



Midpeninsula Regional  
Open Space District

R-13-101  
Meeting 13-29  
October 23, 2013

## **AGENDA ITEM 5**

### **AGENDA ITEM**

Approval of Salary Adjustments and Amendments to Employment Agreements for the Board Appointees: General Manager, General Counsel and District Controller

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

1. As a result of the Board's evaluation of the performance of the District's Board Appointees for Fiscal Year 2012-13, the Board Appointee Evaluation Ad Hoc Committee recommends the following compensation adjustments for its Board Appointees for Fiscal Year 2013-14: Adjust the General Manager's base salary upward to \$207,924; adjust the General Counsel's base salary upward to \$186,909; and adjust the Controller's base salary upward to \$33,153.
2. Adopt the attached resolutions approving the salary adjustments set out in Recommendation and authorizing the Board President to execute the commensurate related amendments to the Board Appointee Employment Agreements.
3. Adopt the attached resolution approving adjustments to the Employer Paid Member Contributions to the California Public Employees Retirement System

### **DISCUSSION**

The Board Appointee Evaluation (BAE) Ad Hoc Committee was established to conduct the evaluation process for its Appointees. The BAE Ad Hoc 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 Ad Hoc Committee, implemented this process and completed this year's annual evaluation of the performance of its three Board Appointees, the General Manager, General Counsel and the Controller, during several meetings from May 28, 2013, to September 11, 2013.

The Board was very pleased with the performance of its Appointees during the last fiscal year and resulting success of District programs and projects carried out as part of their duties. The accomplishments for FY2012-13, upon which the Appointees' evaluations were based, were described in detail in the Year-End Review of the FY2012-13 Action Plan presented at the June 26, 2013 Board meeting. Further evaluation comments from the BAE Committee and the full Board were provided to each appointee during their performance evaluations. Based on these performance evaluations in FY2012-13, the BAE Committee recommends providing the General

Manager, General Counsel and Controller with base salary adjustments calculated to bring them closer to the median of the market resulting in a base salary of \$207,924 per year for the General Manager; \$186,909 per year for General Counsel; \$33,153 per year for the Controller.

In keeping with previous Board decisions to provide cost of living adjustments (COLAs) and salary increases, the Board resolved and granted a 3% increase to the District's other employees in November of 2012. As part of this agreement, the Board also required the employees to increase their PERS retirement contribution from 2% to 4%. Effective July 1, 2013 the Board authorized a COLA of another 3% to its employees and required the employees to contribute an additional 2% to their PERS retirement account. The net effect of these two actions was a 2% increase for the employees.

The BAE Committee therefore recommends the General Manager receive a 6% COLA increase, as of April 1, 2013, the beginning of the fiscal year, in keeping with past practice. The BAE Committee also recommends the General Manager PERS retirement contribution increase from 2% to 6% at the beginning of the first pay period following approval and as allowed by CalPERS. In addition, the BAE Committee also recommends a 1% adjustment to the General Manager's base salary to bring his compensation closer to the median of the market as described in a study on executive compensation conducted by Koff & Associates in July 2013. The net salary increase for the General Manager is 3%.

The BAE Committee recommends that General Counsel received a 6% COLA increase as of April 1, 2013, the beginning of the fiscal year. The BAE Committee also recommends that General Counsel increase her PERS retirement contribution from 2% to 6% at the beginning of the first pay period following approval and as allowed by CalPERS. In addition, the BAE Committee recommends a 2% adjustment to the General Counsel's base salary to bring her compensation closer to the median of the market as described in the Koff compensation study. The net salary increase for General Counsel is 4%.

The BAE Committee recommends an increase of 24% to the base salary of the Controller, as of April 1, 2013. While this increase does not bring the Controller near the median of the market for this type of position in the organization, this increase in compensation is warranted as the work required of this position has increased significantly.

Although the Board is extremely pleased with the accomplishments of its appointees, no bonuses are being offered this fiscal year.

### **COMMITTEE REVIEW**

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

### **FISCAL IMPACT**

For the General Manager: Total of the new base salary plus adjustments = \$207,924.

For the General Counsel: Total of the new base salary plus adjustments = \$186,909.

For the Controller: Total of the new base salary plus adjustments = \$33,153.

**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 employment agreements will go into effect immediately, as of the beginning of the next pay period upon approval and as allowed by CalPERS.

Attachments:

1. Resolution Approving Salary Adjustment and Amended Employment Agreement for the General Manager
2. Resolution Approving Salary Adjustment and Amended Employment Agreement for General Counsel
3. Resolution Approving Salary Adjustment and Amended Employment Agreement for the District Controller
4. Resolution Approving Adjustments to the Employer Paid Member Contributions to the California Public Employees Retirement System

Submitted by: Board Appointee Evaluation Ad Hoc Committee  
Director Riffle, Chair  
Director Cyr  
Director Harris

**RESOLUTION NO. XX-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING  
AN AMENDED EMPLOYMENT AGREEMENT FOR THE DISTRICT  
GENERAL MANAGER**

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WHEREAS, effective July 8, 2009, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District General Manager Employment Agreement (“Agreement”) with Stephen E. Abbors, employing him as the District's General Manager; and

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

WHEREAS, the Board, based on its annual review of the General Manager’s performance, in recognition of his performance during Fiscal Year 2012-2013 and to bring his compensation closer to the comparable median, desires to grant the General Manager a 6.0 percent cost of living increase and an additional 1.0 percent adjustment to bring his base salary up to \$207,924;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District does grant the General Manager by adoption of this resolution an adjustment to his base salary up to \$207,924, retroactive to April 1, 2013 for Fiscal Year 2013-14, and authorizes the President of the Board of Directors or other authorized Board Officer to execute an Amendment to the District General Manager Employment Agreement reflecting that increase.

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**RESOLUTION NO. XX-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING  
AN AMENDED EMPLOYMENT AGREEMENT FOR THE DISTRICT  
GENERAL COUNSEL**

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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 2012-2013 and to bring her compensation closer to the comparable median, desires to grant the General Counsel a 6.0 percent cost of living increase and an additional 2.0 percent adjustment to bring her base salary up to \$186,909;

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 \$186,909, retroactive to April 1, 2013 for Fiscal Year 2013-14, and 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.

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**RESOLUTION NO. XX-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING  
AN AMENDED EMPLOYMENT AGREEMENT FOR THE DISTRICT  
CONTROLLER**

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WHEREAS, effective July 8, 2009, the Board of Directors of the Midpeninsula Regional Open Space District entered into a District Controller Employment Agreement (“Agreement”) with Michael L. Foster , employing him as the District's District Controller; and

WHEREAS, the Agreement provides for an annual review of the District Controller's performance and determination of meritorious pay, which the Board has completed; and

WHEREAS, the Board, based on its annual review of the Controller's performance, desires to grant him an upward adjustment to his base salary, bringing it up to \$33,153 per year, in recognition of his performance during Fiscal Year 2012-2013;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District does grant the Controller by adoption of this resolution an adjustment to bring his total base salary up to \$33,153 per year, retroactive to April 1, 2013 for Fiscal Year 2013-14, and authorizes the President of the Board of Directors or other authorized Board Officer to execute an Amendment to the District Controller Employment Agreement reflecting that adjustment.

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**RESOLUTION NO. XX-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING  
ADJUSTMENTS TO THE EMPLOYER PAID MEMBER  
CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES  
RETIREMENT SYSTEM**

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WHEREAS, the governing body of the Midpeninsula Regional Open Space District has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the Midpeninsula Regional Open Space District has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the Midpeninsula Regional Open Space District of a Resolution to commence said Employer Paid Member Contributions ((EPMC);

WHEREAS, the governing body of the Midpeninsula Regional Open Space District has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of the Board of Appointees Class.
- This benefit shall consist of paying 2% of the normal member contribution as EPMC.
- The effective date of this Resolution shall be October 28, 2013.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Midpeninsula Regional Open Space District elects to pay EPMC as set forth above

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