



Midpeninsula Regional
Open Space District

R-16-142
Meeting 16-26
October 26, 2016

AGENDA ITEM 13

AGENDA ITEM

Approval of Salary Adjustments and Revised Employment Agreement for Board Appointee General Counsel

BOARD APPOINTEE EVALUATION COMMITTEE'S RECOMMENDATIONS

As a result of the Board's evaluation of the performance of the District's Board Appointees for Fiscal Year 2015-16, the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for Fiscal Year 2016-17: Adjust the General Counsel's base salary upward to \$222,760 plus a one-time merit pay bonus of \$10,600.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments set out in Recommendations and authorizing the Board President to execute a revised Board Appointee Employment Agreement.

DISCUSSION

The Board Appointee Evaluation (BAE) Committee was established to conduct the evaluation process for its Appointees. The BAE Committee was instructed to serve as the District's negotiator and met with the Board Appointees to discuss their performance and compensation. The Board has three appointees: the General Manager, the Controller, and the General Counsel.

The Board, working through the BAE Committee, implemented this process and completed this year's annual evaluation of the performance of the General Counsel, during several meetings in June through October, 2016.

The Board continues to appreciate General Counsel's creativity, hard work and dedication to the District. We feel that her objectives were met, except where circumstances were beyond her control. The District is well served by her proactivity in structuring approaches to legal issues that could arise when complex tasks are contemplated. General Counsel's working relationship with the General Manager and the Board continues to be very good. She has been very proactive in anticipating issues, and ways to respond to them. Her use of networking contacts has been excellent. She has been diligent in mentoring our Assistant General Counsel, and continually educates District staff members to raise their awareness of legal issues. General Counsel has been very judicious in selecting and retaining outstanding consultants. As a particular project she helped conduct an RFP and selection process for the new consulting portion of the bond team: Bond Counsel, Disclosure Counsel, Financial Advisor, and Underwriter, and an excellent team was selected.

The Board is particularly pleased with General Counsel's extra efforts last year (and a quarter) in her dedication on behalf of the District: her exceptional performance, strategy development, and extra time spent was well above expectations in resolving a large number of issues (both legal and other) that arose during that time.

BOARD COMMITTEE REVIEW

The recommended performance review and salary adjustments were thoroughly reviewed by the Board Appointee Evaluation Committee, prior to review by the Board.

FISCAL IMPACT

For the General Counsel: Total of the annual salary plus adjustment = \$222,760 with a one-time merit pay bonus of \$10,600.

PUBLIC NOTICE

All public noticing requirements of the Brown Act have been met. No additional notice is necessary.

CEQA COMPLIANCE

This item is not subject to the California Environmental Quality Act (CEQA).

NEXT STEPS

If approved, the compensation adjustments and merit bonuses will be implemented as set out in the Resolutions attached, and the employment agreements will go into effect immediately.

Attachments:

1. Resolution Approving Salary Adjustment and Revised Employment Agreement for General Counsel

Submitted by: Board Appointee Evaluation Committee

Director Kishimoto

Director Hassett

Director Siemens, Chair

RESOLUTION NO. 16-__

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING
AN AMENDED EMPLOYMENT AGREEMENT AND ONE-TIME MERIT
PAY BONUS FOR THE DISTRICT GENERAL COUNSEL**

WHEREAS, effective March 19, 2012, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District General Counsel Employment Agreement (“Agreement”) with Sheryl Schaffner, employing her as the District's General Counsel; and

WHEREAS, the Agreement provides for an annual review of the General Counsel’s performance and determination of meritorious pay, which the Board has completed; and

WHEREAS, the Board, based on its annual review of the General Counsel’s performance, in recognition of her performance during Fiscal Year 2015-2016 and to bring her compensation closer to the comparable median, desires to grant an adjustment to the General Counsel’s base salary upward to \$222,760 plus a one-time merit pay bonus of \$10,600.

The Board is particularly pleased with General Counsel’s extra efforts last year (and a quarter) in her dedication on behalf of the District: her exceptional performance, strategy development, and extra time spent was well above expectations in resolving a large number of issues (both legal and other) that arose during that time.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District does grant the General Counsel by adoption of this resolution an adjustment to her base salary up to \$222,760, retroactive to July 1, 2016 for Fiscal Year 2016-17, authorizes the President of the Board of Directors or other authorized Board Officer to execute an Amendment to the District General Counsel Employment Agreement reflecting that increase, and further grants a one-time merit pay bonus of \$10,600,.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on ____, 2016, at a regular meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

District Clerk