



# URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)  
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

**Meeting Date: June 29, 2021**

**Item Description: Adopt a Resolution Updating Guidelines and Procedures for City Council Office Budget Expenditure Accounts and Refer to the Budget Process Pursuant to Resolution No. 69,928–N.S.**

This item is submitted pursuant to the provision checked below:

**Emergency Situation (54954.2(b)(1) - majority vote required)**  
*Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*

**Immediate Action Required (54954.2(b)(2) - two-thirds vote required)**  
*There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.*

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

## **Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:**

The contract between Legislative Assistants in Council and Mayoral offices and the City was ratified in tentative agreement and approved by the Council on June 15, 2021. The contract provides each aide with a minimum hourly wage along a deep class of eight steps.

However, despite recent Council ratification of this new contract, the Resolution governing Mayoral and Council office budget policies has not yet been updated to reflect and facilitate the City's obligations under the new contract, including providing for yearly step increases. Without updating policies, the Mayor and Council offices cannot increase pay as appropriate along the full range of steps. Many legislative staff have been in place longer than the four years represented by the mid-range of the pay scale, where the budget is currently set. While it is appropriate for departments with multiple staff to budget at mid-step, this budget practice is inappropriate for Council/Mayoral offices with funding for only one (Councilmembers) to four (Mayor) full time Legislative Assistant staff, and prevents these offices from meeting the terms of the ratified MOU.

There is a need to take immediate action and the need for action came to the attention of the Council subsequent to the agenda for this meeting being posted. Budget referrals and policies for FY 2022 were due by June 1, 2021 and the contract was tentatively agreed to by the Union after the Council item submission deadline of May 10, 2021, and the contract was ratified by Council on June 15, 2021.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
June 29, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Adopt a Resolution Updating Guidelines and Procedures for City Council Office Budget Expenditure Accounts and Refer to the Budget Process Pursuant to Resolution No. 69,928–N.S.

RECOMMENDATION

1. Adopt a Resolution updating the guidelines and procedures for City Council office budget expenditure accounts and rescinding and superseding Resolution No. 65,540-N.S.; and,
2. Refer to the budget process pursuant to this Resolution and Resolution No. 69,928–N.S.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Currently, Council and Mayor office budgets for legislative staff are set under Resolution No. 65,540-N.S at mid-range of the salary schedule, preventing offices from paying people along the full range of the salary schedule. Some legislative staff have served for many more than four years; the current policy prevents councilmembers from paying their staff appropriately. This Resolution sets Mayor and Councilmember Office staff salaries and fringe benefits allocation at the top step to allow offices to hire people at an appropriate step and to provide a cost-of-living adjustment consistent with the increase provided to City employees.

BACKGROUND

This Resolution facilitates the City's performance pursuant to the contract adopted in Resolution No. 69,928–N.S. In 2019 Legislative Assistants unionized under SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association Chapter, and secured a tentative contract on May 20, 2021 (ratified by Council on June 15, 2021), which among other things recognized the workload of the Mayor and Council offices and provided an hourly step range.

At the same time, the constituent service needs of residents have not decreased. Rather, the population of Berkeley has increased by more than 20,000 people since 2000. Simultaneously, the City's overall budget and the total number of employees has steadily risen.

Adopt a Resolution Updating Guidelines and Procedures for City Council Office Budget Expenditure Accounts and Refer to the Budget Process Pursuant to Resolution No. 69,928–N.S.

On May 18, 2004, the City Council adopted Resolution No. 62,470-N.S., which established a base salary allocation for Legislative Assistants. This resolution was subsequently updated in 2008 pursuant to Resolution No. 64,019-N.S. and in 2011 pursuant to Resolution No. 65,540-N.S.

A 2006 City Manager study found that Legislative Assistants were underpaid as compared to external and internal comparators—namely the Assistant Management Analyst in the City Manager’s office. The City Manager’s office recommended Council increase Council office salary budgets for Legislative Assistants, which at the time were \$44,433 (excluding benefits), to the minimum salary level of an Assistant Management Analyst (AMA), which would have increased the annual salary allocation by approximately \$10,248 per Council office.

In 2015, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural pay inequities such as the fact that in order to pay aides at the higher end of the existing range, Councilmembers had to do at the cost to their discretionary budgets “intended for office supplies and other office-related costs.” Council ultimately referred \$80,000 between the 8 Council offices, but did not take into account the fact that the AMA salary was a step system, opting instead to pay only the bottom end of the AMA range for up to one aide, without recognizing or anticipating the need for two aides in a majority of Council offices.

Providing sufficient compensation and hours for legislative services is key to meeting the City’s Strategic Plan goal of attracting and retaining a talented and diverse City government workforce.

#### ALTERNATIVES CONSIDERED

The Council and Mayor could decide not to modify office budget policies, which would result in potential non-performance pursuant to the contract with SEIU Local 1021 ratified by Resolution No. 69,928–N.S.

#### FISCAL IMPACTS

The fiscal impacts will depend on each office’s discretion. For example, if two aides were moved to the top salary step reflective of their years of experience, the cost would be roughly \$36,000.

#### CONTACT

Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

#### ATTACHMENTS:

1. Resolution

RESOLUTION NO. -N.S.

ESTABLISHING GUIDELINES AND PROCEDURES FOR CITY COUNCIL  
OFFICE BUDGET EXPENDITURE ACCOUNTS

WHEREAS, each fiscal year the City Council appropriates funds in the Mayor and Councilmember's office budgets to cover the costs of Mayor and Council office staff and nonpersonnel expenditures that are reasonable and necessary for the performance of the duties of Mayor and Councilmembers; and

WHEREAS, on April 22, 2008, the City Council adopted Resolution No. 64,019-N.S. authorizing City Council Expense Accounts for staff salaries, fringe benefits, operating costs, and other related expenditures, and authorizing carryovers of up to \$10,000; and

~~WHEREAS, there is a need to rescind and replace Resolution No. 64,019-N.S. to eliminate the annual carryover limit for over expenditures, established in March 1997.~~

~~WHEREAS, on December 6, 2011 City Council rescinded and replaced the 2008 Resolution with Resolution No. 65,540-N.S. in order to eliminate the annual carryover limit for over expenditures, established in March 1997.~~

~~WHEREAS, there is a need to rescind and replace Resolution No. 65,540-N.S. to respond to the community's increased legislative needs, attract and retain a talented and diverse City government workforce and perform obligations pursuant to Resolution No. 69,928-N.S.~~

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley establishes the following guidelines and procedures for Mayor and City Council Office Budget Expenditure Accounts:

Section 1.

The allocation for Mayor and Councilmember Office staff salaries and fringe benefits ~~is hereby set at the top step to allow offices to hire people at an appropriate step and to provide~~ a cost of living adjustment consistent with the increase provided to ~~the unrepresented class of~~ City employees.

Section 2.

The annual allocation for nonpersonnel costs is not subject to a cost of living adjustment.

Section 3.

Funds budgeted for Mayor and Councilmember Office staff salaries may be used for nonpersonnel expenditures. Funds budgeted for nonpersonnel expenditures may be used toward staff salary costs.

Section 4.

Unspent funds allocated for fringe benefits cannot be used for any other personnel or nonpersonnel expenses nor can these excess funds be carried over into the next fiscal year.

Section 5.

Effective June 30, 2014, the Mayor's Office and Council Offices are not authorized to carry over negative spending balances. Overspent funds will be deducted from subsequent year budgets. Positive balances of up to \$10,000 may be carried over to the following fiscal year

Section 6.

Grants of surplus funds from the Mayor's Office and Council Office budgets directly to organizations providing benefits to Berkeley residents may only be made by relinquishing such funds to the general fund and obtaining approval of the Council.

BE IT FURTHER RESOLVED that Resolution No. 65,540-N.S. is hereby rescinded