



City of Covina

**Executive
Compensation Rules**

Effective July 1, 2024

EXECUTIVE COMPENSATION RULES

Effective: July 1, 2024

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SECTION 1. PREAMBLE

This document establishes the salary and benefits, authorized by the City Council of the City of Covina. This action supersedes any prior rules or action taken with respect to the classifications listed below. These rules will remain in effect until such time as they are amended by the City Council.

SECTION 2. CLASSIFICATIONS

2.1 POSITION CLASSIFICATIONS

Assistant City Manager
Assistant to the City Manager
Chief of Police
Deputy City Manager
Director of Administrative Services
Director of Community Development
Director of Finance
Director of Human Resources
Director of Parks & Recreation and Library Services
Director of Public Works

Unless otherwise specified, if an employee changes status (e.g. changes from full-time to part-time employment), or separates from this employee group, the employee will be subject to his/her new bargaining group's MOU, employee Compensation Rules, or employment contract.

2.2 AT-WILL CLASSIFICATIONS

All executive management personnel covered by these Rules and hired or promoted after January 1, 2002, will be part of the non-competitive service of the City and will be exempt from the provisions of the Personnel System in the Covina Municipal Code and the City of Covina Personnel Rules and Regulations.

As "at-will" employees, these individuals are excluded from probationary periods and the ability to obtain regular status. Employees in these classifications are excluded from the agency's civil service rules. These employees serve "at-will," i.e., at the pleasure of the City Manager, who is the appointing authority for executive management personnel covered by these Rules. The employment

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relationship between the City of Covina and its at-will employees is at the mutual consent of both parties. Either the employee or the City of Covina can terminate the employment relationship at-will, at any time, with or without cause or advance notice. The City need not state reasons for release of such employees, and such employees have no right or expectation to receive any pre-release or post-release proceeding, hearing or appeal.

Employees hired or promoted after January 1, 2002, in the classifications covered under the Executive Compensation Rules have no right to return to employment in a former position or right to employment in any other position within the agency.

The City Manager, working with any designee he/she deems appropriate, will ensure that there are job descriptions for each of the classifications covered by these Rules and may make modifications to the job descriptions as he/she deems appropriate for the organization. The City Manager may also, at his or her discretion, designate an Executive Classification to also serve as a Deputy City Manager, in addition to the duties and responsibilities included in the Executive's regular classification. Such designation will not receive any additional pay for service in this role.

SECTION 3. COMPENSATION

3.1 TOTAL COMPENSATION ANALYSIS

A. 2024 EQUITY ANALYSIS

Based on the results of the total compensation analysis (salary and benefits) conducted by the City, none of the classifications covered by these Rules were identified as being below the sixtieth (60th) percentile of market. At this time, no equity adjustment shall be made.

B. COMPENSATION SURVEY

The City will conduct a compensation survey of salary and medical benefit costs, and will make corresponding salary range adjustments to maintain competitive market-based compensation levels at the sixtieth percentile (60%), pursuant to the following provisions:

- The City will coordinate a salary survey for each classification represented by this Agreement according to a timeline which will allow

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for the implementation of salary range adjustments on the first day of the pay period that includes July 1, 2026.

- In order to facilitate the timeliness associated with salary range adjustments, the salary survey process will be initiated by January 1, 2026.
- The benefits to be studied shall be the same as those compared in the 2024 compensation study.
- Should the results of the compensation survey reflect that the current top step of the salary range is at least at the 60th percentile of market, then no adjustment shall be made for that particular job classification.
- **Reopener:** The City agrees to meet and confer with PAC during the term of this MOU to discuss increasing the City's total compensation from the sixtieth (60th) percentile to sixty-fifth (65th) percentile of the market. Such effort will be dependent on the City's ability to afford such increase. There shall be no changes without an agreement.

C. SURVEY CITIES

Arcadia	La Verne
Azusa	Monrovia
Baldwin Park	Pomona
Claremont	West Covina
Glendora	

Should any of the comparable cities be out of contract without a side letter or tentative agreement to update salaries at the start of the City's compensation survey, then those cities shall be excluded from the survey.

D. Y-RATING

The City may, at its discretion and based on the results of a related compensation analysis, Y-Rate employees in the affected job classification. The bargaining unit and affected employee(s) shall be notified.

Y-Rate: When a reclassification results in a lower maximum rate of pay for the incumbent, the incumbent shall be "Y-Rated" at the salary level he/she has earned up to that time. This protects the employee from an actual decrease in salary, although he/she may not receive an increase until such time as the maximum salary rate for the new class exceeds his/hers previously attained

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rate. The job classification shall be subject to applicable cost of living adjustments (COLAs).

3.2 SALARY ADJUSTMENTS

- Effective the first day of the pay period that includes July 1, 2024 (paid retroactively), the base salaries and related salary ranges for classifications covered by these Rules will increase by three percent (3%) as reflected in Attachment A (Executive Salary Schedule).
- Effective the first day of the pay period that includes July 1, 2025, the base salaries and related salary ranges for classifications covered by these Rules will increase by three percent (3%) as reflected in Attachment B Attachment B (Executive Salary Schedule).
- Effective the first day of the pay period that includes July 1, 2026, the base salaries and related salary ranges for classifications covered by these Rules will increase by three percent (3%) as reflected in Attachment C (Executive Salary Schedule).
- Effective the first day of the pay period that includes July 1, 2027, the base salaries and related salary ranges for classifications covered by these Rules will increase by three percent (3%) as reflected in Attachment D (Executive Salary Schedule).

If at any time during the term of these Rules, other City employees receive a higher increase, Executive members shall automatically be adjusted to match the higher amount.

A. NEW HIRES AND PROMOTED EMPLOYEES

Effective May 28, 2019, the initial salary for new hires and promoted employees shall be between the “Minimum” and “Maximum” salary range for the applicable position. The City Manager shall have sole discretion to appoint a new hire to a salary commensurate with the prospective employee’s education, experience and qualifications as they relate to the classification.

3.3 SALARY ADVANCEMENT

- Salary advancement for employees in classifications covered by these Rules shall be based upon the employee’s overall performance rating as demonstrated in his/her Annual Performance Review. A completed annual performance

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review and a Personnel Action Form (PAF) shall be submitted to Human Resources for implementation of the employee’s salary advancement.

- Employees in classifications covered by these Rules shall be eligible for salary advancement every twelve (12) months.
- The City Manager may authorize accelerated movement in excess of five (5%) through the salary range for exceptional performance or to address compaction issues related to other classifications within the Executive’s own department.
- If an employee receives a “Needs Improvement” or “Unsatisfactory” rating on an evaluation he/she may receive a salary reduction at the City Manager’s discretion and is not eligible for salary advancement until successful completion of at least six (6) months of paid service and a performance evaluation with a rating of at least “Meets Expectations”.

3.4 LONGEVITY PAY

Effective July 1, 2024, employees are eligible for longevity pay per the schedule below effective the next available paycheck following the employee’s hire date anniversary into a fulltime regular position and shall be for continuous employment.

Years of Continuous Service	Amount
10 years of service	\$1,500
15 years of service	\$2,000
20 years of service	\$2,500
25 years of service	\$3,000
30 years of service	\$3,500
35 years of service	\$4,000
40 years of service	\$4,500

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Tile 2 CCR, Section 571 (a)(1).

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3.5 BILINGUAL PAY

- Effective July 1, 2024, employees are eligible to receive one hundred seventy-five dollars (\$175.00) a month (paid biweekly) for possessing the ability to speak and understand a second language.
- Effective the first day of the pay period that includes July 1, 2025, employees shall receive two hundred dollars (\$200.00) a month (paid biweekly) for possessing the ability to speak and understand a second language.
- Effective the first day of the pay period that includes July 1, 2026, employees shall receive two hundred twenty-five dollars (\$225.00) a month (paid biweekly) for possessing the ability to speak and understand a second language.
- Effective the first day of the pay period that includes July 1, 2027, employees shall receive two hundred and fifty dollars (\$250.00) a month (paid biweekly) for possessing the ability to speak and understand a second language.

To apply for bilingual pay, the employee must complete and submit the Request for Bilingual Pay form to Human Resources. The effective date for bilingual pay is the date Human Resources receives the passing results.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(4).

SECTION 4. HOURS OF WORK

Executive employees typically work a minimum of forty (40) hours per week. The City Manager approves work schedules and leaves of absence. Work schedules are typically the same as those employees under the Executives' supervision. As exempt employees, individuals often attend evening meetings and/or weekend events as part of their role as executives in the organization.

SECTION 5. ADMINISTRATIVE LEAVE

In recognition that Executive employees are not entitled to receive overtime compensation despite devoting hours beyond the normal workweek, employees may be allowed to take administrative leave upon approval of the City Manager.

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Effective the first pay period in January 2020, the earning of administrative leave will be at the rate of 3.07 hours per pay period. The maximum accrual of administrative leave shall not exceed eighty (80) hours per calendar year. Should accrued administrative leave reach eighty (80) hours, no additional administrative leave hours shall accrue until the hours in the administrative leave bank are below eighty (80) hours.

Upon separation from employment with the City, all earned and unused administrative leave hours will be paid to the employee at the employee's current base hourly rate of pay.

In partial recognition of prolonged, uncommon, or exceptional hours of work beyond the standard work expectations for exempt executive staff, the City Manager may, at his/her discretion, adjust employees' work hours and allow exempt Executive employees to take time off without using administrative leave.

SECTION 6. HOLIDAYS

6.1 FIXED HOLIDAYS

The following schedule of holidays shall be observed and employees shall receive the following days off with pay:

- | | |
|--------------------------------|-------------------------------|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King, Jr. Day | 8. Veterans' Day |
| 3. Presidents' Day | 9. Indigenous Peoples' Day |
| 4. Memorial Day | 10. Thanksgiving Day |
| 5. Juneteenth | 11. Friday after Thanksgiving |
| 6. Independence Day | 12. Christmas Day |

A. FIXED HOLIDAYS FALLING ON A WEEKEND OR DAY OFF

1. When a holiday falls on a scheduled workday, the holiday will be observed on that day. Exempt employees working on the holiday shall be paid their base salary and do not earn a floating holiday (Refer to SECTION 5. ADMINISTRATIVE LEAVE).
2. When a holiday falls on a Sunday, the holiday will be observed on the following Monday.

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3. When a holiday falls on a Friday, when City Hall is regularly closed, or on a Saturday following a Friday closure, the employee's floating holiday leave bank will be credited with ten (10) hours.
4. If a fixed holiday is observed on an employee's regularly scheduled day off (other than the Friday off as described above) (e.g., due to his/her alternative work schedule) then the employee will receive ten (10) floating holiday hours credited to his/her floating holiday leave bank.

If at any time, during the term of these Rules, other Bargaining Units receive additional fixed holidays, Executive members shall automatically receive the same fixed holidays.

6.2 FLOATING HOLIDAYS

In addition to fixed holidays, employees shall be provided floating holiday leave time. Floating holiday leave banks are capped at fifty (50) hours.

Effective January 1, 2025, employees shall receive forty (40) floating holiday hours annually with the first pay period that includes January 1st. Floating holiday hours are available to be used effective January 1st. An employee may receive a pro-rated annual allotment if the annual allotment of 40 hours would result in the employee's bank exceeding fifty (50) hours. Floating holiday leave time may be used in incremental (hourly) amounts.

Use of floating holiday leave hours is subject to approval of the City Manager or his/her designee.

Upon separation of employment, all earned but unused floating holiday hours will be paid to the employee at the base hourly rate of pay.

New employees shall be pro-rated three-and-one-third (3.33) hours per month, effective the first of the month after the employee's hire date. For example, an employee who starts on February 15 will be provided 33.3 floating holiday hours on March 1.

6.3 HOLIDAY FURLOUGH

The City reserves the right to close non-essential, non-safety facilities between Christmas Eve and New Year's Day. Employees may use leave time including vacation, floating holiday leave, or administrative leave to cover workdays between December 24 and December 31.

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SECTION 7. SICK LEAVE

7.1 EARNING AND ACCURAL

Executive employees shall accrue ten (10) hours of paid sick leave per month (120 hours earned per year) earned on a biweekly basis.

7.2 PAYOUT OF ACCRUED SICK LEAVE UPON RETIREMENT

Employees may be compensated for fifty-five percent (55%) of their accrued sick leave up to the maximums outlined below. Sick leave shall be paid out at the base hourly rate of pay and is subject to the following limitations:

- A. Upon retirement from the City, employees who have been continuously employed by the City since February 29, 1988 may cash out up to 1,600 hours of accrued sick leave. Any unused balance of sick leave accruals shall be reported to CalPERS for service credit.
- B. Upon retirement from the City, employees hired or promoted from bargaining units with a maximum sick leave cap on or after March 1, 1988, may cash out up to 1,200 hours of accrued sick leave. Any unused balance of sick leave accruals shall be reported to CalPERS for service credit.

7.3 USE OF SICK LEAVE

- A. Sick leave shall be deducted from an employee's accrued leave balance on an hour-for-hour basis. Sick leave may be used for personal illness or injury, and absences for medical, dental, and/or vision care appointments.
- B. A minimum of fifty percent (50%) of the employee's annual accrual (60 hours) of sick leave may be used to attend to an immediate family member (parent, child, spouse, registered domestic partner, sibling, grandparent, or grandchild as defined under California Labor Code Section 233) who is ill/injured or needs care as permitted by that law.
 - i. Use of additional sick leave in excess of sixty (60) hours annually may be granted by the City Manager and shall not exceed the employee's annual accrual of sick leave.
 - ii. Any further use of sick leave shall be coordinated under the provisions of the Family Medical Leave Act (FMLA) and the City's Leave Policy.

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- C. Employees may be asked to provide a physician's certification for any sick leave absence that involves the illness of the employee or family member.
- D. From available accrued sick leave, an employee may be granted (on each separate occasion) up to five (5) days of bereavement leave with pay in the event of death to a member of the employee's immediate family. The days of leave need not be taken consecutively, but must be taken within three (3) months of the date of death of the family member.
 - i. For purposes of bereavement leave an employee's immediate family shall include: An employee's spouse, domestic partner, children, grandchildren, sons-in-law, daughters-in-law, parents, grandparents, parents-in-law, brothers, sisters, brothers-in-law, and sisters-in-law. "Children" shall also include a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis. "Parent" shall include a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

SECTION 8. VACATION ACCRUAL

8.1 VACATION ACCRUAL

Unless otherwise authorized by the City Manager, employees shall accrue vacation as outlined in the schedule below:

Months of Service	Annual Total	Max Accrual
0 months to 59 months	120 hours	250 hours
60 months to 119 months	176 hours	368 hours
120 months to 179 months	200 hours	420 hours
180 months and beyond	224 hours	664 hours

8.2 MAXIMUM ACCRUAL AND PAYOUT PRIOR TO SEPARATION

Upon reaching the maximum accrual, employees cease to earn additional vacation until the balance is reduced below the maximum accrual cap. The City Manager may approve accrual of vacation above the maximum, provided the employee submits a plan to reduce the excess vacation leave within a six (6) month period.

On or before December 15 of each calendar year, an employee may make an irrevocable election to cash out accrued vacation leave which will be earned in the

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following calendar year. The employee can elect to receive the cash out in the pay period which includes May 15 and/or the pay period which includes October 15 for those vacation leave benefits that have been earned during that portion of the year.

An employee who has an “unforeseen emergency” (defined as an unanticipated emergency that is caused by an event beyond the control of the employee and that would result in severe financial hardship to the employee if early withdrawal were not permitted) shall be entitled to make a request to the City Manager for a payoff of accrued vacation leave.

This exception could apply to circumstances in which the employee did not originally elect the vacation cash out prior to the December 15 deadline, or circumstances in which the employee is seeking more than the original cash out election due to severe financial hardship.

8.3 PAYOUT OF ACCRUED VACATION UPON SEPARATION

Upon separation from employment with the City, all earned and unused vacation hours will be paid to the employee at the employee’s current base hourly rate of pay.

SECTION 9. WORKERS’ COMPENSATION

The City shall provide a Workers’ Compensation program in accordance with State Law and these provisions.

The City has the right to require the employee to go to a City-selected physician (unless the employee has pre-designated a physician at least thirty (30) days prior to the date of injury or illness) to verify the reported injury/illness and if it restricts the employee from performing his or her regular job assignment.

9.1 NON-SWORN EMPLOYEES

1. With the exception of the Chief of Police, all employees covered by these Rules, who sustain a work-related injury or illness and file a claim for workers’ compensation benefits, which is then accepted, shall be eligible to receive full base salary continuation for an initial period up to forty-five (45) calendar days or until the employee returns to work, whichever is earlier. In addition, the City will maintain its contribution to the employee’s benefits as provided for herein (retirement, health, dental, life and LTD insurance). This provision shall apply only up through the first 45 calendar days of absence from work for each separate injury or illness, including aggravations thereof.

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2. During this initial 45-day period, the absent employee's vacation, sick, and other leave accruals shall not be deducted for his/her time off work. Vacation and sick leave shall also continue to accrue during this time. In order for the employee to receive the above pay and benefit continuation, he/she must remit all Workers' Compensation temporary disability checks to the City of Covina.
3. For workers' compensation leave exceeding 45 days, employees may receive temporary disability payments through the workers' compensation program. Once temporary disability payments are exhausted, the employee may be eligible for long term disability benefits.
4. Employees on workers' compensation leave (either receiving salary continuation or temporary disability benefits) will have the leave designated as FMLA/CFRA leave. Benefits will continue during a maximum of twelve (12) weeks of FMLA/CFRA leave in the same manner as provided during active employment.
5. Employees who become ineligible for City-provided benefits may maintain those benefits at their own cost in accordance with COBRA regulations. The employee is responsible for coordinating COBRA coverage with the Human Resources Department.

9.2 SWORN EMPLOYEES

Base salary and benefit continuance for sworn employees (Chief of Police) shall be in accordance with California Labor Code Section 4850.

SECTION 10. LEAVE OF ABSENCE WITHOUT PAY

Employees covered by these Rules may apply in writing to the City Manager for a leave of absence without pay. If the City Manager determines there is adequate justification to grant such a leave of absence and that the work of the department will not be significantly impacted by a temporary absence of the employee, the leave without pay may be authorized, with the condition that the employee be available by phone if the City Manager needs to contact him/her. The City Manager's decision on granting a leave of absence without pay is final and not subject to grievance or appeal. The City Manager may also terminate or cancel early any authorized leave by giving the employee notice of ten (10) calendar days. Notice will be given by any means including, but not limited to phone call, text, email, or U.S. mail.

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During the period of authorized leave of absence without pay, the employee will not be entitled to any City-paid benefits nor will he/she accrue leave.

SECTION 11. JURY DUTY AND COURT APPEARANCES

11.1 JURY DUTY

Employees shall be granted fifteen (15) work days of jury duty service leave annually. For jury service that exceeds fifteen (15) days, an employee may request approval to use vacation, floating holiday, or administrative leave to cover the additional time for jury service.

11.2 NON-JOB-RELATED COURT APPEARANCES

In the case where an action does not pertain to a job-related matter, leave without pay shall be granted for an appearance before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other order by proper authority compelling his/her attendance under penalty described by law. The employee may also seek approval of use of his or her earned vacation, administrative leave, or floating holiday leave to cover the required time off.

11.3 JOB-RELATED COURT APPEARANCES

In the case where an action is job-related, upon review and approval of the appropriate authority the time required will not be subject to any need for leave, and the employee will be considered on-duty.

SECTION 12. EMPLOYEE BENEFITS

12.1 MEDICAL CONTRIBUTIONS

The City participates in the CalPERS medical program (per the Public Employees' Medical and Hospital Care Act – "PEMHCA"). For employees enrolled in a CalPERS medical plan, the City contributes the required statutory minimum (per Government Code Section 22892) toward the medical premium in addition to the Flexible Benefit Contributions described in Section 12.1 A. Amounts are determined by CalPERS and adjusted annually. Every fulltime active employee must be covered by a healthcare (medical) plan verified by the Human Resources Department.

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A. FLEXIBLE BENEFIT CONTRIBUTIONS

Pursuant to the Section 125 flexible benefit plan adopted by the City, employees covered under these Rules receive a monthly allowance (in addition to the CalPERS statutory minimum) to pay for eligible qualified benefits as identified in the Plan Document, for example: Premiums for medical, dental, vision, and supplemental life insurance.

Amounts provided to employees shall be prorated for new employees, based on hire date and for employees who are in a Leave Without Pay status for all or part of a pay period (except for those on FMLA leave).

- Effective the first paycheck date starting on or after July 1, 2024 (paid retroactively), employees receive a monthly allowance of \$1,500.
- Effective the first paycheck date starting on or after July 1, 2025, employees receive a monthly allowance of \$1,575.
- Effective the first paycheck date starting on or after July 1, 2026, employees receive a monthly allowance of \$1,650.
- Effective the first paycheck date starting on or after July 1, 2027, employees receive a monthly allowance of \$1,725.

If at any time during the term of these Rules, other City employees receive a higher monthly allowance, Executive members shall automatically be increased to match the higher amount.

Employees may receive unused portions of the flexible benefit allowance as cash. The maximum amount of cash received is limited to the following:

- \$750 per month for employees hired before January 1, 2013;
- \$300 per month for employees hired on or after January 1, 2013; and
- \$150 per month for employees hired on or after May 28, 2019.

Cash payments are treated as taxable income.

The City will administer this provision so that any benefits which are purchased by each employee will be deducted from his/her monthly allowance on a pre-tax basis. Any remaining funds will be paid out up to the maximums described above.

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Employees who opt out of the CalPERS medical plan and receive cash must provide the following:

1. Proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction, have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies (“opt out period”); and
2. The employee must provide proof (sign an attestation) that the employee and his/her tax family (“tax family” is defined as individuals the employee expects to claim for personal tax exemption deductions) have or will have such minimum essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within thirty (30) calendar days after the start of the plan year.

Cash-in-lieu payments will not be made if the City knows or has reason to know that the employee or tax family member does not have minimum essential coverage, or if the conditions in the previous paragraph are not satisfied.

12.2 DENTAL & VISION PLANS

Enrollment in the City’s dental and vision plans is voluntary.

12.3 LIFE INSURANCE

The City shall provide a \$100,000 Term Life Insurance policy for all Executive Management personnel. The Chief of Police shall receive a Term Life Insurance policy equal to one-and-one-half times (1.5x) his/her annual salary to a maximum of \$350,000 provided by the City.

12.4 LONG-TERM DISABILITY INSURANCE

Employees covered by these Rules are provided with a long-term disability plan. The City pays all premium costs.

12.5 PUBLIC OFFICIALS ERRORS AND OMISSIONS INSURANCE

Employees covered by these Rules shall be covered by a Public Officials Errors and Omissions insurance policy. The City shall pay for the premium for the policy.

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12.6 UNIFORM ALLOWANCE

The Chief of Police shall receive a uniform allowance of one-thousand-five hundred dollars (\$1,500) per year.

The amount to be received by the Chief of Police is as follows:

- a. Effective June 1, 2025 and from year to year thereafter, employees shall receive a one-time lump sum payment of \$1,500 with the first paycheck in June of each year.
 - i. To comply with CalPERS regulations, this special compensation will be reported to CalPERS as a retroactive special compensation for each fiscal year.

If at any time during the term of these Rules, the Police Management Group (PMG) receive a higher allowance, the Chief of Police shall automatically be increased to match the higher amount.

The parties agree that special compensation shall be reported to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571 (a)(5).

12.7 CELLPHONE ALLOWANCE

Effective July 20, 2021, employees shall have available to them a monthly reimbursement of up to \$100 per month for applicable technology costs (voice and data plan) as per the City's Accessibility and Technology Reimbursement Policy. Employees must refer to the City's Accessibility and Technology Reimbursement Policy for full program details.

12.8 AUTO USAGE

It is understood that this authorization is at the discretion of the City Manager. He/she shall consider the City costs involved, the availability of vehicles, and the potential of the executive employee being called out on emergencies on behalf of the City.

- A. The City Manager may authorize an employee to utilize an assigned City vehicle for commuting to and from his/her home and work.
- B. An employee in a position not provided a City vehicle who occasionally uses his/her private vehicle to perform official City business will be reimbursed for mileage at the current IRS rate per mile.

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- C. Employees using their personal vehicles on authorized City business are required to maintain a valid California Driver's License and adequate automobile insurance at all times.

12.9 EDUCATION INCENTIVE

A. EXECUTIVE PERSONNEL

Effective the first day of the pay period that includes July 1, 2024 (paid retroactively), Executive personnel who have earned a job-related advanced degree from an accredited college or university (approved by the Human Resources Department) may receive an additional three percent (3%) of base salary with the approval of the City Manager.

B. CHIEF OF POLICE

Effective the first day of the pay period that includes July 1, 2024 (paid retroactively), the Chief of Police shall be eligible for education incentive pay as follows:

- An amount of six percent (6%) per month (paid biweekly) for possessing a Baccalaureate (BA/BS) degree in a job-related area
- An amount of eight percent (8%) per month (paid biweekly) for possessing a Master's Degree (MA/MS) in a job-related area

If at any time during the term of these Rules, the Police Management Group (PMG) receives a higher education incentive pay, the Chief of Police shall automatically be increased to match the higher amount.

The Chief of Police may receive only one level of pay; the above amounts are not cumulative.

To qualify for the Education Incentive Pay, the degree(s) must be earned by a college or university that is accredited by the Western Association of Schools and Colleges, or a similar regional accrediting association. Degrees obtained via online institutions who are not accredited by any regional accrediting association will not qualify for Education Incentive Pay. A copy of the qualifying degree or official transcripts must be submitted, verifying the qualifying degrees has been earned, or other acceptable verification the qualifying degree has been earned with a memo requesting the special pay to Human Resources for review and approval.

Eligible Degrees:

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Eligible job-related degree areas will include the following:

1. Criminal Justice/Safety
2. Police Science
3. Business Administration and related business majors
4. Public Administration
5. Political Science
6. Management
7. Psychology
8. Sociology
9. Law
10. Any other degree area pre-approved in writing by Human Resources before degree course work is begun.

Education pay shall be treated as compensation subject to applicable taxes and deductions. The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(2).

SECTION 13. RETIREMENT

13.1 RETIREMENT

A. MISCELLANEOUS EMPLOYEES

1. Classic Members

Retirement benefits for miscellaneous employees are provided as specified under the City's contract with the California Public Employees' Retirement System (CalPERS) and include the following benefits:

- a. 2.5% at 55 benefit formula
- b. One-half pay continuance (GC Sections 21624, 21626, 21628)
- c. 1959 Survivors Benefit, Level VI
- d. One (1) year final compensation (single highest year) per GC Section 20042

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- e. Purchase of military service as credit for retirement purposes, in accordance with GC Section 21024.
- f. Credit for unused and unpaid Sick Leave per GC Section 20965.
- g. \$600 Retired Employee Death Benefit per GC Section 21622.

All “classic” miscellaneous employees contribute eleven percent (11%) (eight percent (8%) member contribution and three percent (3%) cost-sharing per contract amendment) toward retirement. The deduction will be made on a pre-tax basis.

2. Public Employees’ Pension Reform Act (PEPRA) Members

Pursuant to PEPRA:

- a. 2% at 62 benefit formula.
- b. Final compensation is equal to the new member’s highest average PERS compensation for 36 consecutive months of employment.

PEPRA members are required to pay a portion of the cost for the 2% at 62 retirement formula. This mandatory member contribution is not a fixed amount, rather it is determined in accordance with the formula established by PEPRA. The mandatory contribution will be equal to at least 50% of the total normal cost rate attributable to the 2% at 62 benefit formula, as determined by CalPERS. The mandatory contribution for PEPRA members is subject to adjustment. In addition, new members contribute 3% cost-sharing (per contract amendment) toward retirement.

B. SAFETY EMPLOYEES (CHIEF OF POLICE)

1. Classic Members

Retirement benefits for safety employees are provided as specified under the City’s contract with the PERS and include the following benefits:

- a. Tier 1- 3% at 50 benefit formula
- b. Tier 2- 3% at 55 benefit formula, effective January 1, 2011

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- c. One-half pay continuance (GC Sections 21624, 21626, 21628)
- d. 1959 Survivors Benefit, Level VI
- e. One (1) year final compensation (single highest year) per GC Section 20042
- f. Purchase of military service as credit for retirement purposes, for employees hired prior to January 1, 1987 in accordance with GC Section 21024
- g. Unused Sick Leave Credit per GC Section 20965
- h. \$600 Retired Employee Death Benefit per GC Section 21622

All “classic” safety employees contribute nine percent (9%) member contribution. The deduction will be made on a pre-tax basis.

2. Public Employees’ Pension Reform Act (PEPRA) members

Pursuant to PEPRA:

- a. 2.7% at 57 benefit formula for “new members”.
- b. Final compensation is equal to the new member’s highest average PERS compensation for 36 consecutive months of employment

New members are required to pay a portion of the cost for the 2.7% at 57 retirement formula. This mandatory member contribution is not a fixed amount, rather it is determined in accordance with the formula established by PEPRA. The mandatory contribution will be equal at least 50% of the total normal cost rate attributable to the 2.7% at 57 benefit formula, as determined by CalPERS. The mandatory contribution for PEPRA members is subject to adjustment.

C. RETIREE MEDICAL BENEFITS – EXECUTIVE PERSONNEL

For all members who are eligible “annuitants” pursuant to Government Code section 22760 and choose to enroll in a CalPERS medical plan as an annuitant, the City will contribute the PEMHCA minimum to CalPERS on the retiree’s behalf.

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Effective December 31, 1996, the City shall contribute \$472.00 per month per eligible retiree toward an optional benefit plan until the beginning of the month the retiree reaches Medicare eligibility age. Eligible retirees will receive this amount in cash. Upon reaching Medicare eligibility age (65 years old), an eligible retiree shall receive \$34.00 per month toward optional benefits.

Employees, who in 1986, while employed with the City, chose to not enroll in Medicare, and who have no other ability to enroll in Medicare optional/supplemental benefits, the City will contribute the actual cost of supplemental benefits up to a maximum of \$472.00 per month. Should the employee be eligible to enroll in optional benefits through Medicare, the City's contribution will be \$34.00 per month toward optional benefits. Any monies received in cash will be considered as taxable income.

"Eligible retiree" means any person who meets the retirement eligibility standards of the Public Employee's Retirement System (PERS) and either was a current full-time employee on December 31, 1996, or is a person who has ten (10) years of uninterrupted service as a fulltime employee with the City of Covina subsequent to December 31, 1996. Additionally, the City Manager may authorize an employee who meets retirement criteria established by PERS to be an eligible retiree; such authorization must be done in writing. An employee retiring due to job-related disabilities shall be entitled to supplemental retiree benefits.

D. RETIREE MEDICAL BENEFITS – CHIEF OF POLICE

The Chief of Police shall receive the Retiree Medical Benefit as described in the section below.

During the term of these Rules, the City shall contribute the required minimum contribution, under PEMCHA, for as long as the City is enrolled in the PERS Health Plan.

Effective July 1, 2014, an eligible retiree shall receive an eight hundred dollar (\$800) per month allowance to be used toward an optional benefit plan until the beginning of the month the retiree reaches Medicare age. Eligible retirees will receive this amount in cash. Upon reaching Medicare age (65 years old), an eligible retiree shall receive a monthly amount equal to the Medicare Standard Part B costs, subject to adjustment by the Department of Health and Human Services. These amounts are considered taxable income per IRS rules.

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“Eligible retiree” means any employee who meets the retirement eligibility standards of the Public Employee's Retirement System (PERS), retires through PERS within one (1) week of leaving City of Covina service, retires during the term of these Rules, and is a person who has ten (10) years of cumulative service immediately prior to retirement as a fulltime employee with the City of Covina. An employee covered by these Rules and retiring due to job-related disabilities shall be entitled to the same retiree benefits.

If at any time during the term of these Rules, the Police Management Group (PMG) receives a higher retiree medical benefit allowance, the Chief of Police shall automatically be increased to match the higher amount.

SECTION 14. SEVERANCE

Executives are at-will employees as described in California Labor Code Section 2922. As such, they can be terminated from employment without cause. If an Executive employee is terminated from employment, he/she shall be entitled to receive three (3) months of severance pay unless it is determined by the City Manager that the Executive employee engaged in misconduct. If that occurs, the employee is not entitled to severance pay.

The determination as to whether an Executive employee engaged in misconduct is exclusively the decision of the City Manager and is not subject to challenge in any way. The City Manager does not have a burden of proof, but has the right to make that determination within his/her discretion. If severance is denied, the City Manager will inform the Executive employee in writing of the misconduct.

SECTION 15. DISCIPLINE – CHIEF OF POLICE

15.1 PROCEDURE UPON POST SUSPENSION OR REVOCATION OF PEACE OFFICER CERTIFICATION

All peace officers in the Department must have and maintain valid certification from the Commission on Peace Officer Standards and Training (POST) (or temporary Proof of Eligibility or “POE” where applicable) at all times. Having and maintaining valid certification from POST at all times is an essential minimum requirement for employment as a peace officer in the Department. Suspension or revocation of an officer’s POST certification will lead to an unpaid suspension or termination of employment with the City. Officers without certification shall have no right to be employed by the City in any non-sworn position if their certification is suspended or revoked.

1. Suspension or Revocation of Peace Officer Certification

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If POST suspends or revokes a peace officer's certification, the peace officer is subject to termination from employment or suspension from employment without pay.

a. Pre-Deprivation Procedural Due Process

A termination or unpaid suspension from employment based on a suspension or revocation of an officer's certificate by POST is subject to the officer's ability to first participate in an informal Skelly meeting with a City representative prior to the termination or suspension taking effect, pursuant to Section 18.2(1)(a). If the officer elects to participate in a Skelly meeting with the City representative, the Skelly meeting shall be scheduled promptly, but not sooner than 5 days after the officer receives written notice of the charges and recommended action.

b. Final Notice of Termination or Unpaid Suspension from Employment

If termination or an unpaid suspension from employment is imposed, the City representative shall issue a notice of termination or suspension. The notice will set forth the officer's appeal rights advising the officer that if he/she wishes to appeal the action, he/she must do so in writing by serving a notice of appeal on the Human Resources Manager within seven (7) calendar days.

c. Conditions of Unpaid Suspension from Employment without Pay Pending Suspension of Certificate by POST

If a peace officer's employment is suspended without pay due to the suspension or revocation of the officer's POST certificate by POST, the suspension without pay shall continue until either the suspension or revocation of their certification is no longer in effect or until the City terminates the peace officer's employment. During such suspension without pay, the officer is not permitted to exercise the powers of a peace officer, but the officer shall continue to be required to respond to and abide by Department orders, including but not limited to orders to participate in an investigation. If an officer is required by the Department to perform any work, such as submitting to an investigatory interview, then the officer shall be paid for the work performed.

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2. Administrative Appeal Rights

If a peace officer's certification is suspended or revoked by POST and the Department terminates the officer's employment or suspends the officer from employment without pay as a result, and the officer has passed their initial probationary period, then the peace officer may request an administrative appeal pursuant to Section 18.2(1)(b). An administrative appeal will be heard by either the City Manager or a hearing officer designated by the City Manager. Any decision by a hearing officer shall be advisory to the City Manager. Any such appeal shall be subject to the following.

a. Appeal Rights if POST Revokes an Officer's Certificate and the Department Suspends or Terminates the Officer's Employment

If the officer is appealing either termination or an unpaid suspension from employment resulting from POST's revocation of the officer's certification, then the limited purpose of the appeal shall be to provide the officer the opportunity to establish a record of the circumstances surrounding the action. In such cases, the Department's burden is satisfied if the Department establishes that POST revoked the officer's certification. If as a result of the appeal, the termination from employment is overturned and the officer is reinstated to employment, the officer shall not be entitled to any retroactive compensation for any periods during which the officer's POST certification was revoked.

b. Appeal Rights if POST Suspends an Officer's Certificate and the Department Terminates or Suspends the Officer's Employment

If the officer is appealing either termination or an unpaid suspension from employment resulting from POST's suspension of the officer's certification, then the Department shall have the burden of establishing that POST suspended the officer's certification and the burden of persuasion that the unpaid suspension or termination was reasonable under the circumstances. If as a result of the appeal, the unpaid suspension is overturned, the officer shall not be entitled to any retroactive compensation for any periods during which the officer's POST certification was suspended.

c. Effect of Independent Charges of Administrative Misconduct

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If the Department files charges of administrative misconduct against the officer, then any appeal from discipline stemming from the charges of misconduct will be conducted pursuant to Section 18.2(1)(b). An appeal from discipline stemming from administrative charges of misconduct and an appeal from a suspension without pay or termination based on POST's suspension or revocation of a certificate may be combined and processed according to Section 18.2(1)(b), but the Department's burden of proof/ persuasion in connection with its actions in response to POST's suspension or revocation of the certificate shall be as described in this policy. Therefore, even if a punitive action that is imposed in connection with administrative misconduct charges is not sustained, a termination or suspension without pay imposed due to POST's suspension or revocation of the officer's certificate shall be upheld if the Department satisfies the burden stated in this policy.

3. Effect of Reinstatement of POST Certification

If POST's suspension or revocation of an officer's certification is reversed, in whole or in part, including by judicial or administrative process, that shall not result in the automatic reversal of any unpaid suspension or termination of employment that was in effect up to the point that POST restores the certificate.

In the case that the Department had imposed an unpaid suspension from employment, if the Department imposes an unpaid suspension beyond the date that POST restores the officer's certification, and if it has not done so already, then the Department shall follow existing City rules for imposing discipline and the officer shall be entitled to appeal the extended suspension pursuant to Section 18.2(1)(b).

In the case that the Department terminated the officer's employment, and did so based solely on the suspension/ revocation (i.e., the Department did not take action based on any independent administrative charges of misconduct), if POST's suspension or revocation of the officer's certification is overturned, then the officer may request reinstatement to employment in writing within thirty (30) calendar days of POST's restoration of the officer's certificate.

A request for reinstatement pursuant to this policy must be made to the Department by filing the request with the City Manager. The request for

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reinstatement must be accompanied by written proof of the restoration of the officer's POST certificate.

Upon receipt of a request for reinstatement, if the officer's termination was based solely on POST's suspension or revocation of the officer's certificate, then the Department may choose either to (1) reinstate the officer if reappointment is otherwise permitted by law, or (2) conduct an investigation into the circumstances surrounding the suspension/revocation.

If the Department elects to do an investigation into the circumstances surrounding the suspension/revocation, then the investigation must be completed within 365 calendar days of the officer's request for reinstatement. Within 365 calendar days of the officer's request for reinstatement, or sooner as may be required by law, the Department must notify the officer whether their request is granted or denied.

a. Appeal from Denial of Reinstatement

If the officer's employment was terminated based solely on the suspension/revocation of the officer's POST certificate, and the Department denies the request for reinstatement, then the officer may appeal the decision. The appeal will be conducted according to the following rules.

- The City Manager, or his or her designee, will be the hearing officer.
- The former officer appealing the denial of reinstatement shall bear the burden of proving that the denial of reinstatement was an abuse of discretion, which means that the Chief or his or her designee exceeded their lawful authority or made a decision that was arbitrary or capricious. If reasonable people could disagree whether reinstatement was appropriate, then there is no abuse of discretion.
- The formal rules of evidence do not apply, although the hearing officer shall have discretion to exclude evidence that is incompetent, irrelevant or cumulative, or the presentation of which would otherwise unduly consume time. Hearsay is admissible.
- The parties may present opening statements.
- The parties may present evidence through documents and testimony.

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- Witnesses shall testify under oath. However, the parties shall not be entitled to confront and cross-examine witnesses.
- Following the presentation of evidence, if any, the parties may submit oral and/or written closing argument for consideration by the hearing officer.
- The hearing will be recorded. Either party may request the proceeding to be recorded by a stenographer. The party requesting a stenographer shall bear the cost. A party seeking a copy of the transcript shall be responsible for the cost of the transcript.
- The officer may be represented by an association representative or attorney of his or her choice at all stages of the proceedings. All costs associated with such representation shall be borne by the officer.
- The Department shall also be entitled to representation at all stages of the proceedings.
- If the City Manager designates a hearing officer, then he or she will issue a written recommendation to the City Manager. The City Manager will issue a written decision to the parties. The decision shall be final and not appealable.

b. No Appeal from Denial of Reinstatement if Original Termination Not Based Solely on Revocation of Certificate

If an officer was terminated based on grounds in addition to or other than revocation by POST of the officer's certificate and if 1) the termination was sustained based on one or more of the charges of administrative misconduct following any administrative appeal, or 2) the officer did not appeal the termination, then the officer shall have no right of reinstatement and an appeal will not be provided, even if POST subsequently restores the officer's certificate. In such case, the Department may reject the request for reinstatement without right of appeal.

c. No Right of Appeal for Probationary Officers

An officer who did not pass their initial probationary period is not eligible to appeal release from employment or seek reinstatement from release, even if the release was based on POST's suspension or revocation of the officer's certificate.

RESOLUTION CC 2024-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA,
CALIFORNIA, APPROVING AMENDED AND RESTATED THE
EXECUTIVE COMPENSATION RULES**

WHEREAS, the City of Covina (" City") is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California; and

WHEREAS, the City of Covina is desirous of attracting and retaining qualified employees to the City' s service through a competitive salary and benefit total compensation program; and

WHEREAS, and the City of Covina maintains compensation and benefits rules for executives and the City Manager (the "Executive Compensation Rules").

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

SECTION 1. The City Council does hereby approve and adopt the amended and restated Executive Compensation Rules and salary schedules attached hereto as Exhibit "A" to this Resolution. The Executive Compensation Rules, effective July 1, 2024, shall be the compensation rules governing certain compensation and benefits for all employees covered by the Executive Compensation Rules.

SECTION 2. The City Council does hereby repeal all prior resolutions or portions thereof, in conflict with this resolution.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and is in force.

APPROVED and PASSED this 16th day of July, 2024.

City of Covina, California

BY:


JOHN C. KING, Mayor

ATTEST:


FABIAN VELEZ, Chief Deputy City Clerk

CERTIFICATION

I, Fabian Velez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2024-69 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 16th day of July, 2024, by the following vote:

AYES: COUNCIL MEMBERS: CORTEZ, LINARES, KING
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: ALLEN, DELGADO

Dated: July 17, 2024



FABIAN VELEZ, Chief Deputy City Clerk