

**City Attorney Evaluation Committee  
City Hall – Conference Room 302A  
10 N. Division Street  
Thursday, September 8, 2016  
3:00 P.M.**

**Commissioners Present:** Vice Mayor Baldwin, Commissioners Owens and Sherzer

**Commissioners Absent:** Mayor Walters

**Others Present:** Jill Steele, City Attorney; Victoria Houser, City Clerk

**Call to Order:** The meeting was called to order at 3:0 P.M.

**Public Comment:** There were none.

**Approval of Minutes:** A motion was made by Comm. Sherzer, supported by Comm. Owens, to approve the August 22, 2016 minutes. All yes, none opposed. Motion approved.

**Feedback on Annual Performance Appraisal:**

Vice Mayor Baldwin noted all 9 Commissioners participated in the survey.

**Full Commission's City Attorney Performance Evaluation Score:**

Committee members reviewed the results of the 2016 Commission Survey for the City Attorney Evaluation, commenting the scores were mostly Meets and Exceeds Expectations.

**Performance Award Recommendation:**

Committee members noted the high scores merited the COLA increase as outlined in the current City Attorney contract.

**City Attorney Contract Discussion:**

Committee members reviewed the proposed contract provided by Attorney Nancy Mullett, making a few modifications.

Vice Mayor Baldwin noted Attorney Mullett's comments regarding the harshness of the disability reference.

Attorney Steele noted FMLA provides 12 weeks to preserve the employee's position, also noting the City's short term disability policy allows reduced income for 6 months. Attorney Steele also noted she has received the same COLA as other non-represented employees for the last two years, noting her current rate, as of October 2015, is \$110,822, stating her contract addresses the timing of the COLA increase in October, instead the beginning of the fiscal year.

Committee members discussed the benefits outlined in the proposed contract, noting the City Attorney shall be entitled to all benefits provided to the non-represented employee group, including health and dental insurance, longevity pay, holidays, vacation leave, disability and health insurance, term life insurance and other benefits. Committee members noted the City Attorney also received a contribution of 6.5% to the ICMA/RC Retirement Fund, and employee pension benefits with MERS, as provided to employees in Division 15, City Manager, of the City Pension Plan, with no employee contribution required.

Attorney Steele expressed her appreciation for the MERS contribution, noting non-represented employees pay 3% into MERS, while represented employee contributions are dependent upon their contract. Attorney Steele requested the Committee consider a provision to review the City Attorney salary annually, in comparison to other staff members of the City Attorney office, to ensure that her rate does not fall to a lower rate than her staff. Attorney Steele confirmed she does receive longevity pay, stating she was not requesting step increases.

Comm. Sherzer requested the Committee define the criteria to be eligible for an increase, also cautioning the administration maintained vigilance over salary increases.

Vice Mayor Baldwin, referencing the City Manager evaluation, discussed the eligibility for a bonus if performance exceeds expectations, noting the City Manager receives the COLA if satisfactory, plus a bonus if she receives an overall Exceeds or Far Exceeds evaluation. Vice Mayor Baldwin noted the City Attorney evaluation only had 3 scores, stating

more than half of the responses would need to be 3 – Exceeds Expectations to obtain a score of 2.5 or more. Vice Mayor Baldwin recommended the annual COLA be based on satisfactory performance, suggesting ranges of 2.34 – 3.0 Exceeds Expectations, 1.7 – 2.33 Meets expectations, and 1.6 – 1.0 Needs Improvement.

Attorney Steele stated she recognized that she received an additional benefit that other non-represented employees do not receive, referencing MERS, stating she was not requesting bonus language, just a provision for an adjustment to her salary if the City Attorney staff salaries approach her salary.

Committee members agreed to maintain the provisions in Section VII – Salary, including the ICMA and MERS contributions, noting they recognize the level of the position. Committee members agreed to include a provision to review the City Attorney’s annual salary as it related to other City Attorney staff members. Committee members also agreed the contract would be ongoing, eliminating the need to renegotiate every year.

Attorney Steele confirmed the Committee would review the City Attorney goals annually and make recommendations if needed.

Vice Mayor Baldwin agreed to work with Attorney Mullett to complete the contract so that it would be on the September 20, 2016 City Commission agenda.

**Committee Discussion:** There was no additional discussion.

**Next Meeting:** To be determined in 2017.

**Adjournment:** Comm. Baldwin adjourned the meeting at 4:15 pm.

VLH