

Regular Council Meeting

November 17, 2022

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-M (22-1765)

Actions pertaining to amendments to resolutions and ordinances related to compensation and benefits for the city employees and charter officials

[TITLE TRUNCATED FOR SUPPLEMENTAL PAKCET COVER PAGE]

Contents of Supplement Full Resolution Amending the Transparency in City Government Act and Exhibit "A" redline.

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

2021 NOV 16 A 8:21
CITY CLERK'S OFFICE

RECEIVED

RESOLUTION NO. _____

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 _____ day of _____ 2022.

AYES :

NOES

ABSENT

ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022

Mayor Veto: 2022

Council Override Vote: 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy _____ Date _____

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

By: Jenni DeRuosi Date: Supervising Deputy City Attorney

EXHIBIT A

The following criteria and policies shall be utilized in regulating the reimbursement to the Mayor and Councilmembers for expenses incurred on City business. References to specific provisions of the Administrative Order shall include its amendments.

I. OUT-OF-TOWN TRAVEL REIMBURSEMENT

A. Criteria. The Mayor and Councilmembers are entitled to receive reimbursement for traveling and other necessary expenses when on official duty. Reimbursement is effected in accordance with the following criteria.

- 1. Meals.** The Mayor and Councilmembers shall be reimbursed for meals pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 2. Lodging.** The Mayor and Councilmembers shall be reimbursed for lodging pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 3. Taxi, Limousine and Bus Fares.** The Mayor and Councilmember shall be reimbursed for taxi, limousine and bus fares pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 4. Tips, Gratuities and Service Fees.** The Mayor and Councilmembers shall be reimbursed for tips, gratuities and service fees pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 5. Registration Fees.** The Mayor and Councilmembers shall be reimbursed for registration fees pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 6. Communications.** The Mayor and Councilmembers shall be reimbursed for communications pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 7. Parking, Garage and Toll Charges.** The Mayor and Councilmembers shall be reimbursed for parking, garage and toll charges pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 8. Laundry and Dry Cleaning.** The Mayor and Councilmembers shall be reimbursed for laundry and dry cleaning pursuant to the provisions of Administrative Order 1-4 applicable to City employees.
- 9. Other.** The Mayor and Councilmembers shall be reimbursed for other expenses pursuant to the provisions of Administrative Order 1-4 applicable to City employees.

If the Mayor or a Councilmember stays with a friend or a relative while attending a professional conference or other out-of-town meeting, which has a host hotel with stated rates, the Mayor or

Councilmember may be reimbursed for taking [their]his/her host to dinner in lieu of lodging cost. The total amount to be reimbursed may not exceed one night's lodging, at the stated hotel rate, per trip. A copy of the conference brochure or page stating the host hotel's rate must be attached to the expense report with a receipt for dinner expenses.

B. Documentation. A claim for reimbursement must be submitted on Form 57, "Travel Advance and Expense Reimbursement Request" attached hereto as Exhibit A-1.

II. CAR AND TRAVEL ALLOWANCE

A. Authorized Expenses. The Mayor and Councilmembers may be reimbursed for mileage, parking, car rental, and related transportation expenses incurred in traveling to and from Council meetings or other official business in the Fresno Metropolitan Area (that area within a 50-mile radius of Fresno City Hall). Such authorized expenses are reimbursable in addition to but not in duplication of those described under "Out-of Town Travel [Reimbursement]" above. Travel outside a 50-mile radius shall be reimbursed in the same amount as provided in Administrative Order 2-2 for employees receiving Category 2 vehicle allowance.

B. Monthly Allowance. A monthly allowance of up to \$[500]300 for the Mayor and \$[450]260 for Councilmembers may be claimed. The Mayor and Councilmembers may either elect to take the allowance as a flat monthly stipend, which may be taxed as ordinary income, or to submit a monthly mileage log and claim for reimbursement of expenses actually incurred, not to exceed \$[500]300 for the Mayor and \$[450]260 for Councilmembers, on the "Mayor/Councilmembers Monthly Expense Reimbursement Form" attached hereto as Exhibit A-2. The Mayor or Councilmember may change [their]his or her election upon thirty days' notice to the Finance Department. The Mayor and Councilmembers are also cautioned that to the extent allowance payments are not supported by receipts or mileage logs acceptable to the IRS, such payments will be taxed as ordinary income. It is recommended that each official obtain [their]his or her own tax advice from a qualified tax professional.

III. GENERAL AND MISCELLANEOUS EXPENSE ALLOWANCE

A. Authorized Expenses. Necessary expenses incurred by the Mayor and Councilmembers which are solely for the benefit of the City that are incurred when on official duty.

B. Monthly Allowance. The Mayor may be reimbursed up to \$[850]1660 per month. The Council President is authorized up to \$[843.75]220 per month, and all other Councilmembers are authorized up to \$[750]165 per month each. Such authorized reimbursements are in addition to those expenses described under "Out-of-Town Travel" f[R]eimbursement", and "Metropolitan Area" Car and Travel Allowance," above. The Mayor and Councilmembers may either elect to take the allowance as a flat monthly stipend, which may be taxed as ordinary income, or to submit receipts and a claim for reimbursement of expenses actually incurred, not to exceed the amounts set forth above, on the "Mayor/Councilmembers Monthly Expense Reimbursement Form" attached hereto as Exhibit A-2. The Mayor or Councilmember may change [their]his or

her election upon thirty days' notice to the Finance Department. The Mayor and Councilmembers are cautioned that to the extent allowance payments are not supported by receipts or mileage logs acceptable to the IRS, such payments may be taxed as ordinary income. It is recommended that each official obtain [their]his-or-her own tax advice from a qualified tax professional.

C. Expenses Covered.

1. Meal expenses. No per-meal limitation, [per diem or actual cost option as set forth in Administrative Order 1-4, Expenses on City Business]~~\$42 per day maximum.~~
2. Postage, only as supported by receipts.
3. Telephone, Communications, only as supported by receipts.
4. Publications, only as supported by receipts.
5. Other incidental expenses, only as supported by receipts.

IV. NON-REIMBURSABLE EXPENSES

Reimbursement will not be allowed for expenses not associated with carrying out official City business. For example, expenses associated with the use of a personal computer to compile lists of constituents, record the results of public opinion research, etc., would likely be reimbursable as expenses incident to the Mayor's or Councilmember's official function. By analogy, expenses associated with the use of personal computers by the Mayor or a Councilmember in [their]his-or-her campaign endeavors (e.g., preparing precinct list, voter polls, etc.) would be classified personal, non-reimbursable expenses, i.e., those not associated with carrying out official City Business

TY:sz[30485(A)sz/ty] 7/2704