



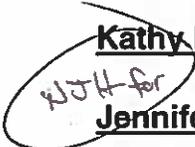
Report to the City Council  
Council Meeting of October 11, 2016

**Agenda Section:** Consent

**Subject:** Consideration and proposed approval of a Resolution Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES)

**CEQA Determination:** Not a project

**Prepared By:** Kathy Robinson, Human Resources & IT Director 

**Approved By:** Jennifer Phillips, City Manager 

**BACKGROUND**

Municipal Code Section 2.48.040 states that the following, "The officers of the fire department shall consist of a chief, a first assistant chief, a second assistant chief, a fire marshal, and company officers as may be provided by the bylaws of the fire department. The Chief shall be appointed by the City Council. The chief shall be appointed every three years in January of the three year cycle. The fire department may recommend to the City Council prior to appointment of a chief its choice or choices for chief. The chief shall hold office until the chief's successor is appointed. The other officers of the fire department shall be selected as provided in the bylaws of the fire department. (Prior code § 5A.4)" As is customary, based on the recommendation of the volunteer members of the Fire Department, the City Council appoints a Fire Chief.

Every three years since January 28, 2010, the members of the Fire Department have voted in favor of recommending John Sorensen as Fire Chief; upon that recommendation, the City Council has appointed John Sorensen as the Fire Chief of the St. Helena Fire Department every three years. The most recent appointment was made when City Council adopted Resolution 2016-25 appointing John Sorensen for a three year term expiring January 31, 2019.

As part of process to transition the City's pay-per-call volunteer fire department to a permanent part-time fire department, the City Council adopted Resolution 2016-11 transitioning the fire department to permanent part-time and rescinded Resolution 2012-60.

**DISCUSSION**

The Fire Chief's current employment agreement states the following under Compensation and Benefits:

**Salary.** City agrees to pay Chief for his services rendered an annual salary of \$22,800 from February 2010-June 2013 plus additional pay for each call out payable in the same manner as Volunteer Firemen during the same timeframe and an annual salary of \$31,000 from July 2013-January 2016 inclusive of any call outs responded to payable in monthly installments and subject to all applicable payroll taxes and withholdings. Such salary may be adjusted from time to time with approval of the City Council by written modification of this Agreement. The Chief shall be an "exempt" employee under all applicable state and federal labor laws, including, but not limited to, the Federal Labor Standards Act and any applicable regulations of the California Industrial Welfare Commission. In addition, Chief will receive compensation in the form of bonus pay for services rendered as a team leader or while on overhead assignment outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES).

Resolution 2012-60 had established firefighters' active duty pay and included the Chief's then established hourly rate of \$54.80. This hourly rate was the established rate in 2012, and was used for the Chief's overhead assignments outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES). In order for the City to receive the full reimbursement for these overhead assignments, the established rate must be approved and authorized by the City Council. When Resolution 2012-60 was rescinded, the City rescinded the supportive documentation (Resolution) which is needed for auditing purposes. The state agencies cannot reimburse for any hourly rates that are not approved and authorized by City Council (i.e. resolution, employment agreement, MOU, etc.)

To continue compliance with the various state agencies' auditing requirements, the City must re-establish the hourly rate for the Fire Chief. Although the hourly rate was \$54.80 staff recommends that the hourly rate be \$74.51. This hourly rate factors in inflation as well as the increased responsibilities of the Fire Chief directing a new service model of a permanent part-time fire department. The increase was based on the Chief's base salary increase which was 36 percent and is in line with the top steps of other department heads, namely planning, public works and police.

**FISCAL IMPACT**

There is no fiscal impact to the City. The hourly rate is used solely for the purposes of the Chief's overhead assignments which are reimbursed to the City.

**RECOMMENDED ACTION**

Approve.

**ATTACHMENTS**

1. Resolution

**CITY OF ST. HELENA**

**RESOLUTION NO. 2016-25**

**Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES)**

**RECITALS**

- A. Municipal Code Section 2.48.040 states, "The officers of the fire department shall consist of a chief, a first assistant chief, a second assistant chief, a fire marshal, and company officers as may be provided by the bylaws of the fire department. The chief shall be appointed by the city council. The chief shall be appointed every three years in February of the three year cycle. The fire department may recommend to the city council prior to appointment of a chief its choice or choices for chief. The chief shall hold office until the chief's successor is appointed. The other officers of the fire department shall be selected as provided in the bylaws of the fire department. (Prior code § 5A.4)"; and
- B. Every three years since January 28, 2010, the members of the Fire Department have voted in favor of recommending John Sorensen as Fire Chief; upon that recommendation, the City Council has appointed John Sorensen as the Fire Chief of the St. Helena Fire Department every three years; and
- C. The most recent appointment was made when City Council adopted Resolution 2016-25 appointing John Sorenson for a three year term expiring January 31, 2019; and
- D. As part of process to transition the City's pay-per-call volunteer fire department to a permanent part-time fire department, the City Council adopted Resolution 2016-11 transitioning the fire department to permanent part-time and rescinded Resolution 2012-60; and
- E. Resolution 2012-60 had established firefighters' active duty pay and included the Chief's then established hourly rate of \$54.80; and
- F. The City Council approved hourly rate is used for the Chief's overhead assignments outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES); and
- G. In order for the City to receive the full reimbursement for these overhead assignments, the established rate must be approved and authorized by the City Council; and

- H. To continue compliance with the various state agencies' auditing requirements, the City must re-establish the hourly rate for the Fire Chief.

**RESOLUTION**

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

- 1. Approves Amendment No. 2 to the Employment Agreement with John Sorensen re-establishing a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES).

**I HEREBY CERTIFY** that the this Resolution was adopted at a regular meeting of the City Council held on October 11, 2016 by the following roll call vote:

**Mayor Galbraith:** \_\_\_\_\_  
**Vice Mayor White:** \_\_\_\_\_  
**Councilmember Crull:** \_\_\_\_\_  
**Councilmember Dohring:** \_\_\_\_\_  
**Councilmember Pitts:** \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Alan Galbraith, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Black, City Clerk

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