



Midpeninsula Regional
Open Space District

R-12-93
Meeting 12-32
October 10, 2012

AGENDA ITEM 7

AGENDA ITEM

Approval of Salary Adjustments and Amendments to Employment Agreements for the Board Appointees: General Manager 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 2011-12, the Board Appointee Evaluation Ad Hoc Committee recommends the following compensation adjustments for its Board Appointees for Fiscal Year 2012-13: Adjust the General Manager's base salary upward to \$194,322; and adjust the Controller's base salary upward to \$25,502.
2. Adopt the attached resolutions approving the salary adjustments set out in Recommendation 1 and authorizing the Board President to execute the commensurate related amendments to the Board Appointee Employment Agreements.

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 two of its three Board Appointees, the General Manager and the Controller, during several meetings from May 23, 2012, to September 11, 2012. The General Counsel had been with the District for just a couple of months when this process began, therefore no review of this appointee was conducted for this round and no salary adjustments are recommended for her at this time.

The Board was 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 FY2011-12, upon which the Appointees' evaluations were based, were described in detail in the Year-End Review of the FY2011-12 Action Plan presented at the June 27, 2012 Board meeting (Report R-12-55). 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 FY2011-12, the BAE Committee recommends providing the General Manager and Controller with base salary adjustments calculated to bring them closer to the median of the market, by bringing the General Manager up by 4.5% (one half of the amount determined necessary to meet the median of comparable salaries, consistent with the implementation decision made previously about incrementally addressing the gaps for staff salaries) to a base salary of \$194,322 per year, and the Controller up to a base salary of \$25,502 per year.

Consistent with previous Board decisions regarding other staff during this economic downturn, no COLA or merit pay adjustments are recommended for the Board Appointees at this time.

COMMITTEE REVIEW

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

FISCAL IMPACT

The District's FY2012-13 Annual Adopted budget reflected a forecasted annual base salary, (including an estimated annual percentage increase) of \$192,711 and \$21,526 for the General Manager and Controller, respectively.

The Committee's actual salary increase recommendation results in a fiscal impact of \$1,611 and \$3,976 for the General Manager and Controller, respectively, for FY2012-13.

The District's accounting staff process District payroll via the ADP payroll system which requires annual salaries to be calculated using hourly rates. This necessitates rounding up or down to coincide with an hourly rate capable of being processed (for example, avoiding hourly rates containing increments to the fourth or fifth decimal). This results in a very slight deviation from straight percentage calculations. Setting salaries this way, even though this fiscal impact is de minimis, assists the accounting staff in processing payroll.

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, with salary adjustments effective as of the first day of this fiscal year, April 1, 2012.

Attachments:

1. Resolution Approving Salary Adjustment and Amended Employment Agreement for the General Manager
2. Resolution Approving Salary Adjustment and Amended Employment Agreement for the District Controller

Submitted by:

Board Appointee Evaluation Ad Hoc Committee

Director Riffle, Chair

Director Cyr

Director Harris

RESOLUTION NO. 12-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**

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 2011-2012, and as the first in what is anticipated to be a two-step process to bring the General Manager’s compensation up to the comparable median, desires to grant him an approximately 4.5 percent adjustment to bring his base salary up to \$194,322;

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 \$194,322, retroactive to April 1, 2012 for Fiscal Year 2012-13, 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. 12-XX

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

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 \$25,502 per year, in recognition of his performance during Fiscal Year 2011-2012;

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 \$25,502 per year, retroactive to April 1, 2012 for Fiscal Year 2012-13, 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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