

## AGENDA REPORT

**Resolution:** Resolution: Adoption of a Resolution Necessary to Appoint Daria Edgerly as the Secretary of the Board of Port Commissioners (“Board Secretary”) for approximately \$231,000 (wages and benefits), subject to annual adjustments. **(Finance & Admin.)**

**MEETING DATE:** 10/26/2017

**AMOUNT:** \$231,000 (wages and benefits), subject to annual adjustments  
Operating Expense

**PARTIES INVOLVED:** Secretary of the Board of Port Commissioners

**SUBMITTED BY:** J. Christopher Lytle, Executive Director

**APPROVED BY:** J. Christopher Lytle, Executive Director

**ACTION TYPE:** Resolution

### **EXECUTIVE SUMMARY**

At the direction of the Board of Port Commissioners (“Board”), Port staff requests that the Board adopt the resolution necessary to appoint Daria Edgerly as the Secretary of the Board of Port Commissioners effective October 26, 2017.

### **BACKGROUND**

Section 714 of Article VII of the Oakland City Charter (“Charter”) provides in pertinent part that the Secretary of the Board is exempt from “the personnel system of the City established pursuant to and subject to the provisions of Article IX” of the Charter. Similarly, Section 902(c) of Article IX of the Charter exempts the Board Secretary from the competitive Civil Service system by operation of the Charter.

Additionally, Article VIII, Section 1 of the By-Laws of the Board of Port Commissioners provides that the Board of Port Commissioners is vested with the exclusive authority to “appoint the Secretary of the Board by resolution.” The Secretary of the Board is a senior management classification with responsibility for the overall management of the Office of the Secretary of the Board (“Office”), including planning and overseeing the operations of the Office and providing administrative and office support for meetings and activities of the Port's Board of Port Commissioners and associated committees. The former incumbent retired on August 31, 2017. Following the retirement of the incumbent, Ms. Daria Edgerly

was appointed as the Acting Secretary of the Board effective September 1, 2017 through October 31, 2107 in order to ensure continuity of the operation of the Office and to provide support to the Board of Port Commissioners and to the Port.

## **ANALYSIS**

The Board Secretary position is exempt from the Civil Service system. Section IV(D)(1) of Port Administrative Procedure 427 ("Hiring of Employees into Civil Service Exempt Positions"; hereinafter, "AP 427") applies to hiring for civil service exempt positions and provides that "[f]or civil service exempt positions that are within a job series, a competitive standards process may be utilized, at the discretion of the hiring manager, to allow an incumbent in a lower level classification to advance within the series after the required knowledge, experience, and skills have been gained to assume high level job responsibilities." Section IV(D)(2) further provides that "[a]n incumbent who meets the requirement as described in Section D(1) above may be promoted from one level in the series to the next through examination by competitive standards as distinguished from an open recruitment process." The competitive standards evaluation criteria may include, but are not limited to, any of the following: (i) measures of satisfactory performance appropriate to the classification series; (ii) completion of steps in a training program which may include on-the-job training, professional development, and/or completion of specific coursework or degree programs; (iii) meeting pre-determined rates of production or demonstrating proficiency in a safe manner at the higher level; (iv) supervisory assessment of skills, knowledge, and abilities in comparison to those needed for work at the higher level; (v) meeting pre-determined standards as demonstrated by written, performance, or other appropriate tests to assess the requisite skills, knowledge, and abilities; or, (vi) possession of appropriate licensure or certification. (AP 427, Section (IV)(D)(4))

In the present matter, Ms. Edgerly serves as the Assistant Secretary of the Board of Port Commissioners ("Assistant Secretary of the Board"), and has served in this role since December 2009. In her role as the Assistant Secretary of the Board, Ms. Edgerly supports the Board Secretary and the Board of Port Commissioners on all meetings and activities of the Board, and she is uniquely qualified to serve as the Acting Secretary of the Board given her tenure as well as her experience serving as the Acting Secretary in the absence of the Secretary of the Board in the years past. In addition, Ms. Edgerly meets the requisite education requirement, as she possesses a Bachelor of Art's degree from the California State University, East Bay.

Based on the criteria and standards set forth under AP 427, Ms. Edgerly not only meets the required experience and knowledge requirement for the Board Secretary position, but she also has eight years of Port-specific experience in the Assistant Secretary of the Board role. Ms. Edgerly has demonstrated full proficiency in performing all of the functions of the Secretary of the Board as described under Article VIII of the By-Laws, including: i) attending all meetings of the Board and keeping a true and correct record of all of its proceedings and the minutes of all meetings; ii) maintaining ordinances and resolutions adopted by the Board; iii) preparing certified copies of all minutes, ordinances, and

resolutions; iv) attesting to all official papers of the Port; and, v) performing other duties and responsibilities as may be required.

Based on the reasons above, Port Staff recommends that it is in the Port's best interest to advance Ms. Edgerly through the Competitive Standards process under AP 427 and to appoint her as the Secretary of the Board effective October 26, 2017. Ms. Edgerly's annual salary will be \$160,000. Consistent with Board policy, the Board Secretary position is not eligible for a vehicle allowance.

### **BUDGET & STAFFING**

The annual cost is approximately \$231,000, consisting of salary (\$160,000) and benefits (such as pension and medical costs). This cost is subject to change based on any future cost-of-living adjustments granted to unrepresented employees and changes in benefit costs.

### **MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)**

The matters contained in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

### **STRATEGIC PLAN**

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan:

- Goal H: Develop and Maintain a High Performing Workforce.
- Goal I: Align the Port's Workforce, Organizational Structure and Personnel Management Practices for Optimal Performance of the Port.

### **LIVING WAGE**

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the requested action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage Regulations.

### **ENVIRONMENTAL**

The matters contained in this Agenda Report were reviewed in conjunction with the requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The requested Board actions are not projects pursuant to CEQA Guidelines, Sections 15060(c)(3) and 15378(b)(2), and no environmental review is required.

## **GENERAL PLAN**

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

## **OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)/ PROFESSIONAL LIABILITY INSURANCE PROGRAM (PLIP)**

The Owner Controlled Insurance Program (OCIP) and Professional Liability Insurance Program (PLIP) do not apply to the matters addressed by this Agenda Report as they are not capital improvement construction or design projects.

## **OPTIONS**

1. The Board adopt the resolution necessary to appoint Daria Edgerly as the Secretary of the Board of Port Commissioners ("Board Secretary") effective October 26, 2017 and at an annual cost of \$231,000, subject to annual adjustments.
2. The Board not adopt the Resolution necessary to appoint Daria Edgerly as the Secretary of the Board of Port Commissioners ("Board Secretary") effective October 26, 2017 and at an annual cost of \$231,000, subject to annual adjustments.

## **RECOMMENDATION**

Port staff recommends that the Board adopt the Resolution necessary to appoint Daria Edgerly as the Secretary of the Board of Port Commissioners ("Board Secretary") effective October 26, 2017 and at an annual cost of \$231,000, subject to annual adjustments.