

**City Attorney Evaluation Committee
City Hall – Conference Room 302A
10 N. Division Street
Tuesday, September 17, 2019
5:30 P.M.**

Commissioners Present: Commissioners Baldwin, Lance, and Simmons and Vice Mayor Sofia

Commissioners Absent:

Others Present: Jill Steele, City Attorney: Victoria Houser, City Clerk: Nancy Mullett, Labor Attorney

Call to Order: The meeting was called to order at 5:30 P.M.

Public Comment: There were none.

Approval of Minutes: Vice Mayor Sofia, supported by Comm. Simmons, made a motion to approve the September 4, 2018 minutes. All yes, none opposed. Motion approved.

Review of Commission Survey Results:

Committee members considered the results of the City Attorney Performance survey as completed by City Commissioners, noting a score averaging 2.463, “Exceeds Expectations”.

Discussion and Final Recommendations regarding Ms. Steele’s Performance:

Comm. Baldwin suggested the COLA be automatic, not based on performance, to coincide with the COLA given to non-represented employees. Comm. Simmons expressed agreement.

Committee members recommended the contract be amended to change the date of the COLA to July 1st to also coincide with non-represented employees’ adjustments.

Comm. Baldwin noted Ms. Steele’s contract does not include step increases, noting also that a wage increase was approved by the Commission effective October 1, 2018 with a second increase in April. Comm. Baldwin suggested an annual bonus similar to the bonus awarded to the City Manager. Comm. Baldwin noted the City of Kalamazoo provided a 4% wage adjustment to their City Attorney recently.

Ms. Steele noted many municipal attorneys work on a contract basis, making it a difficult comparison with her position. As to her staff, their wages are now based upon the Springstead Salary Study.

Comm. Lance stated it would be difficult to base Ms. Steele’s evaluation on the number of cases successfully won.

Ms. Mullett stated she would amend the contract to make the COLA an automatic provision of the contract, effective July 1st of each year. Ms. Mullett also suggested the committee could make the salary review a part of the annual consideration, using Springstead steps to consider wage increases, if they were not comfortable with a bonus. Ms. Mullett noted steps or wage increases for represented employees were dependent upon the contract.

Ms. Steele noted non represented employees receive steps for 7 years until maximum wage is achieved, but would still receive the COLA.

Comm. Simmons stated it was important staff received COLAs, even after the maximum wage, stating he wanted to ensure there was an incentive to stay with the City. Comm. Simmons asked if the two wage increases the prior year were tantamount to step increases.

Ms. Mullett stated the employee could request a re-evaluation of their job position once the wage was maxed out.

Ms. Steele stated there were 7 wage steps. Ms. Steele noted that staff receives an offer letter from the Human Relations Department that details benefits and future wage increases.

Ms. Mullett stated then Finance evaluates the annual budget to ensure there are sufficient funds to provide a COLA every year, noting step increases are based upon performance evaluations.

Committee members discussed the prior year wage increases, stating it was about 4.2%, or 6.2% with the COLA, in comparison to represented employee increases of 7% over 3 years. Committee members determined it was important to

keep the City Attorney's salary competitive, while also making the COLA automatic on July 1st each year. Committee members also agreed to recommend a salary increase of 2% this year, making an adjustment to the contract.

Ms. Steele stated she liked the flexibility of including an annual adjustment or bonus, noting the bonus the City Manager is awarded does not increase her base salary, but is included in her final average compensation.

Comm. Baldwin reminded everyone that the City Manager and City Attorney began contributing 1% to the MERS pension plan this year, which was not required in the past.

Comm. Simmons stated it was important that all employees contribute to their pension plan.

A motion was made by Comm. Lance, supported by Comm. Simmons, to award the 2% COLA and a 2% wage increase, effective October 1, 2019, and to amend the City Attorney's contract to make the annual COLA automatic every July 1 and to include a provision for an annual review of the wage or consideration of a bonus based upon the evaluation score, at the discretion of the Commission, similar to the language in the City Manager's contract. All in favor, none opposed. Motion approved.

Committee members requested Ms. Mullett compare the City Manager contract and evaluation process and amend the City Attorney contract to be similar, to include an automatic COLA each year, and a review of the annual wage or consideration of a bonus based upon the evaluation score, at the discretion of the Commission.

As to the numerous reports provided by the City Attorney, Ms. Steele noted the reports were originally created by Eileen Wicklund, former City Attorney, but prior to that, annual reports were not required.

Comm. Sofia and Simmons expressed full confidence in Ms. Steele's legal opinions, stating her recommendations are much more thorough, also stating she is willing to take cases to court instead of settling.

Ms. Mullett agreed to make the changes to the City Attorney's contract to include the 2% COLA and the 2% wage adjustment effective October 1, 2019, and then to amend the contract language to mirror the City Manager contract regarding annual salary reviews and the consideration of a bonus, based upon the evaluation score, at the discretion of the City Commission.

Committee members also agreed to include evaluation measurements similar to the City Manager's, adding Far Exceeds, and to add a section for the Commissioners to identify themselves.

Committee Discussion: none

Next Meeting: TBD for 2020

Adjournment: Comm. Baldwin adjourned the meeting at 6:24 pm.