



Midpeninsula Regional  
Open Space District

R-22-134  
Meeting 22-26  
November 9, 2022

## **AGENDA ITEM 12**

### **AGENDA ITEM**

Approval of Salary Adjustments and Classification and Compensation Plan for Board Appointee General Counsel

### **BOARD APPOINTEE EVALUATION COMMITTEE'S RECOMMENDATIONS**

As a result of the Board of Director's (Board) evaluation of the performance of the Midpeninsula Regional Open Space District's (District) Board Appointees for Fiscal Year 2021-22 (FY22), the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for FY23: Adjust the General Counsel's base salary upward to \$263,529, plus a one-time merit pay bonus of \$13,176.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments. The Board Appointee salary changes will be adopted through the Board approved Classification and Compensation Plan.

### **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 the summer through fall of 2022.

The General Counsel met all performance goals and standards as well as critical deadlines for FY22. The Board is particularly pleased with the General Counsel's excellent performance during this evaluation period. The Board appreciated General Counsel's efforts to work proactively with the Board and her creative, yet effective management of her department's workload given her team was not fully staffed for most of the year. The breadth of legal issues that her team managed was impressive, from the Lehigh Quarry matter to the challenges of the large and complex Cloverdale acquisition to the District's wildland fire program. Her team also was very effective in managing the District's risk management program for which the District was recognized by CJPIA.

The BAE Committee recommends an increase in the General Counsel's base salary as noted above after comparisons were made with the market and comparable agencies. Additionally, due

to her outstanding performance in FY22, the BAE Committee recommends providing the General Counsel with a one-time merit bonus as noted above. Salary changes will be adopted through the Board approved Classification and Compensation Plan.

**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 one-time adjustment equals \$263,529 with a one-time merit pay bonus of \$13,176.

**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 adjustment and merit bonus will be implemented as set out in the Resolution attached.

Attachments:

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

Submitted by: Board Appointee Evaluation Committee  
Director Kishimoto  
Director Kersteen-Tucker  
Director Riffle, Chair

Staff Contact:  
Candice Basnight, Human Resources Manager

**RESOLUTION NO. 22-\_\_**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING AN AMENDED CLASSIFICATION AND COMPENSATION PLAN, A SALARY INCREASE AND A ONE-TIME MERIT PAY BONUS FOR THE DISTRICT'S GENERAL COUNSEL**

**WHEREAS**, effective July 11, 2018, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District General Counsel Employment Agreement (“Agreement”) with Hilary Stevenson, 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 is very pleased with the General Counsel's superior and outstanding performance during this evaluation period. She provided excellent legal advice especially during a very challenging year and kept the Board informed of all legal matters requiring attention. She met or exceeded all the goals previously set for her during her last review; and

**WHEREAS**, the Board, based on its annual review of the General Counsel's performance and comparisons with the market and comparable agencies, and based on her outstanding performance during FY2021-22, desires to adjust the General Counsel's base salary upward to \$263,529 plus a one-time merit pay bonus of \$13,176.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Midpeninsula Regional Open Space District as follows:

1. The General Counsel's base salary shall be adjusted to \$263,529 retroactive to July 1, 2022, for Fiscal Year 2022-23.
2. The relevant portion of the District's Classification and Compensation Plan shall be amended to reflect the following:

<b>Board Appointee Group Compensation</b>	<b>Hourly</b>	<b>Monthly</b>	<b>Annual</b>	<b>Effective</b>	<b>Last Revised</b>
General Counsel	\$126.6966	\$21,961	\$263,529	7/1/2022	11/9/2022

3. The Board grants the General Counsel a one-time merit pay bonus of \$13,176.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on November 9, 2022, at a regular meeting thereof, by the following vote:

**AYES:**  
**NOES:**

**ABSTAIN:  
ABSENT:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Karen Holman, Secretary  
Board of Directors

\_\_\_\_\_  
Zoe Kersteen-Tucker, President  
Board of Directors

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gary Baum, Special Counsel

I, the Deputy 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.

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Maria Soria, Deputy District Clerk