



**Berkeley Housing Authority**

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*Office of the Executive Director*

Item 8C  
ACTION AGENDA  
May 12, 2011

To: Honorable Chairperson and  
Members of the Berkeley Housing Authority Board

From:   
Tia M. Ingram, Executive Director

Subject: Consideration of a resolution providing that any annual adjustment to the Executive Director's compensation authorized by the Board will be effective on the first day of the fiscal year or July 1<sup>st</sup>, unless otherwise negotiated.

RECOMMENDATION

Approve a resolution acknowledging that any adjustment to the Executive Director's compensation authorized by the Board will be effective on the first day of the fiscal year or July 1<sup>st</sup>, unless otherwise negotiated.

BACKGROUND

For the past two years the Board has reviewed the Executive Director's performance, and made a recommendation relative to her compensation. There were various delays in completing the appraisal last year, resulting in a retroactive adjustment effective July 4, 2010.

Salary adjustments for every employee of the Authority, excluding the Executive Director, are prescheduled. Employees represented by SEIU 1021 and the unrepresented employee are scheduled for a salary adjustment (cost of living) effective June 27<sup>th</sup> and again on December 25, 2011. The two employees represented by Local One are scheduled for a salary adjustment (cost of living) effective June 26 and December 26, 2011. No such advancement is scheduled for the Executive Director.

The past two times the Executive Director's salary has been increased, the Board has made the salary increase retroactive to the prior July 1<sup>st</sup>. The City Auditor, who currently handles the Authority's payroll, has, in each instance, stated that she would not process a retroactive adjustment without a written legal opinion that a retroactive increase is allowed by law, or a resolution passed prior to the retroactivity date stating that any change in the Executive Director's compensation would be effective as of the previous July 1<sup>st</sup>. The Authority's attorneys have written the requested legal opinion each time the Board passed the retroactive increase and the City Auditor has made the payment upon receipt of the opinion. This action, if approved, will allow the Board to retroactively adjust the Executive Director's compensation, should it so decide following the annual performance appraisal or other decision making process without having to incur the cost of a legal opinion. This action does not commit the Board to granting any adjustment, nor does it bind the Board to making any adjustment effective July 1<sup>st</sup>. What it does is allow the Board the flexibility to grant the adjustment effective July 1<sup>st</sup>, one year from the last adjustment, and somewhat consistent with scheduled adjustments for other Authority employees.

FISCAL IMPACTS OF RECOMMENDATIONS

None.

CONTACT PERSON

Tia M. Ingram, Executive Director, 981-5471

Jesy Yturalde, Finance Manager, 981-5488

Attachment: Resolution

BERKELEY HOUSING AUTHORITY  
RESOLUTION NO. 11-

PROVIDING THAT ANY ANNUAL ADJUSTMENT TO THE EXECUTIVE DIRECTOR'S COMPENSATION AUTHORIZED BY THE BOARD WILL BE EFFECTIVE ON THE FIRST DAY OF THE FISCAL YEAR OR JULY 1st, UNLESS OTHERWISE NEGOTIATED.

WHEREAS, the Berkeley Housing Authority Board is responsible for determining the compensation of all employees; and

WHEREAS, all represented and unrepresented Housing Authority employees, except for the Executive Director, have prescheduled salary adjustments for step increases and cost-of-living adjustments; and

WHEREAS, all Housing Authority employees, excluding the Executive Director, have one or more scheduled cost-of-living adjustments next Fiscal Year; and

WHEREAS, to allow the Board to adjust the Executive Director's compensation at the beginning of the year, should it so desire following the appropriate decision making process; and

WHEREAS, this resolution does not commit the Board to any adjustment in compensation for the Executive Director, nor does it restrict the Board's ability to negotiate a different effective date for any approved adjustment; and

WHEREAS, the Executive Director has joined all Authority staff in taking 6 non-paid Voluntary Days Off (VTO) in Fiscal Year 2010-11 even when work demanded her physical presence in the office during those VTO days; and

WHEREAS, the Executive Director has committed to joining all Authority staff in taking 12 non-paid VTO days in Fiscal Year 2011-12; and

WHEREAS, the Executive Director's compensation was last adjusted effective July 4, 2010.

NOW THEREFORE, BE IT RESOLVED, that any adjustment in compensation for the Executive Director resulting from the future evaluations or other decision making process may be effective on the prior July 1st.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on May 12, 2011 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: \_\_\_\_\_  
Tia M. Ingram, Secretary