

## AGENDA REPORT

**Ordinance:** Enactment of an Ordinance to Amend Port Ordinance No. 867 to Set the Annual Salary for the Assistant Port Attorney Job Classification at \$285,000. **(Finance & Admin.)**

**MEETING DATE:** 2/13/2020

**AMOUNT:** \$9,600 for FY 2019-2020 (6 months savings)  
Operating Expense

**PARTIES INVOLVED:** Port Employee Representation Unit H (Unrepresented Employees)

**SUBMITTED BY:** Sara Lee, Chief Financial Officer

**APPROVED BY:** Michele Heffes, Port Attorney

**ACTION TYPE:** Ordinance

### **EXECUTIVE SUMMARY**

Port staff recommends that the Board of Port Commissioners ("Board") amend Port Ordinance No. 867 to set the annual salary of the Assistant Port Attorney at \$285,000.

### **BACKGROUND**

Article X, Section 13 and Article XII, Section 5e of the By-Laws and Administrative Rules of the Board of Port Commissioners provide the Port Attorney, as an appointing authority, with the authority to review and adjust the salary and other related benefits of the Assistant Port Attorney position.

The Assistant Port Attorney functions as principal assistant to the Port Attorney by providing legal advice, assistance and representation on the most complex legal matters for the Port. In addition, the Assistant Port Attorney directly oversees the daily legal activities of Office of the Port Attorney and supervises the Deputy Port Attorneys, paralegals, and clerical staff.

### **ANALYSIS**

In November 2019, the Assistant Port Attorney position became vacant due to the promotion of the incumbent who had held the position since 2015. Prior to proceeding with filling the vacant position, the Port Attorney determined that it was necessary to establish an appropriate level of compensation. The Port Attorney, in consultation with the Board, conducted an assessment of



base compensation for the Assistant Port Attorney position to determine the appropriate annual salary level. The basis for the assessment was to establish a compensation level within the Port Attorney's Office that supports the Port's financial sustainability and realigns the salary differential between the Assistant Port Attorney and Port Attorney positions. Based on such assessment, it is determined that an annual base salary of \$285,000 is an appropriate level of pay for the Assistant Port Attorney position.

In order for the Board to set the annual salary for the Assistant Port Attorney position, it must enact an Ordinance to amend Port Ordinance No. 867 to ratify and set the annual salary of \$285,000. The second reading for the Ordinance amendment will be scheduled for the Board's regular meeting on February 27, 2020. The Ordinance shall become effective immediately after the second reading.

### **BUDGET & STAFFING**

The anticipated savings to the FY 2019 – 2020 budget (6 months) is \$9,600.

### **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 Business Plan (2018-2022). <https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

Goal: Pursue Employee Excellence

### **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.

### **SUSTAINABILITY**

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.



## **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 enact the Ordinance necessary to amend Port Ordinance No. 867 to set the annual salary for the Assistant Port Attorney job classification at \$285,000.
2. The Board not enact the Ordinance necessary to amend Port Ordinance No. 867 to set the salary for the Assistant Port Attorney job classification at \$285,000.

## **RECOMMENDATION**

1. The Board enact the Ordinance necessary to amend Port Ordinance No. 867 to set the annual salary for the Assistant Port Attorney job classification at \$285,000.