



Agenda Date: 6/7/2005

Agenda Placement: 9B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Silva Darbinian for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Silva Darbinian, Attorney IV, 259-8250  
**SUBJECT:** First Reading and Intention to Adopt an Ordinance Amending Section 2.04.040 of the Napa County Code

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### **RECOMMENDATION**

First reading and intention to adopt an ordinance amending Section 2.04.040 of the Napa County Code modifying the method of reporting compensation of the Board of Supervisors for retirement purposes in order to simplify and more efficiently administer the manner in which the County reports compensation to CalPERS.

### **EXECUTIVE SUMMARY**

The proposed action will amend the method the County uses in reporting Board members' compensation to the California Public Retirement System (CalPERS). Sixty days from adoption, all compensation used in computing retirement benefits for members of the Board of Supervisors will be reported to CalPERS as a single figure. The proposed action does not increase the compensation that each member of the Board receives under section 2.04.040 of the Napa County Code. The purpose for this change is to simplify the process and method in which compensation is reported to CalPERS for retirement purposes.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Currently, Section 2.04.040 of the Napa County Code provides that each member of the board of supervisors shall be compensated at a rate equal to forty-five percent of the salary of the judges of the Superior Court established by Chapter 1.5 of Title 8 of the California Government Code. Additionally, under the County Management Compensation Plan, management employees, including members of the board of supervisors, receive \$3,120 each year as part of their salary. Confidential employees receive \$3,600 each year as part of their salary. The County reports \$3,120 management pay and the \$3,600 confidential pay to CalPERS for retirement purposes as special compensation. It is reported separately from salary.

The proposed action will amend the reporting in such a manner that all compensation used in computing retirement benefits for members of the board of supervisors will be reported to CalPERS as a single figure. The purpose for this change is to simplify the process and method in which compensation is reported to CalPERS for retirement purposes. This same change will be made effective for all management employees when the Management Compensation Plan is amended to eliminate the management pay for all managers, including the Board of Supervisors. Upon this ordinance taking effect, the \$3,120 will be rolled into the employee's base salary and reported as a single figure to CalPERS.

The proposed action does not increase the compensation that each member of the board of supervisors receives under section 2.04.040 of the Napa County Code. Because the salary of each member of the board of supervisors is tied to a percentage of the salary of the judges, when the management pay is included in the salary, this percentage automatically increases from 45% to 47.09%. However, the actual compensation provided to each member of the board of supervisors does not change with this amendment.

Government Code section 25123.5 provides that ordinances that change supervisorial salaries cannot take effect for sixty days after final adoption of the ordinance. Although this ordinance technically does not change supervisorial salaries, we recommend that it be treated as an ordinance that is subject to the provisions of Government Code section 25123.5. Assuming this ordinance is adopted on June 14th, the ordinance will take effect August 14th and the change in compensation will take effect at the beginning of the first pay period following August 14th which is August 27th.

**SUPPORTING DOCUMENTS**

- A . Tracked Ordinance
- B . Final Ordinance

CEO Recommendation: Approve

Reviewed By: Lorenzo Zíalcita