



Pedro "Pete" M. Sanchez, Mayor
Mike Hudson, Mayor Pro-Tem
Jane Day
Sam Derting
Michael A. Segala

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

THURSDAY, JULY 19, 2012

4:30 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

(Next Ord. No. -- 722)
(Next City Council Res. No. 2012 -- 69)
Next Suisun City Council Acting as Successor Agency Res. No. SA2012 -- 12)
(Next Housing Authority Res. No. HA2012 -- 03)

ROLL CALL

Council / Board Members

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

CONSENT

1. Council Adoption of Resolutions Adjusting Employee Pay and Benefits -- (Anderson).
 - a. Council Adoption of Resolution No. 2012-___: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers' Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City.
 - b. Council Adoption of Resolution No. 2012-___: Amending the Salary Resolution No. 2012-___ to Adjust Salaries of Employees Covered by the Suisun City Police Officers' Association (SCPOA) Memorandum of Understanding.

GENERAL BUSINESS

2. Discussion and Direction Regarding the Provision of Certain Benefits to Elected City Offices (City Treasurer and City Clerk) -- (Anderson).

ADJOURNMENT

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting regarding any item on this agenda will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents.

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at:

City Hall
701 Civic Center Boulevard

Fire Station
621 Pintail Drive

Senior Center
318 Merganser Drive

AGENDA TRANSMITTAL

MEETING DATE: July 19, 2012

CITY AGENDA ITEM: Council Adoption of Resolutions Adjusting Employee Pay and Benefits:

- a. Council Adoption of Resolution No. 2012-___: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers' Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City; and
- b. Council Adoption of Resolution No. 2012-___: Amending the Salary Resolution No. 2012-__ to Adjust Salaries of Employees Covered by the Suisun City Police Officers' Association (SCPOA) Memorandum of Understanding.

FISCAL IMPACT: These resolutions would decrease pay for all affected permanent full-time job classes by 5.0 percent, which would result in savings of \$111,000 in the General Fund. The adopted FY 2012-13 Annual Budget assumes that these adjustments will be approved by the City Council.

BACKGROUND: At the first Budget Workshop held on September 20, 2011, at the second Budget Workshop held on November 15, 2011, at the Mid-Year Fiscal Review held on February 7, 2012, and at the FY 2012-13 Annual Budget Workshop, the City Council provided direction to staff to seek concessions from the employees that would help address the General Fund budget shortfall originally estimated to be \$1.4 million. As the full impact of the state's actions to eliminate the Redevelopment Agency became clear, the ultimate General Fund budget shortfall grew to \$2.04 million.

The original target for employee concessions was 10% beginning on March 1, 2012. The City Council insisted that these concessions be equitable and across-the-board, including the City Council. Through the efforts of the City Council, City staff, and all of the bargaining groups except for the Suisun City Police Officers' Association (SCPOA), the budget balancing model only required a 5.0 percent concession beginning on July 6, 2012. On July 17, 2012, the City Council approved concessions for SCEA, SCMPEA, Executive Management, Confidential Employees, and City Councilmembers. This staff report will address the concessions agreed to by the SCPOA.

STAFF REPORT: Adoption of the attached resolutions would implement the balance of the across-the-board concessions assumed in the FY 2012-13 Annual Budget. The concessions include:

- A 2.5 percent pay cut beginning July 6, 2012.
- A furlough of 2 hours per pay period (equal to a pay cut of 2.5%) effective with adoption.
- Freeze on cashing out Holiday Leave.
- Limit of 32 per year on cashing out Compensatory Time Off.

PREPARED BY:

Ronald C. Anderson, Jr., Assistant City Manager

REVIEWED/APPROVED BY:

Suzanne Bragdon, City Manager

RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolution No. 2012-___: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers' Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City; and
2. Resolution No. 2012-___: Amending the Salary Resolution No. 2012-__ to Adjust Salaries of Employees Covered by the Suisun City Police Officers' Association (SCPOA) Memorandum of Understanding.

ATTACHMENTS:

1. Resolution No. 2012-___: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers' Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City.
2. Resolution No. 2012-___: Amending the Salary Resolution No. 2012-__ to Adjust Salaries of Employees Covered by the Suisun City Police Officers' Association (SCPOA) Memorandum of Understanding.

RESOLUTION NO. 2012-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU)
WITH THE SUISUN CITY POLICE OFFICERS' ASSOCIATION (SCPOA)
AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT
ON BEHALF OF THE CITY**

WHEREAS, the City has met and conferred in good faith with Suisun City Police Officers' Association and has agreed to a Memorandum of Understanding for the period from July 1, 2012, through December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun that the amended Memorandum of Understanding with the Suisun City Police Officers' Association is hereby approved; and that the City Manager is authorized to execute the MOU on the City's behalf.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 19th day of July, 2012 by the following vote:

AYES: Councilmembers: _____
NOES: Councilmembers: _____
ABSENT: Councilmembers: _____
ABSTAIN: Councilmembers: _____

WITNESS my hand and the seal of said City this 19th day of July, 2012.

Linda Hobson, CMC
City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF SUISUN CITY
AND THE
SUISUN CITY POLICE OFFICERS' ASSOCIATION**

**July 1, 2012
through
December 31, 2013**

July 19, 2012

TABLE OF CONTENTS

<u>Article Number</u>	<u>Article/Section Title</u>	<u>Page Number</u>
Article I	Recognition.....	5
Article II	Management Rights and Responsibilities.....	5
Article III	Support of Agreement.....	6
Article IV	Union Time.....	6
	1. Negotiating Sessions.....	6
	2. Union Meetings.....	6
Article V	Reduction in Work Force.....	6
Article VI	Use of Reserve Police Officers.....	7
Article VII	Personnel Rules and Regulations.....	7
Article VII	Compensation.....	7
	1. Base Salary.....	7
	2. POST Certificate Pay.....	7
	3. Merit Increases.....	8
	4. Acting Pay.....	8
	5. Field Training Officer Assignment Pay.....	8
	6. Officer-in-Charge Assignment Pay.....	8
	7. Advanced Assignment Pay.....	8
	8. Bilingual Pay.....	8
Article VIII	Life Insurance.....	8
Article IX	Hours of Work.....	9
	1. Workweek/Workday.....	9
	2. Overtime Pay.....	9
	3. Flex Time.....	10
	4. Range Qualification.....	10
	5. Court Appearances.....	10
	6. Call-Back Pay.....	10
	7. Work Schedule.....	11
	8. Stand-By Pay.....	11
	9. Bereavement/Compassionate Leave.....	12
Article X	Vacation Leave.....	12
	1. Vacation Accrual.....	12
	2. Maximum Accumulation.....	12

TABLE OF CONTENTS (continued)

<u>Article Number</u>	<u>Article/Section Title</u>	<u>Page Number</u>
	1. Vacation Buy Back.....	12
	2. Illness During Vacation.....	12
	3. Upon Death.....	12
Article XII	Compensatory Time Off (CTO).....	12
	1. CTO Accumulation.....	12
	2. Backfilling on CTO.....	13
	3. Grant-Funded CTO.....	13
	4. CTO Buyback.....	13
Article XIII	Holiday Leave.....	13
Article XIV	Light Duty.....	13
Article XV	Retirement.....	13
Article XVI	Health and Welfare.....	14
	1. Core Flex Plan.....	14
	2. Flexible Benefit Options.....	14
	3. Restrictions.....	14
	4. Medical Insurance after Death While on Duty.....	14
	5. Medical Conversion Plan.....	14
	6. Sick Leave Conversion to Fund Medical Premiums.....	15
Article XVII	Uniforms and Cleaning.....	15
Article XVIII	Business Cards.....	15
Article XIX	Payroll Deduction.....	15
Article XX	Soft-Body Armor.....	15
Article XXI	Meal Periods.....	16
Article XXII	Outside Employment.....	16
Article XXIII	Education Reimbursement.....	17
	1. Approval.....	17
	2. Education Reimbursement for Pursuit of a Degree....	17
	3. Education Reimbursement for Job-Related Courses..	18
	4. Job-Related Training.....	18

TABLE OF CONTENTS (continued)

<u>Article Number</u>	<u>Article/Section Title</u>	<u>Page Number</u>
Article XXIV	Physical Fitness Program.....	18
Article XXV	Temporary Measures.....	18
	1. Temporary Measures.....	18
	2. Pay Cut.....	18
	3. Furlough.....	18
	4. Impact of Furlough on Overtime.....	18
	5. Unwinding Protocol.....	18
Article XXVII	General Provisions.....	19
	1. Severability.....	19
	2. Full Understanding.....	19
	3. No Requirement to Meet and Confer.....	19
	4. Reopener.....	19
	5. Savings Clause.....	20
	6. No Strike/Lockout.....	20
	7. Successor Agreement.....	20
	8. Distribution of Agreement.....	20
Article XXIII	Effective Date.....	21
	Exhibit A.....	22

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF SUISUN CITY
AND THE
SUISUN CITY POLICE OFFICERS' ASSOCIATION**

This Agreement signed on the __th day of July, 2012, is entered into as of July 1, 2012, between the City of Suisun City, (hereinafter "City"), and the Suisun City Police Officers' Association, (hereinafter "SCPOA").

Pursuant to Government Code Section 3500 *et seq.* and the City of Suisun City Employer/Employee Relations Resolution No. 74-33, the following represents the Agreement reached between the City and the SCPOA, the terms of which will apply to current Employees on the date of ratification and effective July 1, 2012 through December 31, 2013.

UNDERSTANDING AND AGREEMENTS

ARTICLE I – RECOGNITION

The City of Suisun City recognizes the Suisun City Police Officers' Association as the exclusive representative for all matters relating to terms and conditions of employment pursuant to Government Code Section 3500 *et seq.* The SCPOA is the exclusive representative for those job classes listed in Exhibit A as Police Sergeant and Police Officer, attached hereto and incorporated as part of this Agreement.

ARTICLE II – MANAGEMENT RIGHTS AND RESPONSIBILITIES

1. The SCPOA recognizes and agrees that the City Council of the City of Suisun City (hereinafter "City Council"), on its own behalf and on the behalf of the electorate of the City through its bona fide agents, retains and reserves unto itself, limited only by the Articles of this Agreement, all powers, rights, authority, duties and responsibilities conferred upon and vested in it, express or implied, by the laws and the Constitutions of the State of California and of the United States of America.

2. The SCPOA recognizes and agrees that the exercise of the foregoing powers, rights, authority, duties, and responsibilities by the City Council, the adoption of the policies, rules, regulations, and practices in furtherance thereof, and the use of judgment and discretion in connection therewith shall be limited only by specific and expressed terms of this Agreement.

3. The SCPOA recognizes and agrees that the City Council's powers, rights, authority, duties, and responsibilities include, but without limiting the generality of the foregoing, the exclusive right to manage, plan, organize, staff, direct and control; to determine levels of service; to establish and change standards; to determine solely the extent to which the facilities of any department thereof shall be operated, including the outside purchase of products or services; the right to introduce new, or improved methods and facilities; and to otherwise take any action desired to run the entire operation efficiently, except as modified by the meet and confer requirement and this Agreement.

4. Any material conflict between this Agreement and approved policies and procedures shall be resolved through the meet and confer process by the City Manager and the SCPOA. Until such resolution, the approved City policies and procedures shall take precedence.

ARTICLE III – SUPPORT OF AGREEMENT

1. During the term of this Agreement, the City agrees not to negotiate with any other organization on matters upon which the SCPOA is the exclusive representative and which is within its scope of representation.

2. The SCPOA agrees to negotiate only with the representative officially designated by the City to act on its behalf.

ARTICLE IV – UNION TIME

1. Negotiating Sessions. The Parties agree that union business should generally be conducted off City premises and on the members' own time. The Parties also agree that it is in each Party's interest that the lines of communications remain open and accessible to representatives of both SCPOA and the City. Accordingly, any member serving on the SCPOA's negotiating team shall not suffer a loss of compensation for participating in meet and confer negotiating sessions. Further, negotiating team members may meet for a period of approximately one-half hour before and after the negotiating sessions. No approval is required if the negotiating session is occurring on the member's day off. Members will not be compensated for their participation in negotiating sessions that occur on days that they are not scheduled to work.

2. Union Meetings. Union meetings should generally be conducted off City premises and on the members' own time. In order to ensure that members are not disenfranchised, the City agrees to provide paid release time to members on duty, as long as such release time is requested in advance and approved by the City Manager or Designee. The use of City facilities for union meetings may also be approved by the City Manager or Designee, whenever either determines that it would be in the City's interest to do so.

ARTICLE V – REDUCTION IN WORK FORCE

In the event that a reduction in the workforce is necessary, the City Manager and the SCPOA shall meet and confer regarding an equitable procedure and/or options to avoid the reduction in the workforce. It is not the intent of the City to lay off a Police Officer in order to replace him/her with a Reserve Police Officer.

ARTICLE VI – USE OF RESERVE POLICE OFFICERS

The City has an interest in utilizing Reserve Police Officers to assist in patrolling the City and performing other duties to augment services provided to the community by members of SCPOA. The City does not have an interest in supplanting the services of members of SCPOA. The Parties agree that once properly trained, Reserve Police Officers may be assigned to patrol the City, may perform office duties (such as property and evidence, dispatching, filing, etc.), or may perform other duties as assigned. Reserve Police Officers may be assigned a regular shift to augment the minimum staffing level, as determined by the Police Chief in the General Orders. Reserve Police Officers may fill in for members of the SCPOA who have been assigned a regular shift, but are unavailable for duty for the period in question, provided that SCPOA members have been offered and have rejected the offer to work on an Overtime basis. Such offers shall be made based on seniority within job class within the department.

ARTICLE VII – PERSONNEL RULES AND REGULATIONS

Administrative Directive – AD 7, the City’s Personnel Rules and Regulations (hereinafter “Personnel Rules”), was approved by City Council Resolution No. 2011-52 on June 7, 2011. Except as may be provided in this Agreement, the applicable sections of the Personnel Rules, as may be amended from time to time, shall apply to the Employees represented by SCPOA. Prior to amending Resolution No. 2011-52 regarding wages, hours, or other terms and conditions of employment, the Parties shall first meet and confer on the modifications as provided in the Meyers-Milius-Brown Act (Government Code Section 3500 *et seq.*). Unless otherwise provided in this Agreement, the definitions of terms used in this Agreement shall be the definitions provided in Chapter 2 of the Personnel Rules. The Personnel Rules are incorporated herein by this reference; however the costs associated with the hearing officer provided for in Section 12.8 with regard to the Level Two appeal of a disciplinary action shall be paid for 100 percent by the City in the case of SCPOA.

ARTICLE VIII – COMPENSATION

1. Base Salary. Effective July 1, 2012, or as otherwise indicated in Exhibit A, the City will provide the Base Salary hourly compensation that is indicated in Exhibit A for the job class of Police Sergeant and the job class of Police Officer.
2. POST Certificate Pay. During the term of this Agreement, Certificate Pay shall be provided for Employees who have earned a Peace Officer Standards and Training, (hereinafter “POST”) Intermediate Certificate and POST Advanced Certificate shall be granted with the pay period immediately following receipt of the certification from POST effective the issue day of the certificate. The City agrees to pay Certificate Pay in an amount equal to 5.0 percent of Base Salary for Police Officers and Police Sergeants who have earned a POST Intermediate Certificate, and the City agrees to pay Certificate Pay in an amount equal to 5.0 percent of Base Salary plus POST Intermediate Certificate Pay for Police Officers and Police Sergeants who have earned a POST Advanced Certificate. Exhibit A displays the Regular Salaries that include the adjustments for Certificate Pay and Assignment Pay.

3. Merit Increases. All Employees who have successfully completed 12 months service will be eligible for a merit increase. Advancement within a Pay Range shall not be automatic. All increases shall be based on merit on an annual basis on the established Anniversary Date. Employees who are not at the top step of their Pay Range shall be eligible to advance to the next step in the range, subject to a performance evaluation and the Police Chief's recommendation.
4. Acting Pay. The City will provide Acting Pay of 5.0 percent for a Police Officer assigned to work as an acting Police Sergeant.
5. Field Training Officer Assignment Pay. Police Officers, who are certified FTO Trainers, shall be afforded FTO Assignment Pay while they are training a regular or reserve officer. At no time shall FTO Assignment Pay for one or more FTOs who are training the same trainee for one shift exceed the total hours worked by the trainee during that shift. FTO Assignment Pay shall be calculated as an hourly rate equivalent to 5.0 percent of the applicable E Step Police Officer Regular Salary.
6. Officer-in-Charge Assignment Pay. Police Officers, who are not receiving Advanced Assignment Pay, shall be afforded OIC Assignment Pay while they are serving as the Officer in Charge (hereinafter "OIC") in the absence of a Police Sergeant for a period of at least one hour. OIC Assignment Pay shall be calculated as an hourly rate equivalent to 2.5 percent of the applicable E Step Police Officer Regular Salary.
7. Advanced Assignment Pay. The Parties have agreed to an amended Advanced Assignment and Career Development Program that has been codified as Administrative Directive 07-003. This program will continue to include a Senior Police Officer Program. Employees who qualify and are selected for this program will receive Advanced Assignment Pay that will involve advancing to the next step in the range and adjusting their anniversary date to coincide with the date of their advanced assignment. In the case of the Senior Police Officer, a sixth step (F Step) shall be added to the Regular Salary range.
8. Bilingual Pay. An Employee fluent in Spanish, Tagalog or other language, the use of which the City Manager has determined to be of benefit to the City (based on the recommendation of the Police Chief), shall be paid \$46.15 per pay period upon written approval by the City Manager. Fluency shall be certified by a test administered through the Human Resources office. A certified Employee shall request Bilingual Pay on a form approved by the City Manager.

ARTICLE IX – LIFE INSURANCE

Group Life Insurance. The City agrees to keep a life insurance policy in full force and effect that provides a \$200,000 death benefit for each represented member.

ARTICLE X – HOURS OF WORK

1. Workweek/Workday. Except as provided in Section 3 of Article XXV, the following applies to work weeks and Workdays:
 - A. For full-time Employees the normal workweek will be 40.0 hours of five consecutive days within any seven-day period, and the Workday will be 8.0 hours within any 24-hour period. This does not prohibit the City from extending the Workday or workweek pursuant to the Overtime provisions of this Agreement.
 - B. The workweek will begin on Friday at noon and end the following Friday at noon.
 - C. The Parties agree that if an Employee is assigned to a 4-10 alternative work schedule (hereinafter “AWS”), that Employee shall have a normal workweek of 40.0 hours or four consecutive days within any seven-day period, and the Workday will be 10.0 hours. Time worked in excess of 10.0 hours per day shall be subject to the Overtime provisions of this Agreement.
 - D. The Parties will meet and confer regarding work hours and related Overtime provisions of a 3-12 AWS plan, and enter into a side letter which documents the understanding of the Parties regarding this AWS.
 - E. The Parties agree to meet and confer regarding work hours and related Overtime provisions of alternative work schedules such as the 9-80 AWS plan. A side letter will be utilized to document the understanding of the Parties regarding such an AWS.

2. Overtime Pay. For the purpose of Overtime and minimum time calculations, an Employee may not be paid twice for the same time period. If time periods overlap, the time shall be calculated as a continuous work period. Except as provided in Section 4 of Article XXV, the following applies to Overtime Pay:
 - A. The City agrees to compensate Employees scheduled for five days, 8.0 hours per day, in the workweek, or four days, 10.0 hours per day if assigned to a 4-10 AWS, at a rate of one and one-half times the Employees’ regular rate (hereinafter “Overtime Rate”) for each hour of work required in excess of their scheduled hours per Workday or 40.0 hours per workweek.
 - B. Employees shall be compensated at the applicable Overtime Rate for work assigned in excess of the regularly scheduled work hours.
 - C. All time on paid leave status will be considered hours worked for the purpose of computing Overtime.
 - D. Work schedules may be temporarily realigned for Employees attending Job-Related Training. Consistent with the realigned work schedule, Employees traveling to and from such training outside of those work hours, minus the time it would take to drive to and from their residence to the SCPD, shall be compensated by the City. The Employee shall receive written approval in advance for such compensated travel.

3. Flex Time. Time worked in excess of the Employee's regularly scheduled Workday may be taken as "flex time" on an hour-for-hour basis provided that:

- A. The time is taken within the same workweek that it is earned; and
- B. The determination that such time is considered "flex time" is mutually agreed upon by the Employee and the Employee's supervisor; and
- C. The supervisor adjusts the posted work schedule.

4. Range Qualification. With the prior approval of an Employee's supervisor, range qualifications on off-duty hours shall be paid at the applicable Overtime Rate for a minimum of 2.0 hours. Except as provided in Article XII, the time shall be in the form of a cash payment or compensatory time off (hereinafter "CTO") at the Employee's option.

5. Court Appearances

- A. Employees who are required to appear in court during off-duty hours as a result of an event arising from their official duties shall be compensated for their appearance in court at the applicable Overtime Rate. The Court Appearance Minimum shall be 4.0 hours at the applicable Overtime rate. The Court Appearance Minimum shall not overlap with compensation for any regularly scheduled duty time.
- B. If the court appearance is required during the Employee's assigned duty shift (watch) and the court appearance causes an Employee to extend beyond his/her regular scheduled end of watch time, such extended time shall be considered an extension of the duty shift.
- C. Time for court appearances shall be computed from sign in until time released.
- D. The Court Appearance Minimum shall be granted to an Employee if the court appearance is not canceled at least 1.0 hour prior to time of appearance.
- E. Except as otherwise provided in Article XII, Court Appearance compensation shall be in the form of a cash payment or CTO at the Employee's option.

6. Call-Back Pay

- A. All Employees, who are required to return to work outside of their normal working hours, shall receive Call-Back Pay at the applicable Overtime Rate for a minimum of 2.0 hours.
- B. If the call-back time is not canceled prior to the Employee's arrival for duty, the Employee shall be compensated for a minimum of 2.0 hours at the applicable Overtime Rate.
- C. This form of compensation applies to a situation where an Employee is required to appear before or attend a City or Department board, committee, or any other function, with the following exceptions:
 - i. If an Employee requests a meeting, or appears as an applicant before any board, committee, etc., the Employee shall not receive any type of compensation for such activities.

- ii. If an Employee is called back due to times or details missing from a report of enough importance that it cannot wait until the Employee's next assigned shift, the Employee will not be compensated for a "call back" under this section. The Employee will be compensated only at the applicable Overtime Rate for the actual time spent completing the report.
- D. Except as provided in Article XII, compensation for call-back time shall be the form of a cash payment or CTO at the option of the Employee.

7. Work Schedule

- A. Except as provided in Subsection D of this Section, the City shall not reschedule an Employee's shift to split the Employee's days off. If an Employee requests a shift change with another Employee, this shall not be considered a rescheduling by the City and the Employee shall not be paid at the Overtime Rate.
- B. Except as provided in Subsection D of this Section, in the event the City changes an Employee's regularly scheduled shift without at least five days' notice, those hours shall be paid at the applicable Overtime Rate. Notice shall consist of oral notification or written notification placed in the Employee's shift box.
- C. Except as provided in Subsection D of this Section, in the event the City assigns or schedules an Employee to work a shift with notice of fewer than twelve hours between his/her last assigned shift or scheduled duty, then the second shift shall be paid at the applicable Overtime Rate.
- D. The exceptions to Subsections A, B, and C of this Section are as follows:
 - i. Employee-requested shift changes.
 - ii. Changes made in the schedule of an Employee assigned to a training function.
 - ii. A general departmental shift change.
 - iv. Employees assigned to a short-term, non-patrol function such as: boat patrol, crime suppression, major incident call outs, DUI checkpoints, and SWAT.
 - v. Time already compensated under the Overtime provisions of this Article.
- E. Employees will be given the opportunity to indicate shift preference on a seniority basis. When making shift assignments, the Department shall consider such preferences, but they shall not be binding. Employees may remain on the same shift for up to 18 months.

8. Stand-By Pay. Any Employee who is required by a directive from a first-level supervisor or above, or an order by the Court or the District Attorney or his/her representative, to remain available for duty or to remain available to appear in Court (and is thereby placed on "stand by") and is restricted from travel to any area or location which would preclude the Employee's return to duty within one hour, or is required to maintain telephone contact or pager contact at all times during such stand-by period, shall receive Stand-By Pay, which shall be compensated at the rate of one-half of the Employee's Regular Salary (straight-time hourly) rate for the time period that the Employee is on "stand by".

9. Bereavement/Compassionate Leave. Rules regarding Bereavement/Compassionate Leave are set forth in Section 10.5 of the Personnel Rules.

ARTICLE XI – VACATION LEAVE

1. Vacation Accrual. The accumulation of Vacation Leave shall commence effective with the date of hire according to the following schedule and be prorated on a pay period basis:

- A. For the first five years of service, Employees shall earn and be credited with Vacation Leave at the rate of 80.0 hours per year (3.08 hours per Pay Period).
- B. Commencing with the sixth year, Employees shall earn and be credited with Vacation Leave at the rate of 120.0 hours per year (4.62 hours per Pay Period).
- C. Commencing with the eleventh year, Employees shall earn and be credited with Vacation Leave at the rate of 144.0 hours per year (5.54 hours per Pay Period).
- D. Commencing with the sixteenth year of service, Employees shall earn and be credited with Vacation Leave at the rate of 160.0 hours per year (6.15 hours per Pay Period).

2. Maximum Accumulation. Employees with 15 or fewer years of service with the City may accumulate up to a maximum of 240.0 hours of Vacation Leave. Employees with over 15 of service with the City may accumulate up to a maximum of 320.0 hours of Vacation Leave. Under exceptional circumstances, such as heavy workloads or staffing shortages, the City Manager may authorize the accumulation of additional Vacation Leave. If an Employee is at the limit, he/she must request to take Vacation Leave off. If a written request to do so is disapproved, the limit may be increased by the City Manager. Failure to request time off will result in stopping the accrual of Vacation Leave until the balance is reduced by 40 hours.

3. Vacation Buy Back. Employees may not cash out Vacation Leave except upon leaving City Service or in the case of an emergency with City Manager approval.

4. Illness During Vacation. If an Employee becomes ill while on Vacation Leave, Sick Leave may be authorized instead of Vacation Leave upon approval of the Department Head. The Department Head may require written physician's verification of the Employee's illness.

5. Upon Death. When separation is caused by death, payment equivalent to accrued Vacation Leave shall be made to the Employee's estate.

ARTICLE XII – COMPENSATORY TIME OFF (CTO)

1. CTO accumulation. Except as otherwise provided in this Article, an Employee shall have the discretion to have the compensation for hours worked on an Overtime basis credited as either CTO or paid Overtime. The maximum accumulation of CTO is as follows: the first 10 years of City service: 120.0 hours; over 10 years of City service: 160.0 hours. If an Employee is at or above the CTO limit, he/she will prospectively only get paid Overtime (as opposed to CTO) for Overtime worked. Once the CTO balance has been reduced by 40 hours below the limit, an Employee will again be allowed to accrue CTO as opposed to receiving Overtime pay. Employees shall schedule time off using CTO only with prior Police Chief approval.

2. Backfilling on CTO. When one Employee uses CTO to be off work on a paid basis, and if the Employee who backfills the first Employee would be working in an Overtime situation, the backfilling Employee may not accrue CTO for that backfilling role.
3. Grant-Funded CTO. In order to ensure that the General Fund is not negatively impacted, Employees working Overtime on a grant-funded project or assignment shall receive compensation for Overtime hours worked on a paid basis only.
4. CTO Buyback. Employees are allowed to cash out a maximum of 32.0 hours of CTO in December. With the exception of the December buyback, Employees may not cash out CTO except upon leaving City Service or in the case of an emergency with City Manager approval. No CTO buy-back will be allowed for any Employee for a period of four months following the last day of a suspension from duty for disciplinary reasons.

ARTICLE XIII – HOLIDAY LEAVE

In lieu of observing Municipal Holidays as provided in Section 8.6 of the Personnel Rules, Holiday Leave shall be accrued by adding 4.0 hours per pay period to the Holiday Leave account. Holiday Leave is accumulated separately from Vacation Leave. Holiday Leave may be used for paid leave purposes (essentially in the same manner as Vacation Leave). In order to encourage Employees to take advantage of their holiday time, a maximum of 200.0 hours is allowed to accrue in that balance. Employees may take approved time off using Holiday Leave, or stop accruing Holiday Leave until the balance is reduced below 200.0 hours. If an Employee is at the limit, he/she must request to take Holiday Leave off. If a written request to do so is disapproved, the limit shall be increased by the City Manager. Failure to request time off would result in discontinuing the accrual of Holiday Leave until the balance is reduced by 20 hours. Employees may not cash out Holiday Leave except upon leaving City service or in the case of an emergency with City Manager approval.

ARTICLE XIV – LIGHT DUTY

1. Any Employee, who previously has been off duty due to injury, illness, or other medical reason and who has been medically released by a doctor to return to work with restrictions, may be assigned to light duty. Assignment to light duty will be based on the City's ability to accommodate the work restrictions.
2. Light duty will not be approved unless there is work available which may be performed within the limitations and/or restrictions of the affected Employee.

ARTICLE XV – RETIREMENT

1. The City agrees to participate in the PERS 3.0 percent at 50 Retirement Plan, with One-Year Final Compensation and Credit for Unused Sick Leave Government Code Sections 20042 and 20965 respectively. This Credit will be reduced by the number of hours converted to cash pursuant to Section 6 of Article XVI. The City shall pay the Employer's contribution, as well as 5.0 percent of the total Employee's contribution of 9.0 percent.

2. The City agrees to continue to provide Level 4, Survivor Benefits through Public Employees Retirement System, (hereinafter "PERS").
3. Each covered Employee shall pay the 4.0 percent balance of the Employee's contribution.
4. Consistent with Internal Revenue Code Section 414(h)(2), that portion of the Employee's contribution paid by the Employee shall be deducted from each Employee's gross pay on a pre-tax basis.

ARTICLE XVI – HEALTH AND WELFARE

1. Core Flex Plan. The City will contribute the following Core Flex Plan amounts toward the monthly premium cost for Employees enrolled in a City-sponsored Core Flex Plan:

<u>Time Period</u>	<u>Employee</u>	<u>Employee + One</u>	<u>Employee + Family</u>
1/1/12 through 12/31/12	\$610.44	\$1220.88	\$1,587.14
1/1/13 through 12/31/13	<<<<	Comparable Current Kaiser Rate	>>>>

2. Flexible Benefit Options.
 - A. The City agrees to provide a \$300.00 per month Flexible Benefit Credit that may be used in lieu of the Core Flex Plan enrollment per Section 1 of this Article.
 - B. The Flexible Benefit Credit may be divided between (i) Dental Premiums, (ii) Flexible Spending Accounts and (iii) Taxable Cash Option.
 - C. An Employee must choose the Flexible Benefit Options during the Open Enrollment Period established in the Suisun City Flexible Benefits Plan.
3. Restrictions. An Employee may either enroll in the Core Flex Plan or may be entitled to the Flexible Benefit Options as described in Section 2 of this Article, but may not participate in both, with the exception of the Voluntary Pre-Tax Payroll Deduction Flexible Spending Account.
4. Medical Insurance Benefits after Death While on Duty. Should a member of SCPOA lose his/her life in the line of duty, the City agrees to continue to pay medical insurance payments as outlined above for the member's immediate dependent family. Said payments will continue for a period of up to three years, providing the City's insurance plan allows for continued participation. The surviving dependent family member(s) may remain on the City's medical plan at its own cost after the three years has elapsed, providing that the plan allows for continued participation.
5. Medical Conversion Plan. SCPOA members with 12 years or more of service with the City, who separate from City service on good terms, may remain on the City's medical plan, providing that the plan allows for continued participation. The member shall assume full responsibility for payment of the insurance premium.

6. Sick Leave Conversion to Fund Medical Premiums – Upon normal retirement from the City, 25.0 percent of an Employee’s Sick Leave balance may be converted to a cash equivalent and used to fund medical premiums. This conversion will be deducted from the amount reported for PERS credit in Section 1 of Article XV.

ARTICLE XVII – UNIFORMS AND CLEANING

1. A clothing allowance shall be paid by the City as provided below:
 - A. A semi-annual \$500.00 clothing allowance payment shall be made to all eligible employees. The payments shall be made on the last pay period before September 15th and the last pay period before February 15th of each calendar year.
 - B. New Employees may receive an advance of their first uniform allowance payment. Should a new Employee leave employment with the City prior to completion of one year, the advanced clothing allowance shall be withheld from his/her final paycheck or shall otherwise be returned to the City.
 - C. If an Employee terminates employment with the City prior to the payment of the allowance, the Employee shall not receive the clothing allowance.
2. The City agrees to replace or repair uniforms or equipment required by general order of the department that are damaged in the scope of employment. Said repairs should be completed only when they do not adversely affect the appearance or function of the item. Items of substantial age or heavily worn may be prorated for replacement.

ARTICLE XVIII – BUSINESS CARDS

The City agrees to have business cards printed for each officer and to reorder cards when the officer's supply is sufficiently low. Said cards will be of uniform style.

ARTICLE XIX – PAYROLL DEDUCTION

Upon receipt of an authorized form from an Employee, the City shall make credit union or bank deductions from the Employee's check. Upon written request, the City will advise the SCPOA of all deduction changes for its members.

ARTICLE XX – SOFT BODY ARMOR

1. The City will purchase a soft-body armor vest for each officer. The total payment per vest shall not exceed \$600.
2. Each officer may select his/her vest.
3. The City will replace the safety vest five years after the date of purchase or upon proof that the vest is defective.
4. The vest shall remain the property of the City. Ownership shall transfer to the Employee if the Employee separates from service on good terms after at least one year of employment, or upon completion of probation in the case of newly hired officers.

5. The Employee shall be required to wear the vest while assigned to patrol duties.
6. Should an Employee separate from City Service prior to the completion of one year, or completion of probation in the case of newly hired officers, the cost of the vest shall be prorated. The Employee shall pay the City for the months remaining to fulfill the specified period and the vest shall become the property of the Employee.

ARTICLE XXI – MEAL PERIODS

1. Except as provided in Section 2 of this Article, all Employees shall be entitled to a 45-minute meal period to be included in the regular shift.
2. Officers assigned to: a course of training, a non-patrol assignment, or an investigations assignment, and who are not required to be on-duty during their meal period, shall not be compensated for the time spent on the meal period.
3. Officers assigned to court shall be compensated for time spent on their meal period, providing they are required to return to court after the meal period.

ARTICLE XXII – OUTSIDE EMPLOYMENT

1. Employees may engage in outside employment, in addition to their City employment, only under the following conditions (as provided by the Personnel Rules, the Police Department "Policies and Procedures Manual", California Penal Code Section 70, and California Government Code Section 1126):
 - A. There shall be no conflict of interest or incompatibility with the Employee's City employment. No Employee shall engage in employment as a Notary Public, Private Detective, Bill Collector, or Counselor at Law. Furthermore, no Employee shall have as a business partner any person whose occupation would fall into the above categories. Furthermore, no Employee shall engage in or participate either directly or indirectly as principal, agent, or employee of:
 - i. Any tow car, motor vehicle wrecker, ambulance service, or taxicab service.
 - ii. Any establishment where the sale of liquor is the principal business.
 - iii. Any employment dealing with the investigation or adjusting of claims or losses arising out of motor vehicle or other types of accidents.
 - iv. Any employment with any other Law Enforcement Agency, custodial, corrective or investigative agency, or any other type of employment requiring the "power of a peace officer," or in any job where a concealed weapon could be used as part of the Employee function, except as provided in Subsection A.(v.) below.
 - v. The City agrees to meet and confer to develop a side letter that lays out the specifics of a program that would allow Employees to seek approval for outside employment under certain conditions. These conditions would include armed private security, but would not include temporary employment with other public law enforcement agencies.

- B. The time involved in outside employment shall not adversely affect the Employee's attitude or efficiency in the Employee's City employment. Unless authorized by the Police Chief, part-time work shall not be performed within 8.0 hours preceding the Employee's normal duty hours with the City of Suisun City. The total time worked shall not exceed 24.0 hours in any seven consecutive days.
 - C. No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment. The Employee shall not conduct or promote in any manner, the Employee's part-time work while on duty, and the Employee shall not use any of the facilities of the City for that purpose.
 - D. Each Employee shall report all outside employment to the Police Chief and shall secure the written approval of the Police Chief and the City's Personnel Officer prior to the commencement of outside employment. Any Employee desiring to engage in outside employment on a part-time basis shall forward a written request to the Police Chief, in duplicate, outlining the nature of the part-time work, name of employer and whether it is to be long- or short-term work.
2. Employees engaged in part-time work shall not expect or request special consideration as to shift arrangement, illness or injury due to part-time work, or tardiness when starting shift. In the event of illness or injury occurring while engaged in part-time work, a doctor's examination shall be requested before resuming City duties. Part-time employment shall not be engaged in when an Employee is off ill and cannot perform the Employee's duties for the City.

ARTICLE XXIII – EDUCATION REIMBURSEMENT

1. Approval. On the written recommendation of the Police Chief and the written approval of the City Manager, an Employee may embark on an approved course of study to enhance his/her job skills. A course of study may include courses needed to gain a degree in a job-related field, or to improve opportunities for advancement or promotion with the City of Suisun City. Such a course of study would not qualify as “self-sponsored training” under the Advanced Assignment and Career Development Program. Any time spent pursuing a course of study shall not be considered being on an on-duty/paid status. If the Police Chief does not recommend reimbursement for a course of study, the Employee may appeal to the City Manager, whose decision shall be final.
2. Education Reimbursement for Pursuit of a Degree. For those Employees pursuing an Undergraduate or Graduate Degree, the maximum reimbursement is \$1,500 per year for eligible expenditures that have occurred during that fiscal year. Upon successful completion of the course work (a grade of “C” or better), the Employee shall submit to the Police Chief, copies of dated receipts showing education costs (tuition, books, materials), as well as transcripts, grades or certificates showing successful course completion.

3. Education Reimbursement for Job-Related Courses. For those Employees pursuing an approved course of study that does not involve receiving a college degree, the maximum reimbursement is \$750 per year. Upon successful completion of the course work (a grade of “C” or better), the Employee shall submit to the Police Chief, copies of dated receipts showing education costs (tuition, books, materials), as well as transcripts, grades or certificates showing successful course completion.

4. Job-Related Training. Job-related training (as opposed to education) will be based on the needs of the department, and it will be provided on an on-duty/paid basis.

ARTICLE XXIV – PHYSICAL FITNESS PROGRAM

An Employee, upon approval of the Police Chief, may apply up to \$250 of employee education and training incentive pay, as reimbursement for 50 percent of actual cost of health club membership or other approved physical fitness training. Reimbursement will be made twice annually and included with payment of the uniform allowance. Requests for reimbursement must be submitted by the Employee at least 30 days prior to the scheduled reimbursement date.

ARTICLE XXV – TEMPORARY MEASURES

1. Temporary Measures. The Parties agree that due to economic conditions, as well as actions by the State of California, that the City is forced to seek concessions from its Employees. The Parties recognize that the City could balance its budget by laying off Employees, but the Parties agree that it is preferable to rely on concessions that would ensure the Employees do not lose their jobs and that the community not suffer a more radical reduction in service delivery. The Parties have met and conferred in good faith and agreed to certain concessions, as well as certain recompense for these concessions. The Parties have also agreed to their preferences for unwinding these concessions as the fiscal situation improves. The Parties hereby declare that it is their mutual intention that these concessions be temporary and that they be unwound as soon as they can possibly be removed without fiscal harm to the City.

2. Pay Cut. The amounts set forth in Exhibit A reflect a five percent (2.5%) reduction in Base Pay for all job classes. These reductions shall remain in effect until such time as the Parties meet and confer on their modification.

3. Furlough. Employees shall be scheduled to work 78.0 hours per two-week pay period. For Employees working a 3-12 AWS, a pay period shall consist of two 9.0-hour “short” days and five 12.0-hour days. For Employees working a 4-10 AWS, a pay period shall consist of two 9.0-hour “short” days and six 10.0-hour days. These furloughs shall remain in effect until such time as the Parties meet and confer on their modification.

4. Impact of Furlough on Overtime. The first 1.0 hour of any Overtime worked during a pay period shall be at straight time rather than time and one-half.

5. Unwinding Protocol. The Parties agree that unwinding the Temporary Measures is subject to the meet and confer process as provided in the Meyers-Milias-Brown Act (Government Code Section 3500 *et seq.*). The Parties also agree that the preferred unwinding protocol should proceed as follows:

- A. Restore Pay Cuts. As soon as the City has sufficient confidence that the Pay Cut in part or in whole is no longer needed, the Parties will meet and confer on the implementation of the unwinding of some or all of the Pay Cut. As the Pay Cut is unwound, the provision of Family Leave will also be proportionately unwound.
- B. Selectively Fill Vacant Positions. The second highest priority is the selective filling of some or all of the positions that are being held vacant. The Parties acknowledge that the City Council has established a policy that the filling of any vacancy must first be approved by the City Council.
- C. Relax Cash-Out Restrictions. In order to ensure that the agreed-upon Pay Cuts have the desired effect on the budget, the Parties understand and agree that the cashing out of paid leave needs to be restricted to 32 hours of CTO in December. After addressing Subsections 4.A. and 4.B. above, the Parties will meet and confer about relaxing the restrictions set forth in Section 4 of Article XII, Article XIII, and Section 1 of Article XXI as funding becomes available. Such discussions may occur within the context of discussions regarding Subsection 4.D. below.
- D. Provide COLAs. At such time as the fiscal situation has improved sufficiently, the Parties shall meet and confer on the cost-of-living adjustments (COLAs) that implement the Class and Compensation Study consistent with City Council policy direction within the limitations of the City's ability to pay.

ARTICLE XXVI – GENERAL PROVISIONS

- 1. Severability. If any provision of this Agreement shall be held invalid by operation of law or by any court of competent jurisdiction, or if compliance with enforcement of any provision shall be restrained by any tribunal, the remainder of this Agreement shall not be affected thereby, and the Parties shall enter into negotiation for the sole purpose of arriving at a mutually satisfactory replacement for such provision.
- 2. Full Understanding. The Parties agree that this Agreement sets forth the full and entire understanding of the Parties regarding the matters set forth herein, and verbal statements shall not supersede any of its provisions.
- 3. No Requirement to Meet and Confer. Except as provided in Subsections D. and E. of Section 1 of Article X, the Parties agree that neither Party shall be required to meet and confer concerning any specific provision of this Agreement during the term of this Agreement.
- 4. Reopener. Upon the written request of the City Manager, the Parties agree to reopen negotiations during the term of this Agreement for the following purpose:
 - A. Declaration of a Fiscal Emergency by the City Council which could result in Layoffs if the Parties do not meet and confer on alternatives.

5. Savings Clause. In the event that the implementation of any article, section, subsection, or paragraph of this Agreement shall be frustrated on account of the operation of law or by any tribunal of competent jurisdiction, or if compliance with any article, section or subsection would be frustrated or restrained by such law or tribunal, representatives of the City and the SCPOA shall, if possible, meet and confer for the purpose of endeavoring to agree on a replacement for such article, section, subsection, or paragraph.

6. No Strike/Lockout. The SCPOA agrees that there will be no strike, work stoppage, slowdown, "sick in", sit down, refusal to perform work, other interference with City operations, picketing, or refusal to enter upon City premises on any account or in connection with any grievance or dispute. The City agrees that it will not engage in any lockouts during the term of this Agreement.

7. Successor Agreement. Meet-and-confer negotiations for a successor agreement shall begin no earlier than August 1, 2013. Either Party may serve upon the other its written request to commence negotiations, as well as its initial written proposals for such successor Agreement. Upon receipt of such written notice and proposals, negotiation sessions shall commence no later than 30 days thereafter. The Parties hereby declare that it is their mutual interest to negotiate a multi-year successor agreement that implements the Class and Compensation Study consistent with City Council policy direction.

8. Distribution of Agreement. Within 10 days of the adoption of this Agreement, all covered Employees shall receive a copy of the Agreement. The "copy" may be provided in electronic format.

ARTICLE XXVII – EFFECTIVE DATE

The effective date of this Agreement shall be the day that this Agreement is duly adopted by resolution of the City Council.

EXECUTED this ___th day of July 2012.

**CITY OF SUISUN CITY
REPRESENTATIVES:**

**SCPOA
REPRESENTATIVES:**

Suzanne Bragdon
City Manager

Ron Aiello, President
Suisun City Police Officers Association

Tim Mattos
Police Commander

Stan Switala
Suisun City Police Officers Association

Ronald C. Anderson, Jr., Chief Negotiator
Assistant City Manager

Dennis Wallach, Chief Negotiator
Mastagni, *et al.*

RESOLUTION NO. 2012-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AMENDING THE SALARY RESOLUTION NO. 2012-__ TO ADJUST SALARIES OF
EMPLOYEES COVERED BY THE SUISUN CITY POLICE OFFICERS' ASSOCIATION
(SCPOA) MEMORANDUM OF UNDERSTANDING**

WHEREAS, on July 17, 2012, the City Council approved an 18-month MOU with the Suisun City Police Officers' Association that provides for certain adjustments effective July 1, 2012; and

WHEREAS, the attached revised Exhibit A would implement those adjustments for FY 2012-13; and

WHEREAS, these adjustments have been agreed to by the applicable Recognized Employee Organizations regarding Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Suisun City that the consolidated Salary Resolution, attached as Exhibit A, shall be and is hereby adopted and, and shall remain in effect unless or until it is amended by Resolution of the City Council of the City of Suisun City. All previously adopted Resolutions that may be in conflict with this Resolution are hereby rescinded.

BE IT FURTHER RESOLVED that the amounts indicated as monthly compensation are for comparison purposes only. The hourly compensation amounts indicated shall be the basis for compensation for all job classes listed in Exhibit A. Temporary employees may be compensated at the hourly rate for any applicable job class listed in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 19th day of July 2012 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 19th day of July 2012.

Linda Hobson, CMC
City Clerk

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Section 1 - Executive Management

Job Class	Range	Starting		Ending	
		Monthly	Hourly	Ending	Hourly
City Manager*	100	\$ 9,700	\$ 55.96	\$ 13,095	\$ 75.55
Assistant City Manager/Admin. Services*	105	\$ 8,106	\$ 46.77	\$ 10,943	\$ 63.13
Building & Public Works Director*	123	\$ 7,144	\$ 41.22	\$ 9,644	\$ 55.64
Public Works Director/City Engineer*	120	\$ 7,144	\$ 41.22	\$ 9,644	\$ 55.64
Community Development Director*	130	\$ 6,370	\$ 36.75	\$ 8,599	\$ 49.61
Economic Development Director*	125	\$ 6,370	\$ 36.75	\$ 8,599	\$ 49.61
Chief Building Official*	135	\$ 6,370	\$ 36.75	\$ 8,599	\$ 49.61
Recreation & Community Services Director*	140	\$ 6,370	\$ 36.75	\$ 8,599	\$ 49.61
Fire Chief*	115	\$ 6,370	\$ 36.75	\$ 8,599	\$ 49.61

*Exempt

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Section 2 - Police Management

Job Class	Range	Starting		Ending	
		Monthly	Hourly	Monthly	Hourly
Police Chief*	110	\$ 7,144	\$ 41.22	\$ 9,644	\$ 55.64
Police Commander*	255	\$ 6,351	\$ 36.64	\$ 8,574	\$ 49.46

*Exempt

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Section 3 - Professional/Technical

Job Class	Range	Starting		Ending	
		Monthly	Hourly	Ending	Hourly
Assistant City Engineer*	210	\$ 6,112	\$ 35.26	\$ 8,251	\$ 47.60
Financial Services Manager*	225	\$ 5,307	\$ 30.62	\$ 7,165	\$ 41.34
Police Support Services Manager*	270	\$ 5,093	\$ 29.39	\$ 6,876	\$ 39.67
Assistant/Associate Engineer- Associate*	221	\$ 5,093	\$ 29.39	\$ 6,876	\$ 39.67
Fire Division Chief*	237	\$ 5,093	\$ 29.39	\$ 6,876	\$ 39.67
Public Works Superintendent*	265	\$ 5,093	\$ 29.39	\$ 6,876	\$ 39.67
Project Manager*	260	\$ 4,635	\$ 26.74	\$ 6,258	\$ 36.10
Senior Accountant*	205	\$ 4,635	\$ 26.74	\$ 6,258	\$ 36.10
Senior Building Inspector*	215	\$ 4,635	\$ 26.74	\$ 6,258	\$ 36.10
Assistant/Associate Engineer-Assistant*	220	\$ 4,630	\$ 26.71	\$ 6,251	\$ 36.06
Assistant/Associate Planner-Associate*	251	\$ 4,415	\$ 25.47	\$ 5,960	\$ 34.39
Management Analyst I/II-II*	236	\$ 4,194	\$ 26.28	\$ 5,662	\$ 32.67
Housing Manager*	230	\$ 4,244	\$ 24.48	\$ 5,729	\$ 33.05
Info. Technology Systems Administrator*	275	\$ 4,244	\$ 24.48	\$ 5,729	\$ 33.05
Marketing Manager*	245	\$ 4,030	\$ 23.25	\$ 5,441	\$ 31.39
Accountant*	200	\$ 4,013	\$ 23.15	\$ 5,418	\$ 31.26
Assistant/Associate Planner-Assistant*	250	\$ 4,013	\$ 23.15	\$ 5,418	\$ 31.26
Management Analyst I/II-I*	235	\$ 3,813	\$ 22.00	\$ 5,147	\$ 29.69
Marina Supervisor*	240	\$ 4,013	\$ 23.15	\$ 5,418	\$ 31.26
Administrative Fire Captain*	238	\$ 3,569	\$ 16.64	\$ 4,818	\$ 22.46
Public Works Supervisor*	222	\$ 3,569	\$ 20.59	\$ 4,818	\$ 27.80
Recreation Supervisor*	241	\$ 3,204	\$ 18.48	\$ 4,325	\$ 24.95

Bold denotes benchmark class

*Exempt

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Section 4 - Confidential

Job Class	Range	A Step		B Step		C Step		D Step		E Step	
		Monthly	Hourly								
Sec to CM/Dep City Clk - Conf. *	300	\$3,909	\$22.55	\$4,105	\$23.68	\$4,310	\$24.87	\$4,525	\$26.11	\$4,752	\$27.41
Administrative Assistant II - Conf.	305	\$3,376	\$19.48	\$3,545	\$20.45	\$3,722	\$21.48	\$3,908	\$22.55	\$4,104	\$23.68

Bold denotes benchmark class

*Exempt

SALARY SCHEDULE

Exhibit A

Effective: July 1, 2010

Section 5 - Police Non-Management

Job Class w/ Incentive &/or Assignment P	Range	A Step		B Step		C Step		D Step		E Step		F Step		G Step	
		Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly
Police Officer	400	\$ 4,550	\$26.25	\$4,778	\$27.56	\$5,017	\$28.94	\$5,268	\$30.39	\$5,531	\$ 31.91	N/A	N/A	N/A	N/A
Police Officer w/ POST Int. Certificate	401	\$ 4,778	\$27.56	\$5,017	\$28.94	\$5,268	\$30.39	\$5,531	\$31.91	\$5,807	\$ 33.50	N/A	N/A	N/A	N/A
Police Officer w/ POST Int. & Adv Certs	402	\$ 5,017	\$28.94	\$5,268	\$30.39	\$5,531	\$31.91	\$5,807	\$33.50	\$6,098	\$ 35.18	N/A	N/A	N/A	N/A
Senior Police Officer	410	N/A	N/A	N/A	N/A	\$5,017	\$28.94	\$5,268	\$30.39	\$5,531	\$ 31.91	\$5,807	\$33.50	N/A	N/A
Senior Police Officer w/ POST Int. Cert.	411	N/A	N/A	N/A	N/A	\$5,268	\$30.39	\$5,531	\$31.91	\$5,807	\$ 33.50	\$6,098	\$35.18	N/A	N/A
Senior Police Officer w/ POST Int. & Adv	412	N/A	N/A	N/A	N/A	\$5,531	\$31.91	\$5,807	\$33.50	\$6,098	\$ 35.18	\$6,403	\$36.94	N/A	N/A
Master Police Officer	420	N/A	N/A	N/A	N/A	\$5,145	\$29.68	\$5,402	\$31.17	\$5,672	\$ 32.73	\$5,956	\$34.36	\$6,254	\$36.08
Master Police Officer w/ POST Int. Cert.	421	N/A	N/A	N/A	N/A	\$5,402	\$31.17	\$5,672	\$32.73	\$5,956	\$ 34.36	\$6,254	\$36.08	\$6,566	\$37.88
Master Police Officer w/ POST Int. & Adv	422	N/A	N/A	N/A	N/A	\$5,672	\$32.73	\$5,956	\$34.36	\$6,254	\$ 36.08	\$6,566	\$37.88	\$6,895	\$39.78
Police Sergeant	450	\$ 5,667	\$32.69	\$5,950	\$34.33	\$6,248	\$36.04	\$6,560	\$37.85	\$6,888	\$ 39.74	N/A	N/A	N/A	N/A
Police Sergeant w/ POST Int. Certificate	451	\$ 5,950	\$34.33	\$6,248	\$36.04	\$6,560	\$37.85	\$6,888	\$39.74	\$7,232	\$ 41.72	N/A	N/A	N/A	N/A
Police Sergeant w/ POST Int. & Adv.	452	\$ 6,248	\$36.04	\$6,560	\$37.85	\$6,888	\$39.74	\$7,232	\$41.72	\$7,594	\$ 43.81	N/A	N/A	N/A	N/A
Master Police Sergeant	460	N/A	N/A	N/A	N/A	\$6,888	\$39.74	\$7,232	\$41.72	\$7,594	\$ 43.81	\$7,974	\$46.00	\$8,372	\$48.30

Bold denotes benchmark class

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Job Class w/ Incentive &/or Assignment P	Range	A Step		B Step		C Step		D Step		E Step		F Step		G Step	
		Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly
Police Officer	400	\$ 4,550	\$ 26.25	\$4,778	\$ 27.56	\$5,017	\$ 28.94	\$5,268	\$ 30.39	\$5,531	\$ 31.91	N/A	N/A	N/A	N/A
Police Officer w/ POST Int. Certificate	401	\$ 4,778	\$ 27.56	\$5,017	\$ 28.94	\$5,268	\$ 30.39	\$5,531	\$ 31.91	\$5,807	\$ 33.50	N/A	N/A	N/A	N/A
Police Officer w/ POST Int. & Adv Certs	402	\$ 5,017	\$ 28.94	\$5,268	\$ 30.39	\$5,531	\$ 31.91	\$5,807	\$ 33.50	\$6,098	\$ 35.18	N/A	N/A	N/A	N/A
Senior Police Officer	410	N/A	N/A	N/A	N/A	\$5,017	\$ 28.94	\$5,268	\$ 30.39	\$5,531	\$ 31.91	\$5,807	\$ 33.50	N/A	N/A
Senior Police Officer w/ POST Int. Cert.	411	N/A	N/A	N/A	N/A	\$5,268	\$ 30.39	\$5,531	\$ 31.91	\$5,807	\$ 33.50	\$6,098	\$ 35.18	N/A	N/A
Senior Police Officer w/ POST Int. & Adv	412	N/A	N/A	N/A	N/A	\$5,531	\$ 31.91	\$5,807	\$ 33.50	\$6,098	\$ 35.18	\$6,403	\$ 36.94	N/A	N/A
Master Police Officer	420	N/A	N/A	N/A	N/A	\$5,145	\$ 29.68	\$5,402	\$ 31.17	\$5,672	\$ 32.73	\$5,956	\$ 34.36	\$6,254	\$ 36.08
Master Police Officer w/ POST Int. Cert.	421	N/A	N/A	N/A	N/A	\$5,402	\$ 31.17	\$5,672	\$ 32.73	\$5,956	\$ 34.36	\$6,254	\$ 36.08	\$6,566	\$ 37.88
Master Police Officer w/ POST Int. & Adv	422	N/A	N/A	N/A	N/A	\$5,672	\$ 32.73	\$5,956	\$ 34.36	\$6,254	\$ 36.08	\$6,566	\$ 37.88	\$6,895	\$ 39.78
Police Sergeant	450	\$ 5,667	\$ 32.69	\$5,950	\$ 34.33	\$6,248	\$ 36.04	\$6,560	\$ 37.85	\$6,888	\$ 39.74	N/A	N/A	N/A	N/A
Police Sergeant w/ POST Int. Certificate	451	\$ 5,950	\$ 34.33	\$6,248	\$ 36.04	\$6,560	\$ 37.85	\$6,888	\$ 39.74	\$7,232	\$ 41.72	N/A	N/A	N/A	N/A
Police Sergeant w/ POST Int. & Adv.	452	\$ 6,248	\$ 36.04	\$6,560	\$ 37.85	\$6,888	\$ 39.74	\$7,232	\$ 41.72	\$7,594	\$ 43.81	N/A	N/A	N/A	N/A
Master Police Sergeant	460	N/A	N/A	N/A	N/A	\$6,888	\$ 39.74	\$7,232	\$ 41.72	\$7,594	\$ 43.81	\$7,974	\$ 46.00	\$8,372	\$ 48.30

Bold denotes benchmark class

SALARY SCHEDULE

Exhibit A

Effective: July 6, 2012

Section 6 - General City Service

Job Class	Range	A Step		B Step		C Step		D Step		E Step	
		Monthly	Hourly								
Computer Technician	545	\$4,380	\$25.27	\$4,599	\$26.54	\$4,829	\$27.86	\$5,071	\$29.26	\$5,324	\$ 30.72
Building Inspector I/II-II	521	\$4,167	\$24.04	\$4,375	\$25.24	\$4,594	\$26.50	\$4,823	\$27.83	\$5,065	\$ 29.22
Public Works Inspector	570	\$4,167	\$24.04	\$4,375	\$25.24	\$4,594	\$26.50	\$4,823	\$27.83	\$5,065	\$ 29.22
Youth Services Specialist	590	\$3,887	\$22.43	\$4,082	\$23.55	\$4,286	\$24.73	\$4,500	\$25.96	\$4,725	\$ 27.26
Senior Com. & Rec. Technician	530	\$3,802	\$21.93	\$3,992	\$23.03	\$4,192	\$24.18	\$4,401	\$25.39	\$4,621	\$ 26.66
Building Inspector I/II-I	520	\$3,789	\$21.86	\$3,978	\$22.95	\$4,177	\$24.10	\$4,386	\$25.30	\$4,605	\$ 26.57
Recreation Supervisor	585	\$3,559	\$20.53	\$3,737	\$21.56	\$3,923	\$22.64	\$4,120	\$23.77	\$4,326	\$ 24.96
Housing Specialist I/II-II	561	\$3,544	\$20.45	\$3,722	\$21.47	\$3,908	\$22.54	\$4,103	\$23.67	\$4,308	\$ 24.86
Com. & Rec. Technician I/II-II	526	\$3,456	\$19.94	\$3,629	\$20.94	\$3,810	\$21.98	\$4,001	\$23.08	\$4,201	\$ 24.24
Housing Specialist I/II-I	560	\$3,376	\$19.48	\$3,545	\$20.45	\$3,722	\$21.48	\$3,908	\$22.55	\$4,104	\$ 23.68
Administrative Assistant II	511	\$3,376	\$19.48	\$3,545	\$20.45	\$3,722	\$21.48	\$3,908	\$22.55	\$4,104	\$ 23.68
Recreation Coordinator	580	\$3,292	\$18.99	\$3,456	\$19.94	\$3,629	\$20.94	\$3,811	\$21.98	\$4,001	\$ 23.08
Senior Account Clerk	505	\$3,279	\$18.92	\$3,443	\$19.87	\$3,616	\$20.86	\$3,796	\$21.90	\$3,986	\$ 23.00
Senior Maintenance Worker	568	\$3,228	\$18.63	\$3,390	\$19.56	\$3,560	\$20.54	\$3,738	\$21.56	\$3,925	\$ 22.64
Fleet Mechanic	555	\$3,228	\$18.62	\$3,390	\$19.55	\$3,559	\$20.53	\$3,737	\$21.56	\$3,924	\$ 22.64
Com. & Rec. Technician I/II-I	525	\$3,228	\$18.62	\$3,390	\$19.55	\$3,559	\$20.53	\$3,737	\$21.56	\$3,924	\$ 22.64
Administrative Assistant I	510	\$3,154	\$18.20	\$3,312	\$19.11	\$3,477	\$20.06	\$3,651	\$21.06	\$3,834	\$ 22.12
Maintenance Worker I/II-II	566	\$3,075	\$17.74	\$3,229	\$18.63	\$3,390	\$19.56	\$3,560	\$20.54	\$3,738	\$ 21.56
Community Services Officer I/II-II	536	\$3,045	\$17.57	\$3,197	\$18.44	\$3,357	\$19.37	\$3,525	\$20.33	\$3,701	\$ 21.35
Maintenance Worker I/II-I	565	\$2,796	\$16.13	\$2,936	\$16.94	\$3,082	\$17.78	\$3,237	\$18.67	\$3,398	\$ 19.61
Bldg Maintenance Worker I/II-II	516	\$2,796	\$16.13	\$2,936	\$16.94	\$3,082	\$17.78	\$3,237	\$18.67	\$3,398	\$ 19.61
Community Services Officer I/II-I	535	\$2,766	\$15.96	\$2,905	\$16.76	\$3,050	\$17.60	\$3,202	\$18.48	\$3,363	\$ 19.40
Account Clerk I/II-II	501	\$2,671	\$15.41	\$2,805	\$16.18	\$2,945	\$16.99	\$3,092	\$17.84	\$3,247	\$ 18.73
Office Assistant	509	\$2,639	\$15.23	\$2,771	\$15.99	\$2,910	\$16.79	\$3,055	\$17.63	\$3,208	\$ 18.51
Bldg Maintenance Worker I/II-I	515	\$2,541	\$14.66	\$2,668	\$15.39	\$2,802	\$16.16	\$2,942	\$16.97	\$3,089	\$ 17.82
Account Clerk I/II-I	500	\$2,428	\$14.01	\$2,550	\$14.71	\$2,677	\$15.44	\$2,811	\$16.22	\$2,951	\$ 17.03

Bold denotes benchmark class

SALARY SCHEDULE

Exhibit A

Effective: July 1, 2010

Section 7 - Temporary/Hourly

Job Class	Range	A	B	C	D	E
Traffic Engineer - Temp	959	\$85.00				
Economic Development Consultant	955	\$65.00				
Assistant Engineer - Temp	900	\$19.05	\$20.00	\$21.00	\$22.05	\$23.15
Police Officer - Temp	905	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Firefighter - Temp	910	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Maintenance Worker II - Temp	916	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Communications & Records Tech I - Temp	920	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Administrative Assistant I - Temp	925	\$15.44	\$16.21	\$17.02	\$17.87	\$18.76
Community Services Officer I/II-I - Temp	930	\$14.79	\$15.53	\$16.31	\$17.13	\$17.98
Maintenance Worker I - Temp	915	\$14.79	\$15.53	\$16.31	\$17.13	\$17.98
Recreation Specialist Supervisor	939	\$13.95	\$14.65	\$15.38	\$16.15	\$16.96
Building Maintenance Worker I/II-I - Temp	914	\$13.45	\$14.12	\$14.83	\$15.57	\$16.35
Office Assistant - Temp	926	\$12.68	\$13.32	\$13.98	\$14.68	\$15.42
Recreation Specialist III	937	\$12.68	\$13.32	\$13.98	\$14.68	\$15.42
Recreation Specialist II	936	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Financial Services Intern	951	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Planning/Public Works Intern	945	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Computer Systems Intern	950	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Recreation Specialist I	935	\$10.48	\$11.00	\$11.55	\$12.13	\$12.74
Recreation Leader/Building Attendent III	943	\$9.68	\$10.16	\$10.67	\$11.21	\$11.77
Recreation Leader/Building Attendent II	942	\$8.80	\$9.24	\$9.70	\$10.19	\$10.70
Recreation Leader/Building Attendent I	941	\$8.00	\$8.40	\$8.82	\$9.26	\$9.72
Recreation Leader Trainee	940	\$7.27	\$7.64	\$8.02	\$8.42	\$8.84

AGENDA TRANSMITTAL

MEETING DATE: July 19, 2012

CITY AGENDA ITEM: Discussion and Direction regarding the Provision of Certain Benefits to Elected City Offices (City Treasurer and City Clerk).

FISCAL IMPACT: Any savings depends upon Council direction. In theory potential savings could amount to up to \$20,000 per year in the General Fund per office.

BACKGROUND: On July 17, 2012, the City Council adopted Resolution No. 2012-__ to adjust the compensation of Unrepresented Employees to reflect the 5% reduction in salary citywide needed to balance the FY 2012-13 Annual Budget. That resolution did not make any adjustments to the compensation of the City Treasurer or the City Clerk. The salaries of those offices may not be adjusted and apply during the term of the incumbent, however certain benefits may be adjusted. Staff is seeking direction regarding how to treat these elective offices.

STAFF REPORT: One component of establishing compensation for any City position is to determine current market trend. On January 12, 2012, the Solano County Grand Jury issued its findings and recommendations regarding the office of City Treasurer for all cities in the county. One of the findings was that the Suisun City is the only city that is paying for the health insurance for its elected City Treasurer. The current costs for City-paid health benefits could be as much as \$19,000 per year.

By comparison, the City Clerk's compensation is in line with current market trends.

In order to finalize compensation resolution for all represented and unrepresented employees, staff is seeking Council direction whether to make any adjustments to these two elected offices. Furthermore, given the timing of the upcoming election, it would be prudent to determine compensation levels prior to the election, so that the candidates would be aware of this before they choose to run.

RECOMMENDATION: It is recommended that the City Council provide staff with direction after discussing this issue.

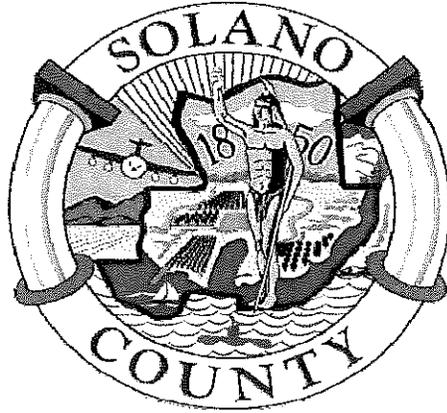
ATTACHMENTS:

1. County Grand Jury Report regarding the City Treasurer Function.

PREPARED BY:
REVIEWED/APPROVED BY:

Ronald C. Anderson, Jr., Assistant City Manager
Suzanne Bragdon, City Manager





SOLANO COUNTY GRAND JURY
2011-12

CITY TREASURER FUNCTIONAL REVIEW

CITY TREASURER FUNCTIONAL REVIEW

2011-12 Solano County Grand Jury

I. SUMMARY

The Grand Jury investigated Solano County city treasurers to determine and review treasurer duties, functions, and responsibilities and to ensure that treasurers complied with applicable state and local requirements. The Grand Jury concluded that, over time, most city treasurer tasks had migrated to other city staff, primarily finance directors. As a result, city treasurers in Solano County generally did not perform the tasks identified by state code. For example, California Government Code §41001 states, “The city treasurer shall receive and safely keep all money coming into his hands as treasurer.” The Grand Jury found no city treasurer in Solano County who had “money coming into his hands” (receipt of funds was generally accomplished by the finance department); therefore, the requirement to “receive and safely keep all money” was not applicable to city treasurers.

The following table summarizes the city treasurer duties, functions, and responsibilities found in the California Government Code, and indicates whether those tasks were performed or were not applicable to a particular city:

Accomplishment of California Government Code: Results Summary

	§41001 Receive & Keep \$ Properly	§41002 Deposit & Secure \$ Properly	§41003 Properly Pay out \$ on Auth. Signature	§41004 Properly Submit Written Rpt.	§41005 Collect Taxes & Fees Properly	§41006 Appoint Deputies	§41007 Deputies Serve Treasurer
Benicia	NA	NA	Electronic Signature. No Review	No	NA	NA	NA
Dixon	NA	NA	NA	No	NA	NA	NA
Fairfield	NA	NA	Electronic Signature. No Review	No	NA	Yes	NA
Rio Vista	NA	NA	Hand Signature. W Review	No	NA	NA	NA
Suisun City	NA	NA	Electronic Signature. No Review	No	NA	NA	NA
Vacaville	NA	NA	NA	No	NA	NA	NA
Vallejo	❖	❖	❖	❖	❖	❖	❖

NA= Not Applicable. ❖= Not Relevant (as a charter city, Vallejo is not bound by these sections of State Code).

As reflected by the table, although most provisions were not applicable, the section of code related to submitting a monthly written report was not accomplished by any city treasurer in Solano County. In addition, the Grand Jury noted several issues and concerns, including the following:

- The duties, functions, responsibilities, and organizational reporting structure for city treasurers were not accurately, clearly, and/or succinctly reflected in city documents. Weaknesses were identified in all seven cities. However, the City of Benicia passed an ordinance (see attachment) during the course of the review that could serve as a model for formalizing city treasurer duties, functions, and responsibilities.
- Documentation supporting public notice of committee meetings attended by city treasurers did not exist or were not accurate in four cities, indicating possible non-compliance with the Ralph M. Brown Act. As a best practice, City of Rio Vista meeting agendas contained a certified statement that attested to the date, time, and location of public notice.

II. INTRODUCTION

City treasurer is an officer within city government. A city treasurer may be elected or appointed depending on the prevailing laws of the city. Although a public treasurer is generally responsible for “managing the revenue and cash flow of the agency, banking, collection, receipt, reporting, custody, investment or disbursement of ... funds,”¹ over the years, many of the duties and responsibilities originally performed by city treasurers have been transferred to other officers and staff of the city. As a result, in many cases the city treasurer has little or no responsibility or authority.

California cities are generally classified as either charter or general law.² Charter cities have flexibility in the way they are governed. General law cities (i.e., cities that do not establish a charter) are bound by California Government Code. According to the League of California Cities, as of July 1, 2011, there were 482 cities in California, of which 120 (25 percent) were charter cities. In Solano County, Vallejo is the only charter city.

Among other things, charter cities can determine if a city treasurer is required, if the position is elected or appointed, minimum requirements/qualifications for the post, and the duties associated with the job. As a city’s needs change, the charter can be revised (by voter approval), to update (or in fact delete) the City Treasurer position.

¹ www.en.wikipedia.org

² The lone exception to the general law or charter designation is the consolidated City and County of San Francisco

By default, city treasurers in general law cities are elected. Voter approval is needed to make the position appointive.³ As of April 29, 2010, the League of California Cities reported that 173 (36 percent) of California cities had elected city treasurers, leaving 309 (64 percent) with either an appointed treasurer or no treasurer at all.

By ordinance, a general law city may opt to delete the position of city treasurer by transferring the functions of the position to the County Treasurer;⁴ however, the fees associated with such a transfer (1/4 of one percent of money collected by the County Tax Collector⁵) make this option less than desirable.

No specialized training, background, or professional certification is required to be a city treasurer in a general law city. The only requirement is that the treasurer be a registered voter residing within the city limits.⁶

Compensation for the city treasurer is determined by the city council.⁷

Duties, functions, and responsibilities of city treasurers in general law cities are identified in California Government Code §§41001-41007. General law cities may add functions to those required by state code. For example, some cities in Solano County require their city treasurer to sit on the City's Investment or Finance Committee. Some cities utilize the treasurer's electronic signature on their checks, while other cities require city treasurer approval/authorization to open bank accounts.

Meetings of a city's investment, finance, or other like organizations /committees are generally considered public meetings and must adhere to the Ralph M. Brown Act (Brown Act). The Brown Act is California's open meeting law. In part, the law requires published agendas for public meetings. An agenda must list all items that will be discussed or acted upon, and must be written in such a way as to allow the general public to understand the nature of the meeting and to make an informed decision to attend the meeting or not. The Brown Act further requires that agendas for regular meetings be posted in an area accessible to the public at least 72-continuous hours prior to the meeting. Meetings designated as "special" require a minimum 24-hour public notice.⁸

³ The process for making the City Treasurer an appointed position is identified in California Government Code §§36508-36509

⁴ California Government Code §51501

⁵ California Government Code §51515

⁶ California Government Code §36502

⁷ California Government Code §36517

⁸ California Government Code §§54950-54962

The Grand Jury conducted this investigation to identify and review the functions, duties, and responsibilities of city treasurers within Solano County, and to determine if city treasurers complied with prevailing state and local requirements.

III. METHODOLOGY

The scope of the review focused on the functions, duties, and responsibilities performed by city treasurers in Solano County. The scope did not extend to treasurer activities that had migrated to other city officers or staff. For example, where cities utilized automated bill-paying processes to issue warrants/checks, the Grand Jury simply noted if the treasurer's signature was administratively used (embedded in the check-writing software, for example) and if the treasurer reviewed support documents to ensure that checks were appropriate and authorized. The Grand Jury did not review the compensating checks and balances that may have occurred in other city offices and departments, such as the Finance Department. The methodology used by the Grand Jury included:

- Interviews and discussions with the City Treasurers of
 - Benicia
 - Dixon
 - Fairfield
 - Rio Vista
 - Suisun City
 - Vacaville
 - Vallejo
- Interviews and discussions with various city officials, including, but not limited to, city managers, city attorneys, and finance directors for some or all of cities listed above.
- Review of California Government Code
- Examination and analysis of local codes, ordinances, policies, and memorandums
- Review and analysis of agendas and minutes of local committees attended by city treasurers
- Review of city websites
- Analysis of records maintained by the Solano County
 - Registrar of Voters
 - Assessor
 - Tax Collector
- Research of Internet articles and reports
- Inspection of various city documents including, but not limited to:
 - Investment records
 - Bank statements
 - Revenue and expenditure reports
 - Organization charts
 - Financial Reports

IV. STATEMENT OF FACTS

California Government Code §§41001-41007 identifies the functions, duties, and responsibilities of city treasurers in general law cities. The specific code, and what the Grand Jury discovered regarding compliance with that code by Solano County city treasurers, is as follows:

- §41001: “The city treasurer shall receive and safely keep all money coming into his hands as treasurer.”

The Grand Jury found no city treasurer who received money.

- §41002: “He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.”

The Grand Jury found no city treasurer who made deposits or handled trust funds.

- §41003: “He shall pay out money only on warrants signed by legally designated persons.”

The Grand Jury found three cities (Benicia, Fairfield, and Suisun City) that administratively utilized their treasurer’s electronic signature on all city warrants/checks. None of the three treasurers reviewed support documents to ensure that warrants/checks bearing their signature were appropriate and approved by legally designated persons.

The Grand Jury identified one treasurer (Rio Vista) who physically signed checks as an alternate signatory. The treasurer stated that checks were not signed unless they were properly approved and adequately supported.

- §41004: “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

The Grand Jury found no city treasurer who provided a written accounting as required by the provision.⁹

- §41005: “The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.”

The Grand Jury found no city treasurer who collected city taxes and license fees, nor did the Grand Jury identify any local ordinance that required said collection.

⁹ The Grand Jury requested the accounting reports for May, June, and July 2011. No city was able to provide a report that satisfied the criteria of “accounting of all receipts, disbursements, and fund balances.”

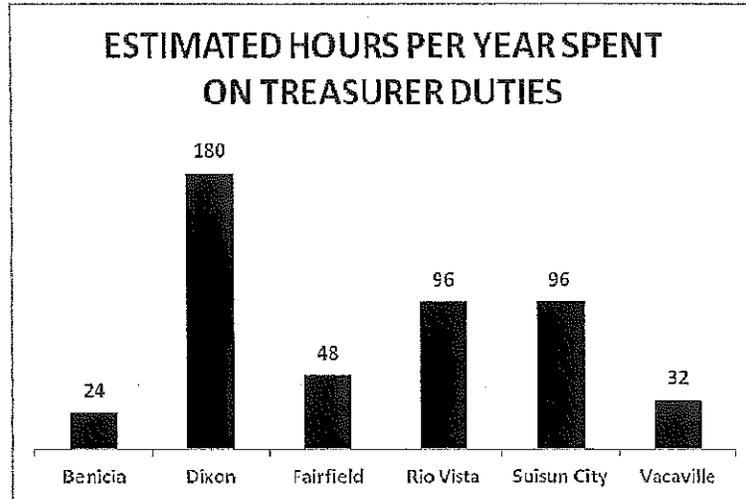
- §41006: “The city treasurer may appoint deputies for whose acts he and his bondsmen are responsible.”

The Grand Jury found one city treasurer (Fairfield) who appointed deputies. However, the appointing document was nearly eight-years old, and, two of the three appointed deputies were no longer associated with the city, including one who was deceased.

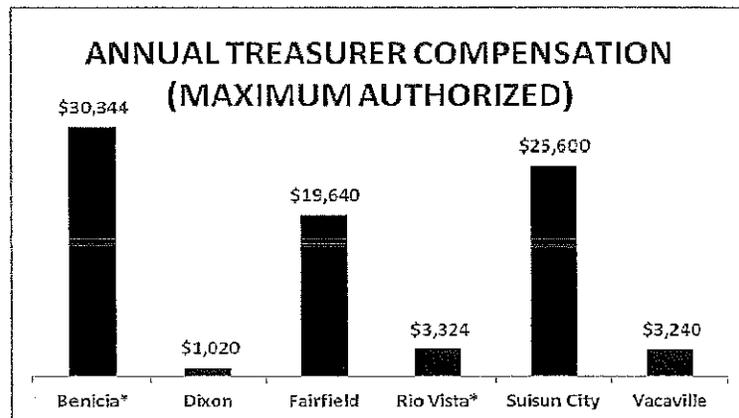
- §41007: “The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.”

The Grand Jury found no deputy city treasurer who received compensation.

As part of the investigation, the Grand Jury obtained compensation information for each of the six elected treasurers in Solano County. In addition, estimates of time spent performing treasurer duties was gathered. Comparison of time spent performing duties and authorized compensation found no correlation between effort and pay.¹⁰



Source: Interview



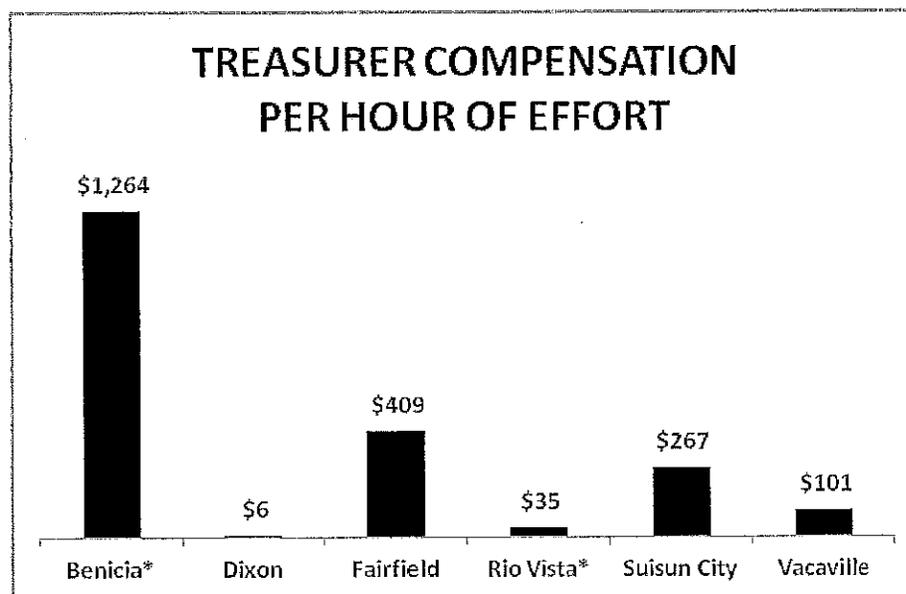
Source: Written submission

*Footnote 10 applies

¹⁰ Compensation information reflects what was in effect at the time each city treasurer was interviewed. The Benicia City Treasurer was interviewed on September 15, 2011. At the time of interview, the Benicia City Council was considering an ordinance to reduce the treasurer's compensation. The ordinance was passed on September 20, 2011, and established a maximum annual entitlement of \$2,400 plus a related retirement benefit. In addition, no compensation information was available for the City of Rio Vista because City staff was unable to locate an ordinance or other document that detailed the City Treasurer's compensation package. As a result, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.

Using the compensation data and the estimated hours of effort, the Grand Jury calculated the hourly rate for each treasurer. Although the results provide an interesting comparison, the following cautions and or notes apply:

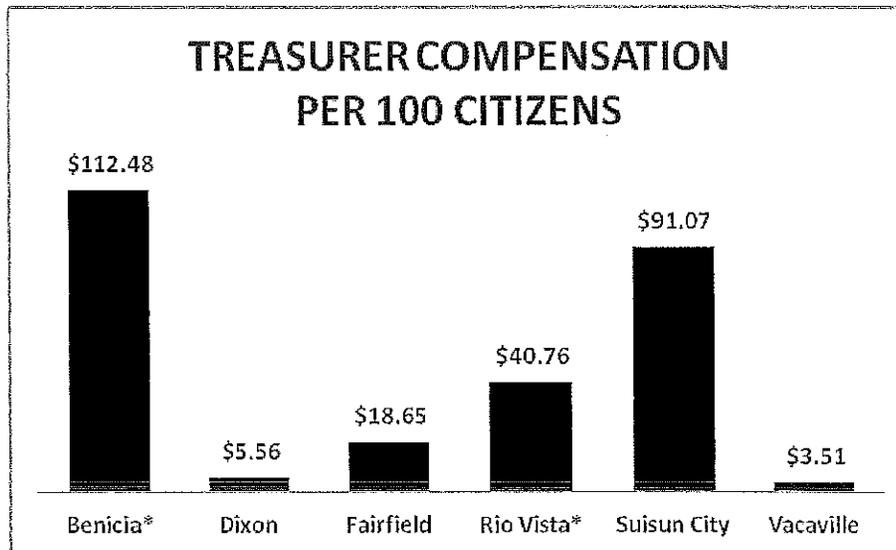
- Compensation reflects the maximum a city treasurer was authorized, and may not reflect what an incumbent actually received (e.g., two incumbents waived all compensation).
- Compensation data represents what was in place at the time each city treasurer was interviewed.
- The City Council of Benicia reduced the City Treasurer's maximum compensation package to \$229 per month effective October 20, 2011. Based on the estimate of two hours of effort per month, the revised package reflects a rate of \$115 per hour, not \$1,264 per hour as indicated by the following graph.
- Hours of work are an unsubstantiated estimate.
- Rio Vista officials were unable to determine the authorized compensation package for the City Treasurer. Therefore, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.



* Footnote 10 applies

Utilizing 2010 census information, the Grand Jury calculated each city treasurer's maximum authorized compensation package per 100 citizens. Readers are reminded that:

- The City Council of Benicia reduced the City Treasurer's maximum compensation package to \$229 per month (\$2,748 per year) effective October 20, 2011. Using the new compensation figure, the cost per 100 citizens for the City Treasurer of Benicia is \$10.19, not \$112.48 as shown on the following graph.
- Rio Vista officials were unable to determine the authorized compensation package for the City Treasurer. Therefore, the Grand Jury used actual compensation information obtained from the City of Rio Vista's 2011-12 budget for a period (2007-08) wherein the City Treasurer did not appear to waive compensation.



*Footnote 10 applies

Benicia

The elected Treasurer died in office. As a result, a treasurer was appointed by the City Council to complete the term. The Grand Jury confirmed that the City Treasurer was a registered voter and resided within the City. At the time of inquiry (September 15, 2011), the incumbent had served approximately one year.

The Treasurer's functions and duties were not formalized. The Grand Jury ascertained that the following functions were performed:

- Attend monthly meetings of the City's Finance Committee
- Countersign warrants

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer's electronic signature on all City warrants. However, the Grand Jury determined that the incumbent did not review support documents to ensure that warrants bearing the Treasurer's signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately two hours per month (i.e., attending the Finance Committee meeting). At the time of the Grand Jury's inquiry, the City Treasurer was authorized an annual compensation package up to \$30,344;¹¹ however, the Treasurer had waived all compensation.

Review of Finance Committee agendas found that they appeared to be properly posted as required by the Brown Act.

Of note is that on September 20, 2011, the Benicia City Council passed Ordinance 11-09 (see attachment), which did four things that impacted the City Treasurer position:

- Transferred all statutory duties to other city officers and staff.
- Formalized the duties; i.e., countersign warrants and serve on the Finance Committee.
- Reduced annual compensation beginning in October 2011 to \$2,400 (\$200 per month) with related retirement benefits.

¹¹ The rounded compensation package totals included monthly benefits for salary (\$583), retirement (\$108), health/dental/vision insurance (up to \$1,836), and life insurance (\$2).

- Identified a list of desirable qualifications (e.g., knowledge of municipal revenue sources and ability to invest idle funds in a wise and prudent manner).

City of Benicia Summary (Data Date September 15, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO ¹²

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	2
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$ 30,344 ¹³
ANNUAL PAY AND BENEFITS (ACTUAL)	\$ 0

¹² City of Benicia Ordinance 11-09 (approved on September 20, 2011) transferred all “statutory duties and responsibilities” from the City Treasurer to the City Manager, the Finance Director, or the City Clerk. Per discussion with city officials, the monthly reporting requirement was not being accomplished.

¹³ City of Benicia Ordinance 11-09 (approved on September 20, 2011) revised the authorized pay and benefits beginning in October 2011 to \$2,400 per year plus related retirement benefits.

Dixon

The elected Treasurer resigned and a replacement was appointed by City Council. The Grand Jury confirmed that the appointed City Treasurer was a registered voter and resided within the City. At the time of inquiry (September 22, 2011), the incumbent had served approximately eighteen months.

The City of Dixon did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Instead, City Treasurer functions, duties, and responsibilities were found in portions of at least two City documents:

- Ordinance 99-003: Various duties and functions of the City Treasurer were found throughout the ordinance. Specifically:
 - “The Treasurer’s Funds and Unrestricted Funds shall be delivered to the City Treasurer for deposit.”
 - “The City Treasurer has the statutory authority to select the depository or depositories for the Treasurer’s Funds and the Unrestricted Funds.”
 - Submit quarterly investment reports to the City Manager and City Council as required by California Government Code §53646(b)(1).¹⁴
 - Submit monthly reports to the City Manager and City Council as required by California Government Code §41004.
 - Serve on the Investment Oversight Committee.
- City of Dixon Statement of Investment Policy for FY 2011-12:
 - “The City Treasurer will be an active member of the Investment Committee as well as performing for the City those depository and investment functions as to the funds of the City which come into his or her hands as said depository and investment duties are provided for by statute, regulation, ordinance or resolution.”
 - “Reports on the status and performance of the City’s investment program will be provided by the Treasurer to the City Manager and the City Council within four weeks after the end of each quarter.”

The Grand Jury ascertained that the following functions were performed:

- Oversee City banking

¹⁴ California Government Code §53646(b)(1) states that “The treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by the report.”

- Serve on Dixon's Investment Committee (the committee meets at least quarterly)
- Review the City's investment policy

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately fifteen hours per month. The Dixon Treasurer received annual compensation totaling \$1,020 (\$85 per month) with no other benefits.

The Grand Jury was advised that Investment Committee agendas were posted in compliance with the Brown Act.

At least one investment report was not submitted to the City Manager and City Council within four weeks following the end of the quarter as required by City of Dixon Statement of Investment Policy for FY 2011-12 and within 30 days of quarter's end as required by California Government Code §53646(b)(1). Specifically, at the time of the Grand Jury's request for information (August 18, 2011), the investment report for the quarter ended June 30, 2011 was scheduled to be submitted at the September 2011 City Council meeting.

The Grand Jury ascertained that no monthly reports were prepared or submitted during the period of review as required by both California Government Code §41004 and City of Dixon Ordinance 99-003.

The City of Dixon Statement of Investment Policy for FY 2011-12 states that the Investment Committee "will meet at least quarterly." In part, the Grand Jury's request for information dated August 18, 2011 asked for agendas and minutes of the last two meetings of Dixon's Investment Committee. In response, the Grand Jury received agendas and minutes for a meeting held on June 24, 2010 and an agenda for a meeting scheduled for November 10, 2010.

The City of Dixon organization chart¹⁵ indicated that the City Treasurer reported to the City Council. As an elected official, the City Treasurer answers to the voters. In addition, the organization chart reflected that the City Treasurer was responsible for finance, information technology, and administrative services. With the exception of the organization chart, the Grand Jury reviewed no document and heard no testimony to support that the City Treasurer was responsible for the day-to-day operation of any City department.

¹⁵ The organization chart was obtained from the City of Dixon's website on October 16, 2011.

City of Dixon Summary (Data Date September 22, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Ordinance 99-03	Establish bank accounts	YES
Ordinance 99-03	Deposit Treasurer and Unrestricted funds	NO
Ordinance 99-03	Submit quarterly investment reports within 30 days	NO
Ordinance 99-03	Submit monthly accounting report	NO
Ordinance 99-03	Serve on Investment Committee	YES
Invest. Policy 2011-12	Perform depository and investment duties	YES
Invest. Policy 2011-12	Submit quarterly investment reports within 4 weeks	NO

ESTIMATED HOURS WORKED PER MONTH	15
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$ 1,020
ANNUAL PAY AND BENEFITS (ACTUAL)	\$1,020

Fairfield

The City Treasurer for Fairfield has held the position continuously since 1995. The Grand Jury confirmed that the City Treasurer was a registered voter and resided within the City.

The City of Fairfield did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Review of City documents found one reference to a function of the City Treasurer: City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, "No bank accounts shall be opened without written authorization from the City Treasurer." However, this requirement was contradicted by City of Fairfield Investment Instructions to Investment Manager dated January 10, 1989 and revised on February 29, 2003, which stated, "No bank accounts shall be opened without written authorization from the Director of Finance." Upon inquiry by the Grand Jury, an official for the City of Fairfield stated that, in fact, the City Treasurer (or an assigned deputy) was the only person authorized to open bank accounts for the City.

The Grand Jury ascertained that the following functions were performed:

- Open and close all city bank, investment, and trust accounts
- Sign checks (Note: The treasurer's signature was embedded in the check-writing software)
- Monitor investment portfolio and meet quarterly with investment managers

Subsequent review of city documents found no requirement for City Treasurer involvement in the investment process. To the contrary, City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, "Investment Committee – A committed [sic] comprised of the Director of Finance, Assistant Finance Director, Revenue Officer, and Principal Accountant shall meet no less than quarterly to review investment markets, strategies and performance." However, the Grand Jury was advised that, in fact, the City Treasurer was a member of the Investment Committee.

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer's electronic signature on all City checks. However, the Grand Jury determined that the incumbent did not review support documents to ensure that checks bearing the Treasurer's signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

- §41006: A Finance Department memorandum dated December 5, 2003 appointed three city employees as City Treasurer deputies. Grand Jury inquiries revealed that:
 - Deputies were required to perform treasurer functions if the incumbent was to become incapacitated.
 - Two of the three deputies were no longer associated with the city.
- §41007: The Grand Jury was advised that deputies received no compensation or other benefit for their assignment.

Accomplishment of Treasurer duties required approximately two hours per month. However, the estimate was increased to eight hours on months when the Investment Committee met. The City Treasurer received an annual salary of \$2,280 (\$190 per month), and approximately \$1,000 in various benefits such as payment of professional dues and training. Although the Treasurer was entitled to City paid health/dental/vision insurance up to \$16,377 per year, that entitlement was waived by the incumbent.

The Grand Jury was advised that the Investment Committee prepared neither agendas nor minutes of meetings. As a result, the Grand Jury was unable to validate the attendance at, or the frequency of, committee meetings. In addition, the absence of publically posted agendas may be a violation of the Brown Act.

City of Fairfield Summary (Data Date September 30, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO
CGC §41006	Assign deputies	YES
CGC §41007	Pay deputies	NA
Investment Instr.	Open bank accounts	YES

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	2-8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$19,640
ANNUAL PAY AND BENEFITS (ACTUAL)	\$3,263

Rio Vista

The City Treasurer of Rio Vista was elected in 2008. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Rio Vista did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Review of City documents found the functions and duties of the City Treasurer scattered throughout a single document. Specifically, City of Rio Vista, California, Statement of Investment Policy 2010-11 stated that the Treasurer will manage the City's investment program. The investment policy reflected that the City Treasurer will:

- Establish written procedures for the operation of the investment program
- Be responsible for all investment transactions
- Establish a system of controls for the investment program
- Designate a third-party custodian for investments
- Provide quarterly investment reports to the City Council
- Chair the Investment Planning and Review Committee

The Grand Jury ascertained that the following functions were performed:

- Convene and oversee the semi-annual Investment Committee meetings
- Provide quarterly summaries of the City's investments to the City Council
- Submit monthly Funds Balance Reports to the City Council
- Provide monthly Revenue and Expenditures Reports to the City Council

The Grand Jury determined that in lieu of the quarterly investment report, the Treasurer provided monthly bank balance reports to the City Council. In addition, the Treasurer provided neither monthly Funds Balance Reports nor monthly Revenue and Expenditures Reports required by California Government Code §41004 because the Treasurer was not authorized access to the City's automated financial information system.

Except as discussed in the preceding paragraph, the provisions of California Government Code §§41001-41007 were not applicable.

Accomplishment of Treasurer duties required approximately eight hours per month. The Grand Jury was advised the position paid \$225 per month (\$2,700 per year) with no benefits. Grand Jury review of the State Controller's website found that for calendar year 2009, maximum salary

for the City of Rio Vista City Treasurer was reported as \$1,049 (approximately \$87 per month). Review of Rio Vista's approved 2011-2012 budget found that during 2007-2008, the City Treasurer received a compensation package that totaled \$3,324, which included \$2,859 for salary (\$238.25 per month) and \$456 for benefits. City of Rio Vista staff could not determine the source of the salary information reported by the State Controller and was unable to locate an ordinance or other City document that defined the City Treasurer's compensation package. As a result, the Grand Jury was unable to verify the compensation authorized for the City Treasurer of Rio Vista. Whatever the package, all compensation was waived by the incumbent.

The Grand Jury's request for information dated August 18, 2011 asked for agendas and minutes of the last two meetings of Rio Vista's Investment Committee. In response, the Grand Jury received minutes for meetings held on September 2, 2010 and February 16, 2011; however, the only agenda provided was for the September 2010 meeting. Although the agenda indicated it was for a "special" meeting, review of the minutes revealed that the meeting was nothing more than the committee's regular semi-annual meeting. The agenda for the September 2, 10 a.m. meeting, was certified by the City Clerk as being posted on the City Hall bulletin board on 30 August at 5:00 p.m., 65 hours prior to the meeting, a possible violation of the Brown Act.

City of Rio Vista Summary (Data Date September 27, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Establish written procedures for investments	NO
Investment Policy	Responsible for investments	YES
Investment Policy	Establish of controls for investments	NO
Investment Policy	Designate third-party custodian for investments	NO
Investment Policy	Provide quarterly investment reports	YES
Investment Policy	Chair Investment Committee	YES

ESTIMATED HOURS WORKED PER MONTH	8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	Unknown*
ANNUAL PAY AND BENEFITS (ACTUAL)	\$ 0

* City staff was unable to determine the pay and benefits authorized for the City Treasurer.

Suisun City

The Suisun City Treasurer has served continuously for 27 years, having first been elected in 1984. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Suisun City did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. A single duty was found in the City of Suisun City Investment Policy dated April 20, 2010: "The Treasurer shall submit a quarterly investment report to the City Council."

The Grand Jury ascertained that the following functions were performed:

- Sign the quarterly investment report
- Attend two City Council meetings per month

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41003: The City utilized the Treasurer's electronic signature on all City checks. However, the Grand Jury determined that the incumbent did not review support documents to ensure that checks bearing the Treasurer's signature were appropriate and approved by legally designated persons.
- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately eight hours per month. The City Treasurer received an annual compensation package of \$25,600.¹⁶

Review of the City's quarterly investment reports found them titled, "Financial Officer's Investment Report." At the bottom of the report was a City Treasurer Statement that read, "I hereby certify that I have examined the records and find this report to be correct, that all investments are made in accordance with the investment policy, and the City will be able to meet its obligations for the next six months." The Grand Jury determined that the process used to ensure the correctness of the investment report was to compare the current report to the previous report to identify abnormalities.

¹⁶ The compensation package included monthly benefits for salary (\$200), retirement (\$41), health/dental/vision insurance (up to \$1,547), life insurance (\$42), and deferred compensation matching (up to \$303).

City of Suisun City Summary (Data Date September 12, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41003	Pay approved warrants	*
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Submit quarterly investment report	NO

* The Grand Jury did not review processes and controls that were not directly managed by the Treasurer.

ESTIMATED HOURS WORKED PER MONTH	8
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$25,600
ANNUAL PAY AND BENEFITS (ACTUAL)	\$25,600

Vacaville

The City Treasurer resigned, and a replacement was appointed by City Council. At the time of inquiry (September 23, 2011), the Treasurer had served approximately one year. The Grand Jury confirmed that the incumbent was a registered voter and resided within the City.

The City of Vacaville did not have a single document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. When asked for a position description or like document, City of Vacaville staff provided an unreferenced document (i.e., no title and no date) that stated in part, "The responsibility of the City Treasurer is to assure the proper handling and recording of all municipal funds and overseeing the investment of these funds in accordance with the California Government Code." The document further stated, "Other responsibilities of the City Treasurer include review of the City's investment activity to ensure that the Investment Policy of the City of Vacaville remains consistent with the City's Investment Policy objectives, current law and economic trends. The Investment Policy is reviewed annually by the City Treasurer and the Finance Director." The Grand Jury later determined that the document quoted above was used to advertise and recruit candidates for the vacant City Treasurer position. According to City officials, the document was only used to recruit candidates and was not a true reflection of the functions, duties, and responsibilities of the Vacaville City Treasurer position.

The Grand Jury found one document that identified a duty of the Treasurer. City of Vacaville Investment Policy of June 2011 stated, "The City Treasurer will submit an annual Investment Policy to the City Council." The June 2011 policy was, in fact, submitted by the City Treasurer to the City Council.

The Grand Jury ascertained that the following functions were performed:

- Receive and review monthly cash-flow projections
- Receive monthly investment reports
- Attend budget workshops
- Review and propose the City's annual investment policy

The provisions of California Government Code §§41001-41007 were not applicable except as follows:

- §41004: During the review period, monthly accounting reports were neither prepared nor submitted as required.

Accomplishment of Treasurer duties required approximately four hours per month. The Treasurer received entitlements totaling \$3,240 per year: \$70 per month in salary, and \$200 per month as a vehicle allowance.

The City's organization chart¹⁷ indicated the City Treasurer reports to the City Council. As an elected official, the City Treasurer answers to the voters.

City of Vacaville Summary (Data Date September 23, 2011)

REQUIREMENT	DESCRIPTION	REQUIREMENT MET
CGC §41004	Submit monthly accounting report	NO
Investment Policy	Submit annual investment policy	YES

ESTIMATED HOURS WORKED PER MONTH	4
ANNUAL PAY AND BENEFITS (AUTHORIZED)	\$3,240
ANNUAL PAY AND BENEFITS (ACTUAL)	\$3,240

¹⁷ The organization chart was included in the City of Vacaville's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2010.

Vallejo

Vallejo is the only charter city in Solano County. The Grand Jury was told that the Finance Director served as the City Treasurer. This was supported by the Finance Director's classification specification, which included, "serve as the City Treasurer" in the position definition.

At the time of inquiry (September 14, 2011), the Finance Director/City Treasurer had been on the job approximately four months. The Grand Jury was unable to identify which, if any, functions accomplished by the Finance Director/City Treasurer were exclusive to City Treasurer. As a result, the hours spent performing City Treasurer duties could not be estimated. The Finance Director/City Treasurer received no additional pay for serving as the Treasurer.

The Vallejo Finance Director/City Treasurer did not vote or live in Vallejo. When the Grand Jury asked if the Vallejo City Charter included residency requirements for the City Treasurer, the Grand Jury was advised, "The City of Vallejo charter does not provide for a City Treasurer and, consequently, there is no specific residency requirement. The Vallejo Municipal Code provides for a Finance Department and a Finance Director. It does not contain a residency requirement for the Finance Director."

V. FINDINGS AND RECOMMENDATIONS

Benicia

Finding 1 – The City of Benicia Treasurer did not issue accounting reports required by California Government Code §41004 which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

On September 20, 2011, the City of Benicia passed Ordinance 11-09. In part, the ordinance transferred all statutory requirements from the City Treasurer to other City officers and staff. Although the reporting requirement associated with California Government Code §41004 is no longer the responsibility of the Benicia City Treasurer, it is still a treasurer function that was not being performed.

Recommendation 1 – City of Benicia ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Dixon

Finding 2 – The City of Dixon did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. Specifically, Treasurer duties and responsibilities were found in various portions of at least two city documents. In addition, the documented duties and responsibilities were not consistent with those accomplished by the City Treasurer.

Recommendation 2 – City of Dixon identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 3 – The City of Dixon Treasurer did not issue accounting reports required by both California Government Code §41004 and City of Dixon Ordinance 99-003. The specific requirement states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 3 – City of Dixon Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 and City of Dixon Ordinance 99-003 are performed.

Finding 4 – The City of Dixon Treasurer did not submit quarterly investment reports to the City Council within the timeframes established by California Government Code §53646 (30 days following the end of the quarter) and City of Dixon Statement of Investment Policy for FY 2011-12 (four weeks following the end of the quarter). Specifically, the investment report for the quarter ended June 30, 2011 was scheduled to be submitted to the City Council in September 2011.

Recommendation 4 – City of Dixon Treasurer submit quarterly investment reports to the City Council within the timeframes established by City of Dixon Statement of Investment Policy for FY 2011-12.

Finding 5 – The City of Dixon Investment Committee did not meet quarterly as required by the City of Dixon Statement of Investment Policy for FY 2011-12. Specifically, documentation submitted to the Grand Jury in September 2011 indicated that the last two committee meetings were held in June and November 2010.

Recommendation 5 – City of Dixon ensure that the Investment Committee meets quarterly as required by City of Dixon Statement of Investment Policy for FY 2011-12.

Finding 6 – The City of Dixon’s organization chart incorrectly reflected the City Treasurer’s position and role in City government. Specifically, the organization chart obtained from the City of Dixon’s website on October 16, 2011, indicated that the City Treasurer reported to the City Council, not the electorate. In addition, the organization chart showed the City Treasurer with a direct line of authority to the organization responsible for finance, information technology, and administrative services.

Recommendation 6 – City of Dixon review, and revise as needed, the City’s organization chart to accurately reflect the City Treasurer’s position and role in City government.

Fairfield

Finding 7 – The City of Fairfield did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendations 7 – City of Fairfield identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 8 – City of Fairfield documents were contradictory and erroneous. Specifically:

- City of Fairfield Internal Investment Instructions dated July 9, 1998 stated, “No bank accounts shall be opened without written authorization from the City Treasurer.” However, this requirement was contradicted by City of Fairfield Investment Instructions to Investment Manager dated January 10, 1989 and revised on February 29, 2003, which stated, “No bank accounts shall be opened without written authorization from the Director of Finance.”
- City of Fairfield Internal Investment Instructions dated July 9, 1998 did not include the City Treasurer as a member of the City’s Investment Committee. According to a City of Fairfield official, the instruction was in error.

Recommendation 8 – City of Fairfield correct the contradiction regarding authority to open bank accounts found in City of Fairfield Internal Investment Instructions and City of Fairfield Investment Instructions to Investment Manager. In addition, revise the Internal Investment Instructions to include the City Treasurer as a member of the Investment Committee.

Finding 9 – The Fairfield City Treasurer did not issue accounting reports required by California Government Code §41004, which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 9 – City of Fairfield Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 10 – The Fairfield City Treasurer appointed three deputies to serve in his absence. However, the duties and responsibilities of the deputies were undefined, and two of the three individuals were no longer associated with the City.

Recommendation 10 – City of Fairfield Treasurer determine if City Treasurer deputies are required. If required, define the duties and responsibilities of the deputies and issue a current appointment letter. If deputies are not required, cancel Finance Department memorandum dated December 5, 2003.

Finding 11 – The City of Fairfield Investment Committee may not have complied with the Ralph M. Brown Act by not providing public notice of scheduled meetings. Specifically, the City Treasurer stated that agendas were not prepared for quarterly meetings of the City’s Investment Committee.

Recommendation 11 – City of Fairfield ensure compliance with all requirements of the Ralph M. Brown Act.

Rio Vista

Finding 12 – The City of Rio Vista did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer. In addition, the documented duties and responsibilities were not consistent with those accomplished by the City Treasurer.

Recommendation 12 – City of Rio Vista identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 13 – The City of Rio Vista Treasurer did not issue accounting reports required by California Government Code §41004, which stated, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of

all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 13 – City of Rio Vista Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 14 – The Rio Vista Treasurer did not comply with City of Rio Vista, California, Statement of Investment Policy 2010-11. For example, the Treasurer neither established written procedures nor implemented a system of controls for the City’s investment program.

Recommendation 14 – City of Rio Vista Treasurer comply with City of Rio Vista, California, Statement of Investment Policy 2010-11.

Finding 15 – The City of Rio Vista Investment Committee may not have complied with the public notice requirements of the Ralph M. Brown Act. Specifically, the Investment Committee meeting of September 2, 2010, may have been improperly categorized as “special” to avoid the 72-hour notice requirement for regular meetings. In addition, no agenda was available for the meeting held on February 16, 2010.

Recommendation 15 – City of Rio Vista ensure compliance with all requirements of the Ralph M. Brown Act.

Suisun City

Finding 16 –The City of Suisun City did not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendation 16 – City of Suisun City identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 17 – The City of Suisun City Treasurer did not issue accounting reports required by California Government Code §41004, which states, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 17 – City of Suisun City Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 18 – City of Suisun City Investment Policy dated April 20, 2010 required the City Treasurer to submit quarterly investment reports to the City Council. Inspection found the report was actually compiled by the Senior Accountant and reviewed by the Financial Services Manager. The City Treasurer merely compared the current report with the previous report to identify obvious abnormalities.

Recommendation 18 – City of Suisun City review, and revise as needed, the City Treasurer’s reporting requirements identified in City of Suisun City Investment Policy dated April 20, 2010.

Finding 19 – The City of Suisun City Treasurer's quarterly audit of investment reports was not completed in sufficient detail to fulfill the review responsibilities identified in the certification statement (“I hereby certify that I have examined the records and find this report to be correct, that all investments are made in accordance with the investment policy, and the City will be able to meet its obligations for the next six months.”). Specifically, the comparative analysis performed by the City Treasurer was insufficient to ensure accuracy and compliance with the investment policy as attested to.

Recommendation 19 – City of Suisun City Treasurer either revise the certification statement on the quarterly investment reports to reflect work actually accomplished or refrain from signing the investment reports.

Vacaville

Finding 20 – The City of Vacaville does not have a single formal document that clearly and succinctly identified the functions, duties, and responsibilities of the City Treasurer.

Recommendation 20 – City of Vacaville identify and formalize in a single document the functions, duties, and responsibilities required of the City Treasurer.

Finding 21 – The City of Vacaville Treasurer did not issue accounting reports required by California Government Code §41004, which stated, “Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.”

Recommendation 21 – City of Vacaville Treasurer ensure that the monthly reporting requirements identified by California Government Code §41004 are performed.

Finding 22 – The City of Vacaville’s organization chart incorrectly showed the City Treasurer reporting to the City Council. As an elected official, the City Treasurer answers directly to the electorate.

Recommendation 22 – City of Vacaville review and revise, as needed, the City’s organization chart to accurately reflect the City Treasurer’s position and role in city government.

Vallejo

Finding 23 – The classification specification for the City of Vallejo Finance Director stated that the incumbent was to serve as the City Treasurer; however, the City of Vallejo charter does not provide for a City Treasurer.

Recommendation 23 – City of Vallejo remove reference to the City Treasurer from any and all City documents, including the Finance Director’s classification specification.

COMMENTS

By default, general law cities must have an elected treasurer; however, the legislature has provided a methodology for cities to make the position appointive, or to eliminate the position altogether. An elected treasurer offers independence; however, since California Government Code requires no specialized training, background, or professional certification to hold the office, some elected treasurers do not have the training, experience, and skills needed to accomplish financial and investment oversight. An appointed treasurer can have the skills, training, and experience needed to perform the tasks; however, an appointed treasurer may lack the independence that many citizens demand of the city treasurer. A strong argument can also be made that sophisticated accounting and auditing tools have made the treasurer position obsolete. The Grand Jury encourages each city council to identify what it expects from its city treasurer, and to set a course of action to bring that expectation to reality.

REQUIRED RESPONSES

City Treasurers for the Cities of:

- Benicia (Finding 1)
- Dixon (Findings 3 and 4)
- Fairfield (Findings 9 and 10)
- Rio Vista (Findings 13 and 14)
- Suisun City (Findings 17 and 19)
- Vacaville (Finding 21)

City Councils for the Cities of

- Benicia (Finding 1)
- Dixon (Findings 2, 5, and 6)
- Fairfield (Findings 7, 8, and 11)
- Rio Vista (Findings 12 and 15)
- Suisun City (Findings 16 and 18)
- Vacaville (Findings 20 and 22)
- Vallejo (Finding 23)

COURTESY COPIES

City Managers for the Cities of

- Benicia
- Dixon
- Fairfield
- Rio Vista
- Suisun City
- Vacaville
- Vallejo

Solano County Treasurer/Tax Collector

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 2.48 (CITY TREASURER) TO DIVISION 1 (ORGANIZATION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Division 1 (Organization) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is amended by adding a new Chapter 2.48 (City Treasurer) to read as follows:

Chapter 2.48

CITY TREASURER

Sections:

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| 2.48.010 | Powers and duties. |
| 2.48.020 | Compensation and benefits. |
| 2.48.030 | Qualifications. |

2.48.010 Powers and duties. All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the finance director which are now performed by the city treasurer are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to, those duties required by law.

The city treasurer shall countersign warrants and serve on the Finance Committee.

2.48.020 Compensation and benefits. The city treasurer shall receive a two hundred dollar per month stipend and related retirement benefit but no other benefits.

2.48.030 Qualifications. The city treasurer is an elected position so the only qualifications are that the individual be a registered voter of the city. Therefore, following qualifications are desirable, but not required.

1. Knowledge of:
 - A. Municipal revenue sources;
 - B. Methods, practices and principles related to the investment of City idle funds;

- C. Basic assessment district and bond financing techniques; and
- D. Methods, practices and principles related to evaluating municipal cash flow needs.

2. Ability to:

- A. Invest City idle funds in a wise and prudent manner;
- B. Meet the public and provide required information pleasantly and efficiently;
- C. Communicate effectively and tactfully in both oral and written forms;
- D. Establish and maintain complex and extensive financial record keeping systems and files;
- E. Operate and use a variety of office equipment;
- F. Establish and maintain effective work relationships with those contacted in the performance of required duties;

Section 2.

Conflicting provisions. All ordinances or resolutions inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 3.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.