



Terry Taplin
Councilmember District 2

REVISED AGENDA MATERIAL

Meeting Date: November 16, 2023

Item Number: 3

Item Description: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

Submitted by: Councilmember Taplin

The item is amended to refer to AAO1 process due to the unforeseen delay of the AAO2 process, to which item authors were not able to adjust prior to initial submission.



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

CONSENT CALENDAR

Nov. 14, 2023

Budget and Finance Policy Committee

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison, and Vice Mayor Bartlett (co-authors)

Subject: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

RECOMMENDATION

Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #~~12~~ (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.

CURRENT SITUATION AND ITS EFFECTS

This item reiterates with modifications a 2022 referral from Councilmember Bartlett's office for 2 FTE per office that was funded in part at 1.5 FTE and only delayed structural shortfalls impacting at least four offices.

As of March of 2023, four of eight Council Offices retain more than one Legislative Assistant, while the Mayor retains four Legislative Assistants in addition to a Chief of Staff. This reflects the trend over the last two decades of an increase in demand faced by Council Offices for constituent services and legislative policy output. Despite this increase, Council budget policy still assumes a staff level fixed at one Legislative Assistant per Council Office, though recent adjustments provide for budgeting the Mayor's Office at actual staff costs.

Following the 2019 unionization of Legislative Assistants with the SEIU 1021 Community Services & Part-Time Recreation Leaders Association Chapter. The City officially ratified a contract with the new unit on June 15, 2021 that, among other things, provided an increased hourly wage for Legislative Assistants more closely commensurate with internal comparators as determined by a 2006 report from the City Manager, and placed Legislative Assistants on a salary schedule based on annual steps like other unionized positions in the City. After the adoption of the contract, Resolution No. 65.540-N.S. which provided for and regulated Council Office budgets was replaced by Resolution No. 70,054–N.S. This new Resolution adjusted Council budgets to allow for one full-time Legislative Assistant per office under the new agreement but did not account for the reality that half of Council Offices currently have

had more than one Legislative Assistant. Because the new contract provides for annual step increases, Council Offices which now use their staff funds to retain two ~~full~~^{part} time Legislative Assistants will be forced to reduce hours or terminate staff as they progress through annual steps.

The most recent adjustment to Council staff budgeting policy was made on June 28, 2022, by the unanimous vote to adopt Resolution No. 70,442–N.S. as revised. Revisions included: “Modify the proposed expenditure for the line item entitled “Increase City Council Office Expenditure Accounts” to increase each City Council office expenditure account by \$54,769.50 for FY 2023 and FY 2024, and that the amount is based on .5 FTE in the legislative assistant classification.” This represented a significant improvement over the status quo ante, but did not fully preclude the structural deficits for some Council Office budgets.

BACKGROUND

Adequately and equitably funding Legislative Assistant positions is critical for achieving the City’s Strategic Plan goal of attracting and retaining a talented and diverse City government workforce.

Legislative Assistants aid with the management of a City Councilmember’s policy initiatives and district projects, write legislation, provide administrative office support, research and analyze policy and legislation, guide constituents in accessing critical public and nonprofit assistance, and may be called upon to represent their Councilmember before constituents, community groups, business interests, city staff and other elected officials.

Until recently, the Mayor, Councilmembers, and their aides have been significantly underpaid as compared to external and internal comparators. However, the population of Berkeley has increased by more than 20,000 since 2000, and active civic participation in matters of both local and national importance has increased significantly.

In 2020, the adoption of Measure JJ by nearly two thirds of Berkeley voters¹ affirmed that residents have high expectations of their local government and that the work required to deliver on those expectations should be compensated fairly and accurately. Measure JJ changed the status of City Councilmembers from part-time to full-time to reflect the increased demands of the position from when it was first created, and increased the salary for Councilmember and the Mayor to one sufficient for working class residents to be able to afford to run for office.²

Alongside the trend of increased demand on Council Offices for legislative and constituent services, the inauguration of the Council Policy Committee system in 2018 and the transition to full time Council positions in 2020 have both driven an increase in

1

<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Summary%20Results%20Nov.%202020.pdf>, pg. 3

² <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/2020%20Ballot%20Measures.pdf>, pg. 33

the workload for legislative staff. Half of Council Offices now maintain more than one Legislative Assistant, reflecting that the volume of legislative work per Council Office often exceeds 40 hours of labor per week. There are currently six Council Policy Committees, four interagency committees, and a varying number of Mayoral task forces.³ Many Councilmembers also sit on regional boards, commissions, working groups and task forces, including, for example, the Association of Bay Area Governments Executive Board, Alameda County Transportation Commission, and the East Bay Community Energy Board of Directors among numerous others.

These committees and other bodies provide vital legislative functions, but also add significant workload in both staffing and preparing for these meetings each week. In addition to two regular meetings a month, Policy Committees have additional special meetings scheduled on an ad hoc basis, especially during the bi-annual budget processes, and additional work conducted by the staff, especially when a Councilmember chairs a Committee. Critically, committee members are now responsible for writing more detailed and comprehensive legislative briefs and memos as well as shepherding amended legislative matters referred from Commissions and other bodies. Due to the enhanced demand for legislative work, full and part-time Legislative Assistants regularly work hours substantially beyond their scheduled appointment.

Over the past two decades, Council has attempted to address Legislative Assistant compensation, resulting in incremental improvement.⁴

In 2006, in recognition of Legislative Assistant salary and classification disparities, the Council passed Resolution No. 63,259-N.S. directing the City Manager to conduct a salary equity study for the City Council Legislative Assistants and report the findings to the Council to include “a comparison with their peers in neighboring jurisdictions...[and] the salary range, qualifications and responsibilities for this job class.”⁵

The resulting 2006 study⁶ from the City Manager found that Legislative Assistants were significantly underpaid as compared to external and internal comparators—namely the Assistant Management Analyst in the City Manager’s office. The City Manager recommended an increase to Council office salary budgets, at the time \$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, nearly a decade after the City Manager’s study was submitted to Council, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural deficiencies including that

³https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Committee_and_Regional_Body_Appointees.aspx

⁴<https://berkeleyca.gov/sites/default/files/documents/SEIU-CSU-Local1021-MOU.pdf>

⁵<https://www.cityofberkeley.info/citycouncil/agenda-committee/2006/packet/041006/2006-04-18%20Draft%20Item%2019%20MOORE%20-%20Salary%20Equity.pdf>

⁶<https://www.cityofberkeley.info/recordsonline/api/Document/AQwW5T053smoW4FSgoqqfPzrtx2b5Xydz2Wp12sEq9AYYtJ0JDbJ32ymekuaq6i5xy%C3%89%C3%8117rVEBYmrBFWpzKvwec%3D/>

Council Offices had to pull from their discretionary budgets “intended for office supplies and other office-related costs” in order to sufficiently fund staff costs.⁷ Council ultimately referred an additional \$80,000 total to be split between the 8 Council offices. This increased staff capacity but only to the bottom end of the AMA classification range for one position.

In 2019, the Legislative Assistants across Council and Mayoral offices unionized as part of the SEIU 1021 Community Services & Part-Time Recreation Leaders Association. The contract approved in June 2021⁸ provided for a wage step range roughly commensurate with the AMA classification. As part of that range, Legislative Assistants now receive annual pay increases along the established range like other City employees. In order to effectuate the new labor agreement, Council modified the guidelines that regulate Council Office budgets, replacing Resolution No. 65.540-N.S. with Resolution No. 70,054–N.S.⁹

While the wage floor for Legislative Assistants has increased under the contract, historic budget deficiencies persist. Indeed, the current budget policy artificially constrains certain Council appointments to less than full-time appointments in cases where two Legislative Assistants are needed. As a result, offices with multiple Legislative Assistants have to ration one full-time salary between two people, a fraught situation that creates awkward and precarious work schedules, inequitable compensation, burnout, high turnover, less diverse staff, less thorough legislative and constituent services, and the siphoning of office funds intended for supplies and other office-related costs. In addition, since the Legislative Assistant contract now provides for yearly step increases pursuant to favorable performance reviews like most other City positions, the Mayor and Council offices with multiple Legislative Assistants will quickly overshoot their budgets, which were designed for only one Legislative Assistant per office.

The two alternatives considered would address these shortcomings and respond to the change in legislative conditions by providing offices that wish to hire two full-time Legislative Assistants the opportunity to do so.

ALTERNATIVES CONSIDERED

Maintaining the status quo would result in those Council Offices which retain more than one Legislative Assistant encountering structural budget deficits within one to three years. In this scenario, Offices will be *forced to cut hours or lay off staff*. Though this can be remediated by reallocating non-personnel funds towards staff costs, doing so would delay but not prevent structural issues in most circumstances and results in other challenges and inequities associated with insufficient office funds.

⁷[https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_\\$80,000.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_$80,000.aspx)

⁸https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/06-01_AC_Time_Critical_Item_Leg_Assistants_MOU.aspx

⁹https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_06_Council_Office_Expense_Account.aspx

The Budget and Finance Committee should instead consider pooling individual Council Staff Office Budgets together into a single Council Office Staff Budget, and fund it sufficient for each Office to hire two FTEs. This would raise funding to a level reflective of the demonstrated demand for Legislative Assistant work and stabilize those Offices with multiple Legislative Assistants, while simultaneously enabling budgeting practices and cost savings not practical with individual Council Staff Office Budgets. In this scenario, each Council Office would be able to draw funding for up to 2 FTEs or their equivalent from the fund, with flexibility for each Office based on the tenure of staff and the breakdown of fulltime and part-time positions.

The primary advantage of a pooled approach is in allowing more accurate budgeting practices. Normally, variation in seniority and temporary vacancies within a department create a high probability of actual costs falling close to the middle of the step range per budgeted position. It is therefore more accurate to budget staff costs at that median range, which frees some money for other priorities. The small size of each Council Office Staff Budget prevents this, instead requiring that they be budgeted at the top of the range. A pooled budget for 16 FTEs would likely be large enough to budget at the middle, allowing for more accurate budgeting and possible reallocation of scarce resources.

A pooled fund would allow for budgeting practices more reflective of the City's policies for other departments. The Budget and Finance Committee should consider what additional restrictions and policies should govern use of the fund. These should include a restriction on initial step placements for new hires at the first four steps of the Legislative Assistant salary range, and a requirement that the 80 hours available to each department be split between no more than three individual staff members. This could ensure stability of future budgets while enabling Council Offices to retain hiring discretion.

Additionally, a June 2021 Compensation Study indicated that the Legislative Assistant position in the City of Berkeley was 25% below the regional Labor Market Median in compensation (see Attachment 2). Recruitment and retention may become more difficult, as inflation measured by the Consumer Price Index (CPI) had risen to 5% that month, and peaked at a 40-year high of 8.5% in July 2022, representing a loss of real purchasing power for workers whose salary increases were below those rates.

A second alternative to address this issue would be to simply increase the amount allocated per council office from one FTE to two. While this may be easier to implement, it may be lacking in the cost control and flexibility enabled by the pooled approach.

FINANCIAL IMPLICATIONS

Budgeting 16 FTE at the median salary step (\$90,121 per year) and pooling Council Office Staff Budgets would cost approximately \$1,441,936 for Fiscal Year 2024, if all offices exhaust their 2 FTE allocation—an annual \$114,316 increase over the status quo

ante, which would otherwise total \$1,327,620 in FY 24. 2 FTE would be \$1,770,160, or an increase of \$442,540. This budget referral contains half that amount to reflect the midpoint in Fiscal Year 2024.

It is important to note that adopted and actual Council office budgets vary greatly each year. For example, in FY 2023 the actual budget resulted in 20% savings¹⁰ over the adopted budget presumably due to differences in Councilmember spending and hiring preference

These cost estimates are based on projections for salary costs given scheduled raises per already agreed labor contracts for FY 2023, but assume FY 2022 allocations for fringe benefits. This may slightly underestimate the cost for the status quo, and significantly overestimate cost for the pooled alternative. Some fringe benefits, like healthcare, are unrelated to the salary of the position, while some rise with compensation. While the pooled approach budgets salaries at the median of the range, it assumes the full cost of 16 positions regardless of step for fringe benefits.

ENVIRONMENTAL SUSTAINABILITY

None.

ATTACHMENTS

1. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures - May 2022
2. 2021 Compensation Study for Legislative Assistants

CONTACT

Terry Taplin, Councilmember, District 2, 510-981-7120

¹⁰ <https://berkeleyca.gov/sites/default/files/documents/FY-2024-Mid-Biennial-Adopted-Budget-Book.pdf>