

**JUNE 22, 2021 – AMENDED AGENDA**

**PROPOSED COVID-19 RELATED ADDITIONS – PRINTED AGENDA**

**APPROVAL OF ANY NON-COVID RELATED ITEMS BELOW INCLUDES A SUNSHINE WAIVER**

**MAYOR AND COUNCIL REQUESTS**

**3.x City Auditor Appointment And Compensation Package/Employment Agreement And Salary Setting. (Mayor)**

**Recommendation:**

1. Adopt a resolution reappointing Joe Rois as City Auditor and approving compensation for services as City Auditor for a term beginning July 1, 2021 and ending June 30, 2025 consistent with the following terms and the attachment in this memo:
  - Salary: The starting salary will be \$210,000 annually. In addition to this starting salary, the City Auditor will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$220,500.
  - Executive Management Benefits: As executive management, the City Auditor will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The City Auditor will continue to receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage.
  - Vacation and Executive Leave: The City Auditor will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The City Auditor has zero (0) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate.
  - Outside Employment: The City Auditor will not engage in outside employment without City Council approval.

2. Adjust the annual compensatory range for the City Auditor to better align with other jurisdictions' chief auditors, and amend the City of San Jose Pay Plan to a salary range of \$145,117 to \$240,000, effective July 1, 2021.
3. Place the item on the June 22, 2021 Council agenda for action.

### **3.x Independent Police Auditor Appointment And Compensation Package/Employment Agreement And Salary Setting. (Mayor)**

#### **Recommendation:**

1. Adopt a resolution reappointing Shivaun Nurre as Independent Police Auditor (IPA) and approving compensation for services as Independent Police Auditor for a term beginning January 1, 2021 and ending December 31, 2024 consistent with the following terms and the attachment in this memo:
  - Salary: The new salary will be \$230,000 annually effective July 1, 2021. In addition to this new salary, the IPA will receive an approximate five percent (5%) ongoing non-pensionable pay for a total annual salary of approximately \$241,500 effective July 1, 2021.
  - Executive Management Benefits: As executive management, the IPA will receive the benefits that are included in the Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary (attached). The IPA will also receive a \$350.00 monthly automobile allowance in accordance with the current City policy and an option to receive payments in-lieu of health care coverage. The IPA will also receive a monthly cell phone and data stipend, which is currently \$35 for cell phone use and/or \$40 for data plan use. However, the IPA has waived this stipend as she currently has a City-issued cell phone.
  - Vacation and Executive Leave: The IPA will accrue vacation and receive executive leave in accordance with Executive Management and Professional Employees (Unit 99) Benefit and Compensation Summary. The IPA has twenty-eight (28) hours remaining of executive leave in the 2021 calendar year and will not be eligible for additional executive leave in 2021. Executive Leave cannot be cashed out or carried over into the next calendar year under any circumstances. Vacation can continue to accrue up to twice the annual accrual rate.
  - Outside Employment: The IPA will not engage in outside employment without City Council approval.

2. Adjust the annual compensatory range for the Independent Police Auditor to better align with other jurisdictions' chief police auditors, and amend the City of San Jose Pay Plan to a salary range of \$145,117 to \$263,000, effective July 1, 2021.
3. Place the item on the June 22, 2021 Council agenda for action.

**3.x Annual Merit Increases And Additional Executive Leave For Council Appointees.  
(Mayor)**

**Recommendation:**

Approving a 2.5% merit increase for the City Attorney and City Clerk, effective July 1, 2021, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2021.

<h2>CITY MANAGER'S REQUESTS</h2>
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**8.x Sunset the 2021 Moratorium on Rent Increases for Tenants and Mobilehome Residents and Owners Financially Impacted by COVID-19 On June 30, 2021.**

**RECOMMENDATION**

- (a) Accept the staff report to sunset 2021 COVID-19 Rent Increase Moratorium, Ordinance No. 30530, for rent stabilized tenants and mobilehome residents on the expiration date of June 30, 2021.
- (b) Terminate waiver of late registration fees and permitting fees for repairs/maintenance for rent stabilized apartments and mobilehomes covered under Chapter 17.22 and 17.23 of the San José Municipal Code, previously established under Ordinance No. 303530.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

**8.x Enact an Urgency and Companion Ordinance Implementing an Eviction Moratorium Through August 31, 2021 for Tenants Financially Impacted By COVID-19.**

**RECOMMENDATION:**

- (a) Accept the staff report providing findings that support enacting a temporary moratorium through August 31, 2021 on evictions to protect tenants currently financially impacted by COVID-19 while the State and local rental assistance programs commence distribution of rental payments to the most vulnerable residents.
- (b) Adopt an Urgency Ordinance enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire:

- (1) pay at least 50% of the July and August monthly rent; and
- (2) provide to the property owner or manager a signed Declaration stating they are:
  - (i) currently experiencing COVID-19-related financial distress; and
  - (ii) have applied or will apply within 14 days for rental assistance.
- (3) Invoke the urgency provisions in the City Charter, as an emergency measure for the immediate preservation of the public peace, health and/or safety, to include additional provisions protecting against eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19.

**PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES. City Charter Section 605(d).**

- (c) Approve a Companion Ordinance through August 31, 2021 enacting a temporary moratorium on no-cause evictions, and evictions due to nonpayment of rent for residential tenants, mobilehome owners and residents, who, before the notice to pay rent or quit expire:
  - (1) pay at least 50% of July and August monthly rent; and
  - (2) provide to the property owner or manager signed Declaration stating they are:
    - (i) currently experiencing COVID-19-related financial distress; and
    - (ii) have applied or will apply within 14 days for rental assistance.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

## CITY ATTORNEY'S REQUESTS

## CITY CLERK'S REQUESTS