

RESOLUTION NO. 2009-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPOINTING MARIA D. HUIZAR AS CLERK OF THE COUNCIL AND ESTABLISHING THE COMPENSATION FOR SAID OFFICIAL.

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

1. That Maria D. Huizar is hereby appointed to the office of Clerk of the Council for the City of Santa Ana. The appointment shall be effective August 17, 2009.
2. That the salary rate for the office of Clerk of the Council for the City of Santa Ana shall remain fixed and established at EM-28 in accordance with the City of Santa Ana Schedule of Salary Ranges for unrepresented Executive Classes effective as of the date of this Resolution. The salary shall be paid in the same manner and at the same times as other monthly salaries of the City are paid.
3. That the beginning salary for the official shall be set at Step 10 of EM-28. The salary step shall thereafter be adjusted upward annually three (3) steps on the first day of the first pay period following the anniversary of the incumbent's appointment until the top step is achieved, unless a lesser number of steps (not less than one) are approved by the City Council upon a performance evaluation conducted in accordance with Chapter 705 of the City Charter.
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 for said officer at the same rate the City provides for Executive Management.
 - b) Deferred Compensation. Said officer shall receive as additional compensation deducted from her salary pursuant to Government

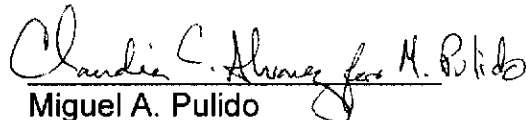
Code Section 53214, deferred compensation in the maximum annual amount permitted pursuant to Section 457 of the Internal Revenue Code at the time of adoption of this resolution, excluding any permitted catch up contribution.

- c) Health and Dental Insurance. Said officer shall be entitled to receive the same health, dental and similar benefits, upon the same terms and conditions, as provided for Executive Management.
- d) Disability Insurance. The City shall pay the full premium for a long-term disability insurance plan for said officer as provided for 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 for Executive Management.
- f) Holidays. Said officer shall receive the same holidays, upon the same terms and conditions, as provided for Executive Management.
- g) Vacation. Said officer shall receive the same vacation benefits, including vacation pay option as for Executive Management. The officer shall accrue vacation at a rate as though her date of appointment with the City of Santa Ana was April 6, 1998. Additionally, said officer shall be entitled to unlimited accumulation of unused vacation.
- h) Sick Leave Credit. Said officer shall receive a credit of 400 hours to her sick leave bank in consideration of the sick leave hours she accumulated in her prior position. Additionally, upon leaving employment with the City, said officer shall be able to convert unused sick leave as though her date of appointment was April 6, 1998.
- i) Other Benefits. In addition to the benefits specified in subparagraphs (a) through (h) above, 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 receive as severance benefits six months of full salary, including retirement and medical benefits, payable on the last day of employment. In lieu of receiving the cash equivalent of six months of medical insurance benefits, the terminated officer may elect continuing medical insurance

benefits from the City for a period of six months from and after the last day of employment. In the event the City Council reduces the base salary, compensation or other financial benefits of said officer, other than in conjunction with a commensurate across-the-board reduction for all Executive Management employees, such action shall be deemed to be a termination, at the option of the officer, triggering the severance pay benefit.

5. The City shall indemnify, defend and hold harmless the 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 of the officer in the performance of her duties. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment resulting therefrom.

ADOPTED this 20th day of July, 2009.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:



Joseph W. Fletcher
City Attorney

AYES: Councilmembers: Alvarez, Benavides, Bustamante, Martinez (4)

NOES: Councilmembers: None (0)

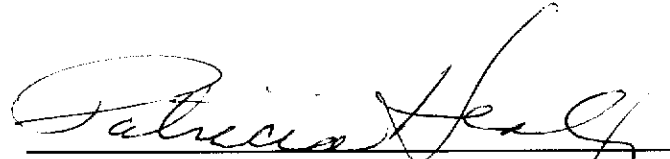
ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: Pulido, Sarmiento, Tinajero (3)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2009-038 to be the original resolution adopted by the City Council of the City of Santa Ana on July 20, 2009.

Date: 7/23/09


Clerk of the Council
City of Santa Ana