



Office of the Mayor

CONSENT CALENDAR

December 12, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin

Subject: Adjustment to City Attorney Salary Range and Revised Salary

RECOMMENDATION

Adopt a resolution to approve (1) increasing the top of the City Attorney salary range to \$360,000 annually and (2) revising City Attorney Farimah Brown's annual salary to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.

FISCAL IMPACT

The recommendation marks an increase in the City Attorney's compensation from \$313,408.42 to \$336,000.00, which will be funded by the General Fund.

CURRENT SITUATION AND ITS EFFECTS

Both the adjustment to the City Attorney's salary range, as well as the revised salary for Ms. Brown, follow an extensive evaluation of the City Attorney's job performance conducted by the City Council, in conjunction with an outside consultant, Boucher Law, PC.

The evaluation included a salary survey which revealed that the midpoint of the City Attorney salary lagged behind that of comparable jurisdictions by nearly 25%. The proposed adjustment to the salary range seeks to rectify that lag and to keep the position competitive in the market, while the revision to Ms. Brown's salary recognizes the caliber of her performance in the City Attorney role.

BACKGROUND

Boucher Law, PC, was selected as the firm to assist with the City Attorney evaluation following outreach by the Human Resources Department to several firms inviting them to bid for the consultancy. Mr. Boucher's firm was selected due to his licensed status as

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an attorney, as well as his former experience as an HR Director.

The evaluation, which was conducted over several months, included a broad survey of City Attorney compensation among surrounding agencies including Alameda County, City of Concord, Contra Costa County, City of Fremont, City of Hayward, City of Oakland, City of Palo Alto, City of Richmond, City and County of San Francisco, City of San Jose, San Mateo County, and Santa Clara County. The survey revealed that the City of Berkeley ranked 12th out of 13 agencies when salary midpoints were compared and lagged behind the median by 24.88%.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONAL FOR RECOMMENDATION

A salary survey highlighted the need to modify the City Attorney salary range in order to make it competitive in comparable markets. The positive outcomes of a lengthy and thorough performance evaluation supported an upward revision to Ms. Brown's salary.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jesse Arreguin, Mayor 510-981-7100

ATTACHMENTS

1. Resolution

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RESOLUTION NO. xxxxx - N.S.

ADJUSTMENT TO CITY ATTORNEY SALARY RANGE AND REVISED SALARY

WHEREAS, the City Council conducted an extensive evaluation of the City Attorney's job performance in conjunction with an outside consultant; and

WHEREAS, the evaluation included a salary survey which revealed that the midpoint of the City Attorney salary lagged behind that of comparable jurisdictions by nearly 25%; and

WHEREAS, an adjustment to the City Attorney's salary range is necessary to keep the position competitive in the market; and

WHEREAS, the Council positively evaluated Farimah Brown's performance in the City Attorney role.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (1) the top of the City Attorney salary range is increased to \$360,000 annually and (2) City Attorney Farimah Brown's annual salary is increased to \$336,000 effective the start of the pay period closest to Ms. Brown's most recent anniversary date of July 10, 2023, pursuant to Section 1.6 of the Unrepresented Employee Manual.

