

RESOLUTION NO. 22-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on April 18, 2017, the City Council adopted Resolution No. 17-25, revising the pay ranges for job classifications in the Executive Salary Schedule effective April 16, 2017; and

WHEREAS, on June 25, 2020, the City Council approved a furlough equivalent to a five percent reduction in pay to address economic concerns during the COVID-19 Pandemic, a guarantee of no layoffs in Fiscal Year 2020-21, no vacation cash out FY 2020-21, a parity clause for negotiated salary and benefit increases, other benefit changes, and a one-time payment equivalent to furlough hours or reduction taken should the City receive stimulus funds in excess of \$40.5 million; and

WHEREAS, on May 4, 2021, the City Council approved to cease the furlough and provide staff with a one-time reimbursement for the pay reductions due to the furlough; and

WHEREAS, on December 7, 2021 and March 15, 2022 , the City Council approved classification and pay range changes for various positions in the Executive Salary Schedule to address recruitment and retention challenges; and

WHEREAS, the City Council further desires to rename the existing “Public Services Director” job classification as the “Public Works Director” classification and to revise the pay ranges for said classifications.

WHEREAS, the City Council desires to repeal and replace Resolution Nos. 2017-25, 2020-37, 2021-12, 2021-33, 2021-51, 2021-53, 2022-18 to revise the pay ranges for the classifications specified herein; and

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

SECTION 1. The Costa Mesa City Council previously established the Executive Compensation Plan to: 1) promote maximum commitment by City executives to objectives and standards of the City Council and City Manager; 2) establish a system in which compensation serves as an effective device for promoting better job performance; 3) foster the identification of an executive employee group and recognize the distinct character of executive jobs; and, 4) improve the City's ability to attract and retain outstanding executives.

SECTION 2. The existing "Public Services Director" classification is hereby renamed as the "Public Works Director" classification and the following pay ranges for the Public Works Director classification are hereby established and placed under the Basic Salary Administration Plan effective June 19, 2022.

SECTION 3. The following job classifications, placed under the Executive Salary Schedule, are hereby revised to reflect the salary ranges and monthly rates of pay specified, effective the pay period beginning June 19, 2022. The rate of pay for individual executives may be anywhere within the monthly minimum and maximum salary steps.

Class	Class Title	Grade	Step							
Code			1	2	3	4	5	6	7	
0091	Administrative Services Director	775	\$10,652	\$11,185	\$11,744	\$12,331	\$12,948	\$13,595	\$14,275	Monthly
			\$127,824	\$134,220	\$140,928	\$147,972	\$155,376	\$163,140	\$171,300	Annual
			\$61.45	\$64.53	\$67.75	\$71.14	\$74.70	\$78.43	\$82.36	Hourly
0075	Assistant City Manager	810	\$13,514	\$14,190	\$14,899	\$15,644	\$16,426	\$17,247	\$18,109	Monthly
			\$162,168	\$170,280	\$178,788	\$187,728	\$197,112	\$206,964	\$217,308	Annual
			\$77.97	\$81.87	\$85.96	\$90.25	\$94.77	\$99.50	\$104.48	Hourly
0080	Economic and Development Development Services Director	850	\$13,498	\$14,173	\$14,882	\$15,626	\$16,407	\$17,227	\$18,088	Monthly
			\$161,976	\$170,076	\$178,584	\$187,512	\$196,884	\$206,724	\$217,056	Annual
			\$77.87	\$81.77	\$85.86	\$90.15	\$94.66	\$99.39	\$104.35	Hourly

0069	Finance Director	772	\$13,519	\$14,195	\$14,905	\$15,650	\$16,433	\$17,255	\$18,118	Monthly
			\$162,228	\$170,340	\$178,860	\$187,800	\$197,196	\$207,060	\$217,416	Annual
			\$77.99	\$81.89	\$85.99	\$90.29	\$94.81	\$99.55	\$104.53	Hourly
0223	Fire Chief	793	\$15,224	\$15,985	\$16,784	\$17,623	\$18,504	\$19,429	\$20,400	Monthly
			\$182,688	\$191,820	\$201,408	\$211,476	\$222,048	\$233,148	\$244,800	Annual
			\$87.83	\$92.22	\$96.83	\$101.67	\$106.75	\$112.09	\$117.69	Hourly
0049	Information Technology Director	851	\$12,800	\$13,440	\$14,112	\$14,818	\$15,559	\$16,337	\$17,154	Monthly
			\$153,600	\$161,280	\$169,344	\$177,816	\$186,708	\$196,044	\$205,848	Annual
			\$73.85	\$77.54	\$81.42	\$85.49	\$89.76	\$94.25	\$98.97	Hourly
0306	Parks and Community Services Director	735	\$11,357	\$11,925	\$12,521	\$13,147	\$13,804	\$14,494	\$15,219	Monthly
			\$136,284	\$143,100	\$150,252	\$157,764	\$165,648	\$173,928	\$182,628	Annual
			\$65.52	\$68.80	\$72.24	\$75.85	\$79.64	\$83.62	\$87.80	Hourly
0207	Police Chief	792	\$15,224	\$15,985	\$16,784	\$17,623	\$18,504	\$19,429	\$20,400	Monthly
			\$182,688	\$191,820	\$201,408	\$211,476	\$222,048	\$233,148	\$244,800	Annual
			\$87.83	\$92.22	\$96.83	\$101.67	\$106.75	\$112.09	\$117.69	Hourly
0117	Public Works Director	791	\$13,498	\$14,173	\$14,882	\$15,626	\$16,407	\$17,227	\$18,088	Monthly
			\$161,976	\$170,076	\$178,584	\$187,512	\$196,884	\$206,724	\$217,056	Annual
			\$77.87	\$81.77	\$85.86	\$90.15	\$94.66	\$99.39	\$104.35	Hourly

SECTION 4. Except as expressly provided in the City Manager's Employment Agreement, the City Manager shall receive the same benefits as the other Executives.

SECTION 5. Effective the payroll period that includes January 1 of each year commencing on January 1, 2022, the City Manager is eligible to move to the next step in the salary range which equates to a three percent (3%) base salary increase, pursuant to the terms of her Employment Agreement

Class Code	Class Title	Pay Grade No.	Eff	Eff	Eff	Eff	Eff	
			12/19/2021	1/1/2022	1/1/2023	1/1/2024	1/1/2025	
0076	City Manager	850	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	Monthly
			\$300,000	\$309,000	\$318,270	\$327,818	\$337,656	Annual
			\$144.23	\$148.56	\$153.01	\$157.60	\$162.33	Hourly

SECTION 6. The City of Costa Mesa has contracted with the California Public Employees Retirement System (CalPERS) to provide retirement benefits to eligible City employees.

1. CalPERS - Miscellaneous Members

Employees covered by this resolution who do not meet the definition of “new member” under the California Public Employees’ Pension Reform Act of 2013 (PEPRA) (those unit members shall be referred to as “classic members”) are enrolled in either the CalPERS retirement plan provided for by Government Code § 21354.4, and commonly referred to as the 2.5% at age 55 retirement plan (“tier 1”), or the 2% at 60 formula provided for by Government Code § 21353 (“tier 2”).

A. Classic Members:

Effective April 16, 2017, the total contribution for tier 1 (2.5% @ 55) unit members will be 12% of compensation earnable, inclusive of statutory employee contributions and all cost sharing. The total contribution for tier 2 (2% @ 60) unit members will be 10% of compensation earnable, inclusive of statutory employee contributions and all cost sharing.

B. New Members: Under PEPRA (see section 3.4 below):

Effective April 16, 2017, the total contribution for PEPRA tier 3 (2% @ 62) unit members will be 9% of pensionable compensation, inclusive of statutory employee contributions and cost sharing.

2. CalPERS - Safety Police Members

Employees covered by this resolution who do not meet the definition of “new member” under the California Public Employees’ Pension Reform Act of 2013 (PEPRA) (those unit members shall be referred to as “classic members”) are enrolled in the CalPERS retirement plan provided for by Government Code § 21362.2, and commonly referred to as the 3% at age 50 retirement plan (“tier 1”).

A. Classic Members:

Effective April 16, 2017, the total contribution for tier 1 (3% @ 50) unit members will be 12% of compensation earnable, inclusive of statutory employee contributions and all cost sharing.

B. New Members: Under PEPRA (see section 3.4 below):

Effective April 16, 2017, the total contribution for PEPRA tier 2 (2.7% @ 57) unit members will be 9% of pensionable compensation, inclusive of statutory employee contributions and cost sharing.

3. CalPERS – Safety Fire Members

Employees covered by this resolution who do not meet the definition of “new member” under the California Public Employees’ Pension Reform Act of 2013 (PEPRA) (those unit members shall be referred to as “classic members”) are enrolled in either the CalPERS retirement plan provided for by Government Code § 21362.2, and commonly referred to as the 3% at age 50 retirement plan (“tier 1”) or the 2% at 50 formula provided for by Government Code § 21362 (“tier 2”).

A. Classic Members:

Effective June 21, 2020, the total contribution for tier 1 (3% @ 50) unit members will be 15% of compensation earnable, inclusive of statutory employee contributions and all cost sharing. The total contribution for tier 2 (2% @ 50) unit members will be 15% of compensation earnable, inclusive of statutory employee contributions and all cost sharing.

B. New Members: Under PEPRA (see section 3.4 below):

Upon adoption of this resolution by the City Council, the total contribution for PEPRA tier 3 (2.7% @ 57) will be 9% of pensionable compensation, inclusive of statutory employee contributions and cost sharing.

4. THE CALIFORNIA PUBLIC EMPLOYEES’ PENSION REFORM ACT OF 2013 (PEPRA)

As it may from time to time exist, the PEPRA shall in its entirety be given full force and effect. PEPRA includes, but is not limited to, the provisions described below:

Members hired on and after January 1, 2013, deemed to be a “new member” as defined in Government Code § 7522.04, shall individually pay an initial Member CALPERS contribution rate of 50% of the normal cost rate for the Defined Benefit Plan in which said “new member” is enrolled, rounded to the nearest quarter of 1%, or the current contribution rate of similarly situated employees, whichever is greater.

Members who are “new members” on and after January 1, 2013, shall be enrolled in the PEPRA provided for 2% @ 62 retirement formula for miscellaneous employees (Govt. Code § 7522.20), or 2.7% @ 57 for safety employees (Govt. Code § 7522.25(d)).

Members who are “new members” on and after January 1, 2013, shall have “final compensation” measured by the highest average annual pensionable compensation earned by the member during a period of at least 36 consecutive months (Section 7522.32.), and their retirement benefits shall be calculated based on “pensionable compensation” (Section 7522.10) rather than “compensation earnable” (Section 20636).

SECTION 7. The following classifications shall be provided with a City vehicle or monthly automobile allowance:

Assigned City Vehicle: Fire Chief, Police Chief

Assigned City Vehicle or up to \$650 Monthly Automobile Allowance, except as expressly provided in the City Manager’s Employment Agreement: City Manager

\$575 Monthly Automobile Allowance: Administrative Services Director, Assistant City Manager, Economic and Development Services Director, Finance Director, Information Technology Director, Parks and Community Services Director, Public Works Director

In all situations, the City Manager has the sole discretion to grant, modify or deny use of a City vehicle or grant an allowance for employees covered by this resolution.

SECTION 8. Employees covered by this resolution shall be provided with a \$75 monthly technology allowance. The City Manager has the sole discretion to grant, modify or deny an allowance for employees covered by this resolution.

SECTION 9. With exception of the City Manager, a pay-for-performance evaluation and compensation system will be utilized for all employees in executive job classifications. All compensation increases for executives will be based upon continued meritorious service to the City. Though the City Manager may receive labor marketplace salary adjustments, annual performance evaluations for this position will be conducted in the fall of each year by the City Council.

SECTION 10. The Fire Chief and Police Chief are eligible to participate in the Management Certification/Education Program based upon the following achievements and criteria:

<u>Certification/ Degree</u>	<u>Eligible Classification</u>	<u>Award</u>
P.O.S.T. Executive Certificate	Police Chief	5.0%
National Fire Academy - Executive Fire Officer	Fire Chief	2.50%
Master's Degree	Fire Chief	2.50%

Awards are based on a percentage of base salary. The maximum cumulative award payable to any employee shall not exceed 5.0% of base salary. These awards shall be reported to PERS as “compensation earnable” and will be included as an element of total compensation in the annual calculation.

An award may be granted, rejected or removed at any time. The City Manager may review and update this program on a periodic basis to ensure its vitality and relevance.

SECTION 11. The City shall contribute an amount toward the executive flexible benefit plan bucket for the payment of premiums for affected employees and dependents based upon the following criteria:

- Full family coverage for the PERS Choice medical plan under the California Public Employees’ Retirement System (CALPERS) health insurance programs
- Full family coverage for the Dental Indemnity plan
- Full premium payment for Life Insurance
- Long Term Disability premium will be based upon the top step salary of the highest-salaried Department Director within the classified service

Any amounts necessary to maintain benefit premiums in excess of the City contribution specified above shall be borne entirely by the executive employee.

SECTION 12. Effective October 15, 2017, employees covered by this resolution shall accrue vacation leave at the following rates and shall be capped at the following maximum levels:

<u>Years of Service</u>	<u>Annual Accrual 40-Hour</u>	<u>Maximum Accrual 40-Hour</u>
1-2	92	184
3-4	116	232
5-9	140	280
10-14	164	320
15-19	188	320
20+	212	320

Vacation Leave Cash-Outs – Each fiscal year, employees will have the following cash-out options: 1) One eighty (80) hour cash-out any time during the fiscal year, regardless of the employee's maximum accrual and regardless of the employee's Vacation Leave usage; and, 2) Up to four cash-outs per fiscal year, any time during the fiscal year (irrespective of quarter), based on a "2 for 1" usage ratio, up to a maximum of 80-hours for each cash out. For example, if an employee uses 10 hours of Vacation Leave, the employee could cash out up to 20 hours of Vacation Leave; in order for an employee to cash-out the maximum of 80-hours Vacation Leave, the employee would need to use 40 hours of Vacation Leave.

All employees who are at the Maximum Accrual Level or who may reach the Maximum Accrual Level shall utilize the "Cash-Out" and/or "Vacation Leave" options so as to NOT exceed the Vacation Accrual Ceiling. Other than exceptions granted based upon City and/or Departmental needs as approved by the City Manager, there will no other cash-out of Vacation Leave time beyond the Maximum Accrual rates that have been established.

SECTION 13. Effective December 24, 2017, the City shall grant Executive Leave to management personnel not to exceed forty (40) hours per year. The City Manager may grant up to an additional sixty (60) hours of Executive Leave.

SECTION 14. Pursuant to the Executive Professional Development Reimbursement Program, the City agrees to reimburse Department Directors up to \$2,000 per fiscal year for activities, materials, equipment or fees that will aid in their individual professional development. The intent of this program is to encourage and recognize executive staff for pursuing educational, professional or community-oriented activities, enhancing job skills and expertise, and/or purchasing materials/equipment, which improve the executive's performance. These activities, materials, equipment or fees are intended to be beyond what is budgeted for individuals through the annual budget cycle. The reimbursement options available include the following:

- Professional memberships, licenses and certificates that are job-related
- Professional conferences that are job-related including fees and other expenses while attending
- Membership dues in community organizations relevant to the executive's job assignment
- Purchase of job-related professional journals, periodicals, books or other written materials which further knowledge or improvement of effectiveness in performance of duties
- Education fees that exceed the City's annual \$1,250 tuition reimbursement limit
- Direct purchase of qualifying computer equipment defined in Administrative Regulation 2.29

The Assistant City Manager must approve participation in the activities and/or purchase of the materials/equipment in advance. Claims for reimbursement must be accompanied by documentation that an eligible expense has been incurred during the fiscal year for the executive employee only. Any portion of the reimbursement amount not incurred within the fiscal year shall remain City funds unless prior approval has been received by the City Manager. Requests to carry forward unencumbered amounts to the next fiscal year must receive approval by the City Manager prior to the end of the fiscal year. All payments will be in the form of reimbursement and no executive employee will directly receive cash for this benefit. Reimbursements, which are subject to taxation, will be processed through the payroll system. The Finance Department shall administer this program in accordance to the stated purpose and will provide the appropriate forms and procedures. This reimbursement program does not prohibit individual departments from continuing to budget funds for executive staff attendance at professional conferences and seminars, for the payment of professional membership dues, and/or for the purchase of books, journals and written materials that are job-related and will enhance an executive's knowledge or expertise.

SECTION 15. The 401(a) deferred compensation plan provides executives with another tax-deferred savings plan for future financial planning. Effective August 29, 2021, employees covered by the Executive Compensation Plan and executive salary schedule shall receive a \$15,000 annual contribution to the City's 401(a) plan. Except as provided in the City Manager's Employment Agreement, executives must make any and all 457 deferred compensation contributions. The City shall contribute to City Manager's 457 account the maximum annual contribution permitted, including applicable catch-up provisions. The City will also calculate a contribution to a defined contribution plan for the Fire Chief in an amount to be determined by an actuarial valuation performed by a professional actuary.

SECTION 16. If any bargaining unit in the City receives (through the labor negotiations process) a net base salary or certification/specialty/incentive pay increase that goes into effect on any date between July 1, 2023 and June 30, 2024, employees covered by the Executive Compensation Plan and Executive Salary Schedule will receive the same net base salary or certification/specialty/incentive pay increase on the same effective date as that association. If more than one other association receives a base salary or certification /specialty/incentive increase (through the labor negotiations process) on any date between July 1, 2023 and June 30, 2024, employees covered by the Executive Compensation Plan and Executive Salary Schedule will receive the higher increase provided on the same effective date.

SECTION 17. All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

PASSED AND ADOPTED this 7th day of June, 2022.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2022-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 7th day of June, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 8th day of June, 2022.

Brenda Green, City Clerk