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**RESOLUTION NO. R-20-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON  
GOVERNING COMPENSATION AND BENEFITS OF  
ELECTED OFFICIALS**

**WHEREAS**, the City of Colton (“City”) first created a combined compensation and benefits resolution for the “executive unit”, a group of unrepresented employees, by Resolution R-69A-01;

**WHEREAS**, the City has since amended the executive unit compensation and benefits package, most recently on 6-19-07;

**WHEREAS**, the City now desires to split-up the group of unrepresented employees into two groups of unrepresented employees – an executive group consisting of department-head level employees and a confidential group consisting of other employees who perform “confidential” functions as defined by Government Code Sections 3513 and 3562 – and establish a separate resolution governing elected officials;

**WHEREAS**, this Resolution shall be for the Elected Officials; and;

**WHEREAS**, this Resolution does not govern the compensation of the Mayor and Council Members, which is governed by Colton Municipal Code Chapter 2.12.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON  
DOES HEREBY RESOLVE AS FOLLOWS:**

**ARTICLE I  
GENERAL PROVISIONS; EMPLOYER-EMPLOYEE RELATIONS**

Section 1. Title of Resolution. This Resolution shall be known as the Compensation and Benefits Resolution for Elected Officials of the City of Colton.

Section 2. Term of Resolution. This Resolution shall remain in full force and effect until modified or terminated by action of the City Council.

Section 3. Statement of Purpose. This Resolution is adopted to provide a comprehensive listing of compensation and benefits to be provided to Elected Officials.

Section 4. Elected Officials. The Elected Officials governed by this Resolution shall include those persons occupying the following elected positions, whether elected or appointed in accordance with applicable law:

Mayor  
Council Members

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3 City Clerk  
City Treasurer

4 Section 5. Dual Roles – Decline of Benefits. If an Elected Official also occupies  
5 another position with the City (e.g. elected City Clerk who is also hired as Records Manager)  
6 or is a retiree from the City, he or she may receive all benefits from each role, but shall not  
7 receive duplicate benefits from the dual roles.

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**ARTICLE II**  
**COMPENSATION**

Section 1. Mayor and Council Members Compensation - Not Governed by this  
Resolution. Compensation for the Mayor and Council Members is governed by Colton  
Municipal Code Sections 2.12.050 and 2.12.030 respectively.

Section 2. City Clerk and City Treasurer Base Compensation - Not Governed by  
this Resolution. The base compensation for the City Clerk and City Treasurer is governed by  
Colton Municipal Code Sections 2.12.010 and 2.12.020 respectively.

Section 3. City Treasurer De La Torre - Supplemental Compensation. Colton  
Municipal Code Section 2.12.020 authorizes the City Council to provide, by resolution,  
supplemental compensation to the City Treasurer for performing additional responsibilities.  
The present City Treasurer, Aurelio De La Torre, will be performing additional services as  
follows: (a) conducting random audits of accounts payable weekly warrant register and  
related back-up; (b) reviewing and approving all travel expenses relating to the City  
Council office; (c) handling any appeals related to the p-card program; (d) conducting  
random audits of p-card and cell phone payments, and meeting with department heads to  
resolve any issues; (e) assisting the City Manager's office with coordination of the City-wide  
management audit, as recommended by the City Manager; (f) in the absence of the Purchasing  
Manager, assisting the Finance Director with contract negotiations where applicable.  
Accordingly, the supplemental salary for City Treasurer Aurelio De La Torre shall be fixed  
at two thousand dollars (\$2,000) per month, in addition to the sum provided by Colton  
Municipal Code Section 2.12.020, for a combined salary of two thousand two hundred and  
twenty-five dollars (\$2,225) per month effective January 1, 2007. The supplemental salary  
for the City Treasurer is specifically allocated in compensation for the additional tasks  
noted above. Should the City Treasurer cease to perform such activities, the City may  
choose to reduce or delete the City Treasurer's supplemental salary. The supplemental  
compensation is also specifically authorized for the performance of City Treasurer Aurelio De  
La Torre. Supplemental compensation shall not be provided to subsequent City Treasurers, unless so  
authorized by the City Council.

Section 4. Redevelopment Stipend – Not Governed by this Resolution. The thirty  
dollar (\$30) per meeting stipend authorized by Health & Safety Code Section 33114.5 is  
governed by Redevelopment Agency Resolution No 4076 adopted on February 17, 1981.

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3 **ARTICLE III**  
4 **BENEFITS**

5 Section 1. Retirement – PERS. The City shall provide Elected Officials with  
6 retirement benefits, as currently specified under the city’s applicable contracts with the Public  
7 Employees’ Retirement System (PERS). Benefits shall include:

8 Officials First Elected before PERS’ Two-Tier Plan Amendment

9 2.7% at age 55 formula

10 One year final compensation

11 Military buyback

12 Officials First Elected after PERS’ Two-Tier Plan Amendment

13 2.5% at age 55 formula for other eligible employees

14 One year final compensation

15 Military buyback

16 Section 2. Retirement – Employee Contributions. Effective the first pay period  
17 following March 1, 2011, Elected Officials shall pay the full amount of the employee’s  
18 contribution to PERS (currently, eight percent (8%) for “miscellaneous” members).

19 Section 3. Retirement – PERS Fourth Level Survivor Benefit. The City will  
20 provide PERS 1959 Fourth Level Survivor benefits to all Elected Officials as miscellaneous  
21 employees, as set forth in Sections 21571 - 21583 of the Government Code.

22 Section 4. Retirement – Retiree Medical. Pursuant to Resolution 91-96, Elected  
23 Officials are not entitled to retiree medical benefits under Resolution 115-91 if first elected on  
24 or after August 20, 1996. If first elected prior to August 20, 1996, such benefits are to be  
25 provided if such officials met the requirements of Resolutions 115-91 and 91-96, including  
26 retiring from City service under applicable PERS rules and regulations.

27 Section 5. Retirement – Social Security. In the event the City and its employees  
are required to participate in the Federal Social Security Program, the contribution designated  
by law to be the responsibility of the employee shall be paid in full by the Elected Officials  
and the City shall not be obligated to pay or “pick up” any portion thereof.

Section 6. Medicare. On or after April 1, 1986, Elected Officials shall be required  
to pay the designated employee contribution to participate in the Medicare Program, and the  
City shall be under no obligation to pay or “pick up” any such contributions.

Section 7. Mayor and Council Members Auto Allowance - Not Governed by this  
Resolution. The Auto Allowance for the Mayor and Council Members is governed by Colton  
Municipal Code Sections 2.12.050 and 2.12.030 respectively.

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3 Section 8. City Clerk and City Treasurer Auto Allowance. The City Clerk and  
4 City Treasurer shall each receive an auto allowance in the amount of two-hundred and twenty  
5 dollars (\$220) per month.

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7 Section 9. Health Insurance – Mayor and Council Members. The City shall  
8 provide to the Mayor and Council Members a monthly health benefit allowance of nine  
9 hundred and ninety dollars (\$990) outside of the City’s Section 125 cafeteria benefit plan, and  
10 such amount shall not be available towards the purchase of permissible benefits thereunder.  
11 Except as herein provided, each Council Member’s health benefit allowance shall be applied  
12 toward the cost of the Council Member’s premiums for group health coverage. In the event a  
13 Council Member is receiving comparable health benefits under another group health plan and  
14 the Council Member provides substantiation of such alternate health coverage, the City shall  
15 direct the contribution of such unused allowance to the City’s Section 457 Deferred  
16 Compensation Plan on behalf of such Council Member in an amount equal to the unused  
17 health allowance. The City shall require verification from affected Council Members of  
18 alternate health coverage on an annual basis, prior to the beginning of the annual enrollment  
19 period. Any newly eligible Council Members shall be required to comply with these  
20 substantiation procedures upon becoming eligible to receive the health benefit allowance. If,  
21 at any time, a Council Member fails to provide verification of alternate health coverage, he or  
22 she shall be automatically enrolled in the City’s group health plan and such Council Member’s  
23 health allowance shall be applied toward the cost of health premiums. In the event the cost of  
24 health coverage for a Council Member receiving health benefits is less than the allowance, the  
25 unused portion of the allowance shall be contributed to the City’s 457 Plan on behalf of such  
26 Council Member.

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28 Section 10. Health Insurance – City Clerk and City Treasurer. The City Clerk and  
29 City Treasurer may participate in the City’s Section 125 cafeteria benefit plan. Under the  
30 cafeteria plan, they will receive a monthly allowance of nine hundred and ninety dollars  
31 (\$990), from which they can choose health insurance, dental insurance and vision. In addition,  
32 supplemental insurance opportunities will be provided in order for employees to purchase  
33 supplemental medical insurance and childcare coverage through pre-tax dollars. The cafeteria  
34 allowance is established by the City Council. Any changes made to the cafeteria allowance  
35 shall be provided to the City Clerk and City Treasurer, as is required under IRS Section 125  
36 rules and regulations. On January 1, 2006, the maximum differential provided to the employee  
37 may cap out at \$500. In those instances where the employee’s medical insurance premium is  
38 less than the City’s monthly contribution, the difference between said cafeteria dollar amounts  
39 shall be provided in the form of a bi-monthly cash disbursement (payable 24 times per year).  
40 Cash disbursement to the employee is subject to tax, pursuant to the tax codes.

41  
42 Section 11. Term Life Insurance. The City shall provide Elected Officials with term  
43 life insurance coverage in the amount of one hundred thousand dollars (\$100,000). A nominal  
44 monthly amount of approximately twelve dollars (\$12.00) will be added as taxable income for  
45 the additional fifty thousand dollars (\$50,000) coverage over the I.R.S. threshold for a taxable  
46 benefit.

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3 Section 12. Annual Physical Examination/Medical Reimbursement. The City shall  
4 provide an annual (fiscal year) physical allowance of one thousand dollars (\$1,000) to the  
Elected Officials, to include reimbursement for non-covered medical, dental, or vision  
expenses and/or deductibles for employee and covered dependents.

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6 **ARTICLE IV**  
**NEPOTISM**

7 Section 1. Nepotism Policy. This policy applies to all City employees, appointed  
8 officials, and elected officials, and includes any relative defined as father, father-in-law, step-  
9 father, mother, mother-in-law, step-mother, foster parent, grandparent, grandchild, brother,  
brother-in-law, step-brother, sister, sister-in-law, step-sister, wife, husband, child, step-child,  
10 foster child, adopted children, son-in-law, daughter-in-law, first cousin, niece, nephew, aunt,  
uncle, domestic partner and other relatives or employees living in the same household.

11 For purposes of this policy, 'immediate family' includes the applicant's or employee's  
spouse and any lineal descendants of the applicant or employee or of the applicant's or  
employee's spouse, whether natural or legally adopted.

12 This policy shall not affect employees employed by the City in the positions held as of  
13 August 7, 2001. Applicants will not be hired and employees will not be promoted into any  
position where the result would be that one person would:

- 14 A. Be supervised by or be in the chain of command of a relative.
- 15 B. Participate in making, or advising on, employment decisions concerning  
16 a relative. For purposes of this policy, employment decisions shall be defined as those  
affecting hiring, promotion or discipline.
- 17 C. Be employed in the same department as a relative if, for reasons of  
18 supervision, morale, safety or security, it is determined that the work involves potential  
conflicts of interest.
- 19 D. Be in one of the following or have a member of the applicant's or the  
20 employee's immediate family in one of the following positions: City Manager, Department  
Director or member of the City Council.

21 If a permanent, full-time employee is denied a promotion or transfer under this policy,  
22 the employee may appeal such action to the City Manager within three (3) business days of the  
date the employee receives written notification of said action. Such appeal shall be submitted  
23 in writing, stating the reason(s) that the employment decision should be rescinded. The parties  
shall select and utilize an arbitrator. The arbitrator's decision shall be considered final and  
24 binding with no further administrative appeal rights.

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3 **ARTICLE VI**  
**MISCELLANEOUS TERMS**

4 Section 1. Severability. If any provision of this Resolution, or the application of  
5 such provision to any person or circumstance, shall be held invalid, the remainder of this  
6 Resolution, or the application of such provision to persons or circumstances other than those as  
7 to which it is held invalid, shall not be affected thereby.

8 Section 2. Notices. Any notices to be given under this Resolution shall be in  
9 writing and may be transmitted by personal delivery or mail, registered or certified, postage  
10 prepaid. Mailed notices shall be addressed to the City of Colton at 650 North La Cadena  
11 Drive, Colton, California, 92324; and shall be addressed to employees at the address the  
12 employee has provided to the City. Notices delivered personally shall be deemed  
13 communicated as of the date of actual receipt. Mailed notices shall be deemed communicated  
14 as of the date the notice is postmarked.

15 Section 3. Repeal of Prior Resolutions. By adoption of this Resolution, the  
16 following Resolutions shall be deemed repealed: R-163-06 (City Treasurer Supplemental  
17 Salary); R-56-09 (Temporary Reduction in City Treasurer Supplemental Salary for 09-10 FY);  
18 Resolution R-69-A-01 (Adopting Consolidated Compensation Resolution for the Executive  
19 Unit) and subsequent amendments thereto; Resolution R-24-99 (City Council Auto  
20 Allowance) upon the effective date of Ordinance O-01-11; and Resolution R-63-97 (City Clerk  
21 & City Treasurer Auto Allowance).

22 Section 4. Certification. The City Clerk shall certify as to the adoption of this  
23 Resolution, and it shall be effective as of the date passed, approved and adopted.

24 **PASSED, APPROVED, AND ADOPTED** this 1st day of March, 2011.

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DAVID R. ZAMORA,  
Mayor

28 ATTEST:

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30 EILEEN C. GOMEZ, CMC  
31 City Clerk

