% below

the 60<sup>th</sup> percentile of the market with respect to salary alone. A summary of the total compensation survey is included as Attachment 1.

When considering compensation-setting methodology for any City position, Council is advised to consider both external benchmarks and internal alignment of positions. A review of internal alignment ensures that positions with similar duties, responsibilities, and required knowledge, skills and experience maintain comparable salaries. This also ensures that appropriate differentials exist between managers and subordinates, and between positions with higher or lower-level duties and qualification requirements.

Within this context, Ms. Acosta requested consideration of a salary within the range of the lowest compensated department head positions, which include the Deputy City Manager, Human Resources Director, and Capital Projects Director. The basis for this request is that the role of the City Clerk, particularly in mid-sized and larger cities, has expanded significantly in terms of scope, complexity, and importance over the years. Similar to other department heads and executive managers, the role of the City Clerk involves executive administration of major city function or operation requiring significant expertise and independent judgment, and a high degree of public trust. In addition to coordinating agendas, minutes, and all procedural and technical aspects of City Council meetings (including hybrid meetings), pursuant to the Ralph M. Brown Act, the City Clerk is responsible for management of elections, administering campaign disclosure statements, conflict of interest filings, and related responsibilities for candidates, and elected and appointed officials pursuant to the Political Reform Act. The City Clerk is also responsible for the comprehensive maintenance of all City records and processing requests for information under the Public Records Acts, administering recruitment and appointment processes for all City Boards, Commissions, and Committees pursuant to the Government Code, and a variety of public information and administrative services. However, despite the growth in the City Clerk role, salaries for City Clerks have generally not kept pace with other department heads, and as a result market surveys alone reflect and reinforce historical patterns whereby the City Clerk was regarded as a lower-level role.

In order to address this inequity, some cities have chosen to align the City Clerk with other department heads inequity. For example, the City of Burlingame set the salary for City Clerk equivalent to the Human Resources Director, based on similar level and scope of responsibility. Similarly, the salary for City Clerk in the City of Alameda has been set in the middle of the salary range for the six lowest-paid department heads.

#### Recommendation

City Council considered the compensation survey and internal alignment comparison, along with Ms. Acosta's advanced experience and qualifications, and provided direction to the Council Ad-Hoc committee, comprised of Mayor Nicolas and Vice Mayor Nagales, to negotiate salary adjustment and propose an amendment for consideration by City Council. The parties agreed on a salary of \$220,000 annually (\$18,333 monthly), subject to approval by the full City Council. This salary is within the approved salary range for Deputy City Manager, Human Resources Director, and Capital Projects Director (\$217,128-\$262,716 annually, or \$18,094-\$21,893 monthly.) The proposed amended and restated Employment Agreement and amended Salary Schedule reflect the new salary, retroactive to December 13, 2022.

#### **FISCAL IMPACT**

There will be no impact to the General Fund in the current fiscal year. Savings from vacant positions within the City Clerk's operating budget for Fiscal Year 2022-2023 are sufficient to cover the cost of the increase for December 13, 2022 through June 30, 2023. The ongoing cost of both salary and benefits for future years is approximately \$105,000 annually to the General Fund, and will be included within the Fiscal Year 2023-2024 proposed operating budget.

**RELATIONSHIP TO THE STRATEGIC PLAN**

This item supports the strategic initiative of Workforce Development and Fiscal Sustainability, ensuring that the City's compensation remains competitive to attract and retain a high-quality workforce while ensuring that financial commitments are within the City's means.

**CONCLUSION**

It is recommended that the City Council adopt a resolution approving a first amendment to the amended and restated employment agreement between Rosa Govea Acosta and the City of South San Francisco, and approving an amendment to the City's salary schedule for the position of City Clerk.

**Attachments**

1. City Clerk Total Compensation Survey Summary