

★ Roll Call Number

Agenda Item Number

6/B

Date January 28, 2008

Recommendation from City Council Employee Evaluation Sub-Committee regarding Bruce Bergman, City Attorney.

Moved by _____ to approve the recommendation as contained in the Sub-Committee's letter, with salary increase to be retroactive to January 1, 2008.

APPROVED AS TO FORM

Bruce Bergman
City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

Date _____

Agenda Item 61A-D

Roll Call # _____

Memorandum

January 24, 2008

To: Des Moines City Council
Citizens of Des Moines

From: Council Employee Appointment and Review Committee
(Coleman, Mahaffey, Vlassis)

Subject: 2008 Appointments and Compensation

Reference: January 28th, 2008 City Council Meeting Agenda

The Committee of the Des Moines City Council responsible for making a recommendation regarding the appointment and compensation of city professional leaders is proud to report the following:

- The Committee met several times over the past two months gathering information, meeting with employees in review meetings, discussion the accomplishments and goals, and setting out a compensation plan for each.
- This process follows a comprehensive review in May and June of 2007 which included a 360 degree review conducted with outside consultants. In June of 2007, it was determined this tool would be used again, but not until December of 2008 – a full 18 months later.
- The Committee is proud of our current city leadership and gave overwhelmingly high marks for performance in 2007/
- Our city is strong, vibrant, and growing – and rests on a solid foundation that these leaders are responsible for (employees, finances, liabilities, and relationships with other governments and constituencies).
- 2007 was an extraordinarily successful year for the city enterprise. Progress was evident on the city's goals set in 2006.
- The Committee discussed with each appointee the specific strengths they bring to the organizations. Further, each employee received specific input regarding improvements and goals the Council would like to see in 2008.
- The Committee recognizes the private nature of employment relationships; therefore confidential documents will remain confidential. The following summarizes the public information related to each appointment. In addition, there are italicized comments which highlight some of the discussion the committee had with the employees with regard to key accomplishments in 2007. These are the motions of the Committee.

Agenda Item 61 (A): The Committee supports the January 7th, 2008 reappointment of Rick Clark as City Manager. Mr. Clark will earn the standard benefits that employees earn with the city and that he currently has, including the following changes:

- Mr. Clark's salary will be increased 3.5%

Information from the review concerning 2007 accomplishments of Mr. Clark:

- *Continued Sound Financial Management with significant accomplishments*
 - *The City received an unqualified (clean) opinion and no Management Letter findings from McGladrey & Pullen LLP, our independent CPA, on the City of Des*

- Moines's financial statement for the period ending June 30, 2007. This is the first time in the past decade that the City of Des Moines has not received Management Letter comments or findings resulting from our annual audit.*
- *The City's unreserved General Fund balance increased by over \$1 million for the year ending June 30, 2007. The total fund balance as of June 30, 2007 was \$11,245,248 or 8.9% of total general fund expenditures. The increase in the fund balance reflects a conservative approach to the use of the public's tax dollar, and is supportive of the financial goals expressed by Council.*
 - *Initiated and implemented strategies to reduce tax supported GO Bond amounts, resulting in a \$.52 decrease in the debt service levy for FY09.*
 - *A comprehensive '09 operating budget recommendation has been submitted to Council which requires no increase in the tax rate, reduces expenses, shifts financial resources in order to address strategic objectives, and allows basic City services to be maintained at the current level with relatively modest reductions in service levels.*
- *Continued leadership towards intergovernmental cooperation*
 - *In conjunction with Mayor, formation of 9 City "Metropolitan Coalition"*
 - *Made major presentation to Legislative Tax Committee*
 - *Active participant with MPO and STP Regional Leader*
 - *Effective Economic Development leadership*
 - *Helped foster "environment of confidence" that has encouraged private and public investments in Des Moines*
 - *Wellmark expansion in downtown*
 - *Finalized Riverpoint West development agreement*
 - *Guided preparation of new Downtown Development plan*
 - *Continued support for neighborhood development initiatives (Ingersoll, SE 14th / SW9th, Beaverdale, Eastgate, 6th Avenue, Highland Park, etc.)*
 - *Guided formation of Superblock Master Planning Process*
 - *Successful Police Chief Selection process*
 - *Developed implementation strategy for Council adopted goals*
 - *Helped guide CIETC towards a new, much improved governing and administrative structure*
 - *Provided City leadership that contributed towards the first Hy-Vee BG Triathlon which brought in over 1600 amateur athletes and 150 elite athletes*
 - *Continued leadership for city organizational changes necessary to meet evolving needs*
 - *Fleet study completed, management change implemented, and fleet size reduced.*
 - *Sustainability team established and working towards new review protocols for purchase of equipment, construction designs, and other related City actions*
 - *Managed difficult transition in IT Department, assumed direct control of department, and achieved significant improvements including initiation of strategic planning process.*
 - *Proposed comprehensive review of City organization with possible tie to space re-configuration.*

Agenda Item 61 (B): The Committee supports the January 7th, 2008 reappointment of **Bruce Bergman** as City Attorney. Mr. Bergman will earn the standard benefits that employees earn with the city and that he currently has, including the following changes:

- o Mr. Bergman's salary will be increased 3.5%.

Information from the review concerning 2007 accomplishments of Mr. Bergman:

City Ordinances: Legal Department prepared for council adoption an ordinance which established regulations for after-hours establishments.

Economic Development: The Legal Department assisted the City Manager and drafted numerous contracts and other legal documents for the construction of several residential, commercial and retail developments in the downtown.

Eminent Domain: Legal Department prepared for council adoption the Forest Avenue Urban Renewal Acquisition Plan, the first known to be adopted in Iowa following the 2006 eminent domain legislation requiring such plans.

Legislation: In 2007 worked with City Council Legislative Subcommittee regarding a variety of legislation. Assisted in efforts relating to various legislation, including cable franchise bill, regional transit district, gas/electric franchise fees and property taxation. During summer and fall of 2007 participated in more than thirty meetings with legislators and interest groups regarding franchise fee legislation.

Litigation – Litigation Division successfully defended the City in several trials and appeals. Substantial participation in the resolution of the intergovernmental dispute involving the federal and state government, CIETC and its members. Substantial participation in negotiating the resolution of the Register open meetings lawsuit against CIETC and individual board members.

Metropolitan Advisory Council: Attended MAC meetings and provided legal assistance.

Metropolitan Coalition: Provided substantial assistance in the formation and organization of the Metropolitan Coalition, including the preparation of the Metropolitan Coalition Agreement and RFP for lobbying services.

Workload Measures – The Legal Department drafted over one hundred new ordinances, reviewed more than five hundred state legislative bills and over three thousand roll calls, drafted or reviewed more than twelve hundred contracts, handled more than four hundred claims, and filed more than four hundred fifty municipal infractions in the past year.

Agenda Item 61 (C): The Committee supports the January 7th, 2008 reappointment of **Diane Rauh** as City Clerk. Ms. Rauh will earn the standard benefits that employees earn with the city and that she currently has, including the following changes:

- o Ms. Rauh's salary will be increased 3.5%.

Information from the review concerning 2007's top two accomplishments of Ms. Rauh:

During 2007 the City Clerk's Office installed new software and made process improvements that greatly enhance the Mayor/Council meeting agenda information on

the City's Website. As you know the Council, staff and citizens use the website to review Council agenda items prior to the Council meetings. The new processes allow the Clerk's Office to directly upload documents to the website and bypass intermediate steps that were required in the past.

Additionally during 2007 the City Clerk's Office began using a program offered by the State of Iowa, which allows Cities to withhold payment of income tax refunds for non-payment of fees owed to a municipality. This program assists in the collection of past due parking tickets. Additionally the Clerk's Office is working with Polk County Treasurer Mary Maloney and the Iowa DOT to place a "hold" on license plate registration renewals when the vehicle has unpaid parking tickets. Both of these efforts will bring additional revenue to the City that up to this point has been uncollectible.

The Clerk's Office is in constant contact with citizens seeking information, and interacts with many City Departments on a daily basis. They have and will continue to provide top-notch customer service to both citizens and staff.

Agenda Item 61 (D): The Committee supports the January 7th, 2008 appointment of Rudy Simms as Des Moines Human Right Department Director. Mr. Simms will earn the standard benefits that employees earn with the city and that he currently has, including the following changes:

- o Mr. Simms's salary will be increased 2.5%.

Information from the review concerning 2007 accomplishments of Mr. Simms:

*We have formed the not-for-profit organization, **Greater Des Moines Friends of Human Rights, Inc.** We have the cooperation of the West Des Moines Human Rights Commission, State of Iowa Civil Rights Commission, City of Urbandale Human Rights and a host of others to participate in our efforts to bring a much broader concerted effort to the educational approach to Human and Civil Rights within the Greater Des Moines area.*

*This year we organized the International Human Rights Day Celebration at the Central Library in downtown Des Moines and the **21st Annual Symposium: Building Partnerships in Civil and Human Rights**, over 250 people attended this event this past April 18 at the Hotel Fort Des Moines.*

Partnership with Iowa Civil Rights on Fair Housing Commercials that ran for six weeks raised the profile of the Des Moines Human Rights Commission and provided information to the public about the Department.

This year Mr Simms was elected President of the Iowa League of Human Rights Agencies, membership of which 27 local Commissions and the State Civil Rights Commission make up a support group for human and civil rights agencies. I was also appointed to the State of Iowa Abraham Lincoln Bicentennial Commission to assist in planning the events to commemorate Lincoln.

The Director is sought out to conduct Diversity Training at the IOWA LAW ENFORCEMENT ACADEMY AND THE REGIONAL POLICE ACADEMY. Iowa compensates the Human Rights Commission \$200.00 per class.

Other issues from the committee:

- Each employee is encouraged to decrease their accrual of vacation leave, which is a long term burden on the city. Employees may continue to, and are encouraged to cash out up to 6 weeks of vacation, with a goal of having a smaller bank than at the current level.
- The Committee has requested the City Manager work with the Employee Review Committee and other department heads to set measurable benchmarks for the City's Goal statements adopted in October, 2006. The committee has found the goals useful in the review process, but measurable objectives would provide a better evaluation tool of staff and the city progress towards those goals.
- The committee recognizes the Mayor and Council are supported by a staff position that is currently vacant. City Council policy delegates the reporting and supervisory responsibility to the City Clerk. Since this position is crucial support for the Mayor and Council, the Clerk is requested to seek input from the Mayor and Council as the position is filled. Further, the current vacancy allows a chance for input from the Mayor and Council, along with the City Manager and Attorney, with regards to an updated Job Description and list of duties for this position. The Committee requests this joint participation in this process of all three key professional leaders, especially the City Clerk. It will be important for this position, and the new employee to balance the support work provided by the City Clerk's department and the Policy Role of the City Manager's department. Lastly, the Council requests the City Clerk provide ongoing support, supervision and coaching of the new employee.
- The committee is requesting a full review of the 1) Longevity Pay plan of the city of Des Moines, 2) accrual levels for vacation and sick leave, 3) other special benefit packages, 4) salary range policies, 5) enforcement of vacation usage, 6) and other workforce benefit plans provided by the city. The committee wants data on the overall value of the plans, costs to the city, best practices from around the country, and options for how to transition this city cost to a more transparent and useful benefit plans for the employees and, importantly, to the taxpayers. The committee expects a full report from staff by November 15th, 2008 so that all changes can be implemented in the budget cycle starting at that time. This will be done by the city manager, with cooperation from the City Clerk and City Attorney.
- The committee recommends the online evaluation tool (360 degree evaluation) be implemented again in December 2008/January 2009, on an every other year basis for now.
- We complement the entire city staff for it role in making our community stronger and a better place to live. While the council focuses on these four employees who report directly to the council, we honor and recognize the outstanding contribution from all our employees. Thank you.

The Committee is pleased with the work done this year to evaluate, review; goals set, and compensate our employees. This is not a easy process for any reviewer or employee. The committee views this process as our key responsibility as City Council members. The process has been rigorous, and we are confident it will result in even stronger city leadership and a better community for our citizens.

We conclude our work by stating how proud we are of the professional leadership displayed by our City Manager, City Attorney, City Clerk, and Human Rights Director. The citizens and taxpayers of Des Moines must know that these four employees are the very best in their respective fields and are each committed to a better city and stronger community. We thank them deeply for their service and leadership.