

RESOLUTION NO. 2004-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING RESOLUTION NOS. 96-063 AND 2002-065 PROVIDING FOR COMPENSATION FOR THE OFFICE OF CITY ATTORNEY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. The City Council has previously adopted Resolution Nos. 96-063 and 2002-065 providing for compensation for the office of City Attorney for the City of Santa Ana.
- B. The City Council desires to amend this resolution with respect to salary and deferred compensation.

Section 2. Section 2 of Resolution No. 96-063 is hereby amended to state as follows:

That the salary for the office of the City Attorney of the City of Santa Ana is hereby fixed and established, retroactive to July 1, 2004, to be five percent (5%) above that previously established, *i.e.*, five percent (5%) above Salary Rate EM40, Step 15. Thereafter, the salary for the office of City Attorney of the City of Santa Ana shall be adjusted effective each July 1 to reflect the best across-the-board salary adjustment approved for any recognized City bargaining unit for or in that fiscal year.

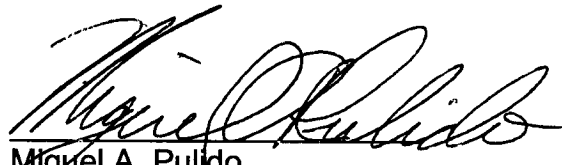
Section 3. Section 4(b) of Resolution No. 96-063 is hereby amended to state as follows:

(b) Deferred Compensation. Said officer shall receive from the City each calendar year (commencing with 2004), as additional compensation pursuant to Government Code section 53214, deferred compensation in the maximum amount permitted pursuant to section 457 of the Internal Revenue Code. This maximum amount shall not include any "catch up" contribution permitted pursuant to section 417(v) of the Internal Revenue Code.

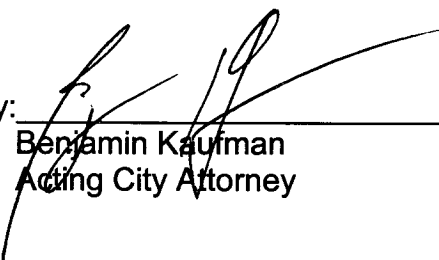
Section 4. Except as expressly provided herein, Resolution Nos. 96-063 and 2002-065 shall continue in full force and effect.

Section 5. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 20th day of December, 2004.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

By: 
Benjamin Kaufman
Acting City Attorney

AYES: Councilmembers: Alvarez, Bist, Bustamante, Christy, Garcia, Pulido, Solorio (7)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2004-101 to be the original resolution adopted by the City Council of the City of Santa Ana on December 20, 2004.

Date: 1/3/05


Clerk of the Council
City of Santa Ana

RESOLUTION NO. 2002-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING RESOLUTION NO. 96-063 PROVIDING FOR COMPENSATION FOR THE OFFICE OF CITY ATTORNEY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. That the City Council has previously adopted Resolution No. 96-063 providing for the compensation for the office of City Attorney for the City of Santa Ana.
- B. The City Council desires to amend this resolution with respect to life insurance, disability insurance, accrual of vacation time and severance pay.

Section 2. Section 4(d) of Resolution No. 96-063 is hereby amended to read as follows (addition shown as bold):

(d) Disability Insurance. The City shall pay the full premium for a long-term disability insurance plan for said officer, **which shall be both portable and pay to said officer 66 2/3% of his actual salary after a 60 day waiting period.**

Section 3. Section 4(e) of Resolution No. 96-063 is hereby amended to read as follows (addition shown as bold):

(e) Life Insurance. The City shall pay the full premium for a life insurance plan for said officer, **which shall be portable and offer \$500,000 in coverage.**

Section 4. Section 4(g) of Resolution No. 96-063 is hereby amended to read as follows (addition shown as bold):

(e) Vacation and Options. Said officer shall receive vacation benefits and vacation pay option, as provided in the class designated as Executive Management and in addition **shall accrue vacation at a rate as though his date of appointment with the City of Santa Ana was August 1, 1983** and be authorized for unlimited accumulation of unused vacation.

Section 5. Section 4(j)(i) and 4(j)(ii) of Resolution No. 96-063 are hereby amended to read as follows (addition shown as bold):

(j) Severance Pay. In the event said officer is terminated from employment by action of the City Council, said officer shall receive the following severance benefits:

i. **Twelve (12) months of full salary and benefits, which shall include the cash equivalent of all benefits payable or accrued during said twelve (12) month period,** payable on the last day of employment.

ii. **In lieu of receiving the cash equivalent of twelve (12) months of medical insurance benefits, the terminated officer may elect** continuing medical insurance benefits from the City for a period of **twelve (12) months** from and after the last day of employment.


Section 6. Section 4(l) is hereby added to Resolution No. 96-963 to read as follows:

(l) Conversion of Sick Leave. Upon leaving employment with the City, said official shall be able to convert unused sick leave as though his date of appointment was August 1, 1983.

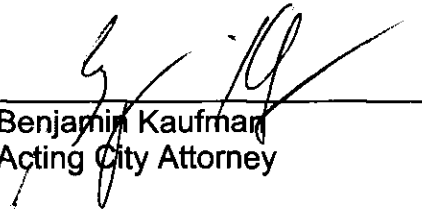
Section 7. Except as expressly amended by this Resolution, Resolution No. 96-063, and each and every section, subsection and provision thereof, shall remain in full force and effect.

Section 8. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 5th day of August, 2002.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

By: 
Benjamin Kaufman
Acting City Attorney

AYES: Councilmembers: Alvarez, Bist, Christy, Franklin, McGuigan, Pulido, Solorio (7)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2002-065 to be the original resolution adopted by the City Council of the City of Santa Ana on August 5, 2002.

Date: 8/7/02


Clerk of the Council
City of Santa Ana

AMENDED BY: ORD/RESO

NO. 2002-065

8-5-03

RESOLUTION NO. 96-063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPOINTING A CITY ATTORNEY FOR THE CITY OF SANTA ANA, FIXING AND ESTABLISHING THE COMPENSATION FOR THAT OFFICER, AND REPEALING RESOLUTIONS INCONSISTENT THEREWITH

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA:

1. That Mr. Joseph W. Fletcher is appointed to the office of City Attorney for the City of Santa Ana effective August 1, 1996, or such earlier date as he may select.

2. That the salary for the office of the City Attorney of the City of Santa Ana is hereby fixed and established at the salary rate in the City of Santa Ana Schedule of Salary Ranges for unrepresented Executive Classes of Employment on the effective date as herein set forth:

<u>Salary Rate</u>	<u>Effective Date</u>
EM40 Step 15	July 1, 1996

3. That said salary shall be paid in the same manner and at the same time as other monthly salaries in the City are paid.

4. In addition to the salary hereinabove fixed and established for said office, said officer shall receive, as additional compensation, the following employee benefits:

(a) Retirement. The terms of the existing contract between the City and the California Public Employees' Retirement System (CalPERS) governing the retirement benefits for affected employees, as amended, are incorporated herein by reference, and the City shall continue to make contributions to CalPERS in accordance with said contract as amended for said officer at the same rate the City provides for the class designated as Executive Management ("EM").

(b) Deferred Compensation. Said officer shall receive the same deferred compensation, upon the same terms and conditions, as provided the class designated as Executive Management.

(c) Health and Dental Insurance. Said officer shall receive the same health and dental benefits, upon the same terms and conditions, as provided the class designated as Executive Management.

(d) Disability Insurance. The City shall pay the full premium for a long-term disability insurance plan for said officer, as provided the class designated as Executive Management.

(e) Life Insurance. The City shall provide the same life insurance coverage for said officer, upon the same terms and conditions, as provided the class designated as Executive Management.

(f) Holidays. Said officer shall received the same holidays, upon the same terms and conditions, as provided the class designated as Executive Management.

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(g) Vacation and Options. Said officer shall receive vacation benefits and vacation pay option, as provided the class designated as Executive Management; and in addition shall be authorized for unlimited accumulation of all unused vacation.

(h) Sick Leave Credit. Said officer shall receive a credit of 200 hours to his sick leave bank in consideration of the sick leave hours he had accumulated in his prior position.

(i) Carry-Over Benefits. In addition to the benefits specified in subparagraphs (a) through (h) hereinabove, said officer shall receive any and all employee benefits accorded unrepresented executive management employees of the City who are miscellaneous members of CalPERS, including automobile allowance, except said officer shall not qualify for the management Performance-Based Salary Adjustments.

(j) Severance Pay. In the event said officer is terminated from employment by action of the City Council, said officer shall received the following severance benefits:

- i. Six (6) months of full salary, payable on the last day of employment.
- ii. Continuing medical insurance benefits for a period of six (6) months from and after the last day of employment.
- iii. The City shall not at any time reduce the base salary, compensation or other financial benefits of said officer, except to the degree of such reduction across-the-board for all Executive Management employees of the City without subjecting such action to be deemed a termination, at said officer's option.

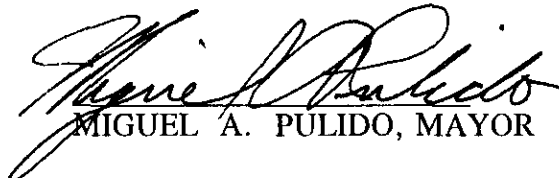
(k) Relocation Expense. Said officer shall receive as additional compensation ten thousand dollars (\$10,000) tax free which shall be payable should said officer relocate to a residence within the City of Santa Ana prior to January 1, 1998.

5. Indemnification. The City shall defend, hold harmless and indemnify said officer against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of said officer's duties. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgement rendered therefrom.

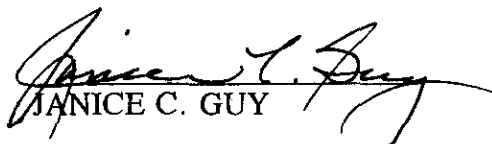
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6. Any other resolution of the City Council inconsistent with this Resolution is hereby repealed.

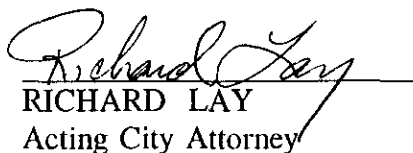
ADOPTED this 27th day of June, 1996


MIGUEL A. PULIDO, MAYOR

ATTEST:


JANICE C. GUY

APPROVED AS TO FORM:


RICHARD LAY
Acting City Attorney

COUNCIL MEMBERS:

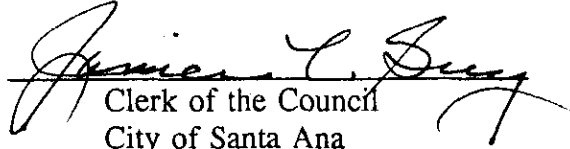
PULIDO	<u>Aye</u>
ESPINOZA	<u>Absent</u>
LUTZ	<u>Aye</u>
McGUIGAN	<u>Aye</u>
MILLS	<u>Absent</u>
MORENO	<u>Absent</u>
RICHARDSON	<u>Aye</u>

CERTIFICATE OF ORIGINALITY & PUBLICATION

State of California

County of Orange

I, JANICE C. GUY, Clerk of the Council, do hereby certify the attached Resolution

96-063 to be the original resolution adopted by the City Council of theCity of Santa Ana on 6-27-96.Date: 6/28/96
Clerk of the Council
City of Santa Ana