

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO AMENDING THE SALARY RESOLUTION AND TRANSPARENCY IN CITY GOVERNMENT ACT REGARDING THE COMPENSATION OF THE FIRE CHIEF AND THE POLICE CHIEF (THE CHIEF SELECTION ACCOUNTABILITY ACT)

WHEREAS, this Resolution shall be known as “The Chief Selection Accountability Act.”

WHEREAS, Charter Section 500 states the “Council shall be the governing body of the City and, subject to the express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State;” and

WHEREAS, Charter Section 706 states “Neither the Mayor nor the Council *except by official action taken in policy matters*, nor any of its members shall interfere with the execution by the Chief Administrative Officer of his powers and duties...;” and

WHEREAS, Charter Section 809 states “Compensation of officers and employees of the City, except where this Charter provides that no salary shall be paid, *shall be fixed by the Council as it may from time to time determine;*” and

WHEREAS, the Council annually approves and amends from time to time the Salary Resolution, which provides for salaries, salary ranges, and certain compensation terms for all City employees; and

WHEREAS, the Transparency in City Government Act (the Act) was approved in 2010 and amended in 2015 and 2019 to improve the transparency of employee compensation disclosure, and more consistency in compensation terms; and

WHEREAS, the Act as hereby amended will further improve the transparency in

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:  _____

Resolution No. _____

employee compensation by prohibiting the Fire Chief and the Police Chief from automatically receiving identical benefits contained in memoranda of understanding between the City and the related management bargaining units; and

WHEREAS, the Salary Resolution, as hereby amended, will require the salaries of the Fire Chief and the Police Chief to be fixed by a Council resolution rather than a range in the Salary Resolution to further ensure transparency of the compensation of the Fire Chief and Police Chief, two of the most critical and highest paid department director positions.

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

SECTION 1. The current Salary Resolution, and including future amendments thereto, are hereby permanently amended to eliminate salary ranges for the Fire Chief and Police Chief, such that the salaries of the Fire Chief and Police Chief positions shall not be determined by the Salary Resolution, but shall be determined by the Council by separate Resolution upon the appointment of a person to one of those positions, or for changes in compensation thereafter. Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes, is hereby amended in the Fiscal Year 2020 Salary Resolution No. 2019-135, and as amended hereafter, to eliminate the salary ranges for the Fire Chief and the Police Chief, and to relabel them, "Salary to be fixed by separate Council resolution". In addition, Section 19 of the current Salary Resolution, is hereby amended in the Fiscal Year 2020 Salary Resolution No. 2019-135, and as amended hereafter, to prohibit the Fire Chief and the Police Chief from automatically receiving identical benefits contained in memoranda of understanding between the City and the related management bargaining units.

SECTION 2. The Act is hereby amended to provide that all employees included in "Unit

2 – Non-Represented Management and Confidential Classes,” shall be provided no compensation or benefits, including compensation or benefits provided to members of related bargaining units (e.g., certification pay or uniform pay), not specifically provided in the Salary Resolution, the Act, Council resolution, or Council approved at-will agreement for those positions.

SECTION 3. Council hereby directs the Administration, staff, and the City Attorney to take further actions, including but not limited to revising Salary Resolution details, as required to carry out this Resolution, to be reflected in corrections to the resolution amendments entitled herein, by the City Clerk.

SECTION 4. This Resolution shall not alter the terms and conditions of currently effective at-will employment agreements, but shall apply to future amendments of those agreements.

SECTION 5. 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 _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Tina R. Griffin Date
Assistant City Attorney