Resolution No. 06-0238

STOCKTON CITY COUNCIL

RESOLUTION ELIMINATING THE CITY MANAGER'S AUTHORITY TO AWARD SPECIAL ACCOMPLISHMENT AWARDS, REVISING THE 2006 SALARY SCHEDULE TO ELIMINATE THE AUTHORITY OF THE CITY MANAGER TO AWARD SPECIAL ACCOMPLISHMENT AWARDS; ADOPTING THE CITY OF STOCKTON'S RESPONSE TO THE FINAL REPORT OF THE GRAND JURY ON CASE NO. 0205, RELATING TO THE CITY OF STOCKTON EMPLOYEE MONETARY AWARDS OF PUBLIC FUNDS; AND DIRECTING THE CITY MANAGER TO SIGN THE RESPONSE ON BEHALF OF THE CITY COUNCIL AND TRANSMIT THE RESPONSE TO THE PRESIDING JUDGE OF THE SUPERIOR COURT OF SAN JOAQUIN COUNTY.

WHEREAS, various resolutions (including Resolution Numbers 25,758 and 27,080) adopted by the City Council over the years and the January 2006 Salary Schedule grant authority to the City Manager to award Special Accomplishment Awards up to one-half month salary or an equivalent amount of time off from work; and

WHEREAS, the 2004-2005 Grand Jury for the County of San Joaquin issued its findings in Case No. 0205, relating to the City of Stockton Employee Monetary Awards of Public Funds, finding that there was the perception of favoritism in the implementation of the program; and

WHEREAS, concern over the use of public monies to support employee award programs may be interpreted to mean that employees are being compensated twice for work performed in the regular course and scope of employment; and

WHEREAS, California Penal Code section 933.05 requires the City Council of the City of Stockton to respond to the Presiding Judge of the San Joaquin County Superior Court within ninety (90) days of publication of the Final Report; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The authority of the City Manager to award Special Accomplishment Awards of up to one-half month salary or an equivalent amount of time off from work is hereby eliminated.

2. The 2006 Salary Schedule shall be amended by deleting the language relating to "Special Accomplishment Awards."

CITY ATTORNEY
REVIEW: [Signature]
DATE: May 1, 2006
3. The Response to the Grand Jury Findings in Case No. 0205 is hereby approved, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

4. The City Manager is hereby authorized and directed to sign the Response and transmit it to the Presiding Judge of the San Joaquin County Superior Court.

5. The City Manager is authorized and directed to do all things necessary to carry out the purpose and intent of this resolution.

MAY - 9 2006

EDWARD J. CHAVEZ, Mayor of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton
May 10, 2006

Presiding Judge  
San Joaquin County Superior Court  
222 East Weber Avenue  
Stockton, California 95202

CITY OF STOCKTON RESPONSE  
FINAL REPORT—CASE NO. 0205  
CITY OF STOCKTON EMPLOYEE MONETARY AWARDS OF PUBLIC FUNDS

In accordance with section 933.05 of the California Penal Code, the City Council of the City of Stockton responds to the Grand Jury Report on the above-referenced case as follows:

Finding: The Grand Jury has determined that “perceptions of favoritism or monetary rewards for inappropriate reasons diminish the value” of awards for special accomplishments.

Response: Respondent City of Stockton agrees with this finding.

Respondent City of Stockton further replies to the Grand Jury Final Report on its Case No. 0205 by providing responses to each recommendation as follows:

Recommendation: A written policy/procedure should be established by the Human Resources Department and approved by the City Council for recognizing and awarding bonuses to employees who have performed an “unusual accomplishment.” That policy should clearly establish the criteria for presenting these awards for which recognition is warranted.

Response: This recommendation will not be implemented, because it is no longer necessary.

On May 9, 2006, the Stockton City Council adopted Resolution No. 06-_____ eliminating the City Manager’s authority to award Special Accomplishment Awards. Therefore, the provisions of various resolutions adopted by the City Council over the years, including Resolution Nos. 25,758 and 27,080, and restated most recently in the January 2006 Salary Schedule, authorizing the City Manager to award employees lump sum cash
CITY OF STOCKTON RESPONSE
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payments up to one-half month's salary for "unusual accomplishments," are no longer in effect. Consequently, no City of Stockton employee will receive any money, gratuity, or compensation for any service rendered in the course and scope of employment, other than his or her regular salary, except as provided below.

Notwithstanding the above-stated intent, the provisions of section 2531 of the City Charter of the City of Stockton are still in effect, and the City Council, as the legislative body of the City of Stockton, may award the heroic or meritorious actions of any sworn member of the Police or Fire Department in accordance with the grant of authority set forth below:

The legislative body of the City, may, upon the recommendation of the Chief of the Department, reward any officer or member of the Department for conduct which is heroic or meritorious. The form or amount of such award shall be discretionary with the legislative body of the City, but not exceeding any one (1) instance one (1) month's salary. The legislative body of the City may appropriate money for such rewards.

(City Charter, art. XXV, § 2531.)

Recommendation: Recommendations should be initiated by the Department or Division head and submitted to the Human Resources Department for review to ensure compliance with policy/procedure. The document should then be sent to the City Manager for approval or disapproval.

Response: This recommendation has been implemented, except that such recommendation shall come via an agenda report to the City Council, approved by the City Manager, and agendized for a regular session of the City Council, in accordance with sections 1201 and 2531 of the City Charter of the City of Stockton.

Recommendation: A substantial effort should be made to justify any future awards, delineating and detailing the reason for the awards in accordance with an established policy/procedure. This method will then ensure that public funds are issued judiciously and appropriately to deserving recipients.

Response: This recommendation has been implemented.

The City Charter of the City Charter sets forth the manner in which "heroic or meritorious" conduct shall be awarded for sworn officers of the Police and Fire Departments. Any such future awards to sworn employees shall be accomplished in the manner set forth in section 2531 of the City Charter. With respect to non-sworn
employees, no City of Stockton employee shall receive any money, gratuity, or compensation for any service rendered in the course and scope of employment, other than his or her regular salary.

Recommendation: The City Ordinance should be amended by the City Council to reflect the policy/procedure developed by Human Resources regarding any award.

Response: This recommendation will not be implemented.

The previous authorization for Special Accomplishment Awards was codified in a Council Resolution and, since the provisions of that resolution are being eliminated, this recommendation will not be implemented.

Recommendation: It is recommended that employees be publicly recognized or acknowledged for exceptional performance as recipients of any award.

Response: This recommendation has been implemented.

Insofar as the award of "heroic or meritorious" conduct is recognized, it will be done so in accordance with section 2531 of the City Charter.

On May 9, 2006, the City Council adopted Resolution No. _________ (attached) approving the responses contained herein, authorizing the undersigned to sign this response on behalf of the Council and to transmit same to you.

Please contact me with any questions you may have.

Respectfully submitted,

CITY OF STOCKTON, a municipal corporation

By:

J. GORDON PALMER, JR.

Its: CITY MANAGER

JGPjr:TGP:DMD