

**FULL TEXT OF MEASURE T
CITY OF BREA**

THE PEOPLE OF THE CITY OF BREA DO ORDAIN:

SECTION 0: This initiative shall be known and referred to as the, "**BREA ACCOUNTABILITY ACT**".

SECTION 1: Those whose total compensation *including benefits* may be affected should take note of this initiative and read the text to explore any potential adverse impact on their salaries and benefits. After November 7, 2012, a) Provisions contrary to those in this initiative included with any city agreements created, modified or renewed **shall be replaced** with voter approved provisions; b) Voter approved compensation adjustments **shall be calculated and take effect** on the first day of the first full payroll period where a new, modified or renewed agreement becomes effective; c) Voter approved provisions **shall be incorporated into all employment and contracting agreements as they are entered into, modified or extended.**

SECTION 2: ADD TO BREA MUNICIPAL CODE 2.04.050: D. Salaries of public safety personnel reporting to the City Manager **may exceed** the salary of the City Manager.

SECTION 3: ADD TO BREA MUNICIPAL CODE 2.08.020: F. In December of each year the Personnel Officer shall obtain the **median household income** (in inflation adjusted dollars) for Brea as published and updated by the US Census Bureau (or other *successor* organization which offers very similar data that is published via the internet that is of equal or higher quality). Effective November 6, 2012, with the exception of Fire, police, and other emergency public safety personnel, no Personnel Officer shall present to council for authorization or approval a pay schedule for a city manager, city administrative official, department director and hourly contract labor, **an annual salary excluding benefits** (or a combined hourly rate with overtime excluding benefits *when annualized*) that exceeds **2.0 times** the most current estimate of *median household income*. Further no benefits package shall exceed **0.5 times** the most current estimate of *median household income*. In the alternative total staff compensation (salary and benefits) shall be limited to **2.5 times** the median income. Any modification to salary or benefit schedules shall be effective and implemented immediately **prior to the effective date** of modification or renewal of any existing agreement and prior to any new agreement. Benefits **shall include**, but are not limited to: car, gas, life insurance, gym membership, country club membership, health/medical insurance, **housing incentives** and any other personal benefits. However, benefits **shall not** include any mandated state or federal employer contributions or expenses. No staff member shall be compensated for travel time to *any destination outside the country* or "work" time that originates *outside the United States* unless the trip and compensation are approved during open council with the requirement that a staff report which clearly documents the value received by the City shall be presented at an open City Council Meeting.

SECTION 4: APPEND TO BREA MUNICIPAL CODE 2.04.010: "MANAGER'S TERM OF EMPLOYMENT" No new, modified or extended City Manager employment/services agreement shall be for a term of more than 3 years with options to extend exercisable at the discretion of council majority. Effective November 6, 2012, this provision shall be incorporated **within** any modification or renewal of any existing City Manager agreement or incorporated into any new agreement. Any termination of the City Manager prior to expiration of any 3 year term shall be subject to Brea Municipal Codes §2.04.050C and §2.04.080.

SECTION 5: REPLACE BREA MUNICIPAL CODE 2.04.020 WITH "COMMONALITY WITH BREA VOTERS; ELIGIBILITY" A. Residence in the city at the time of appointment of a City Manager shall not be required as a condition of the appointment, however, within the time specified in any employment agreement or resolution affecting such appointment, the City Manager shall become a resident of the city, unless residence outside the city is approved by the City Council. Unless waived by City Council on a one-time per person basis with no waiver granted in excess of 3 years, a City Manager hired after passage of this measure shall be required to live within a 4 mile radius of Brea City Hall. The City Manager should be readily available for any emergency and reside near other Brea residents to better appreciate their plight (*per Article XI of the California Constitution §10b*).

SECTION 6: ADD BREA MUNICIPAL CODE 2.00.130 "CITY COUNCIL SALARIES" As allowed by Government Code §36516b, Brea electors may set the salary (*excluding benefits and reimbursements*) for Brea City Council members. Council salary shall be **no more than** stated in Government Code §36516a. Salary and benefits changes shall go into effect immediately upon each new council term. Actual and necessary expenses incurred in the performance of their official City duties may be reimbursed per Government Code §36514.5. Council Service is a part time position and council may avail themselves to the same benefits normally made available to **regular part time city employees** such as medical insurance, life insurance and city contributions to their pension plans. Council members are however prohibited from receiving any other personal paid benefits including, but not limited to gym and club memberships. Upon completion of council service, no further city payments including pension contributions shall be made on their behalf. Any expense reimbursement shall require a) full compliance with Government §36516; b) establishment of a resolution adopted by City Council for such reimbursement; and c) submission of a request for reimbursement in accord with the approved resolution.

SECTION 7: IMPLEMENTATION-if City Council and staff wish to receive higher pay, they must improve the local economic base. Under no circumstances shall council adopt legislation that encourages relocation of lower income Brea residents outside the city to increase the median income for the purpose of increasing their stipends/salaries. Pertinent salary ranges shall be revised prior to issuance of any payroll which remunerates staff of council for the first full pay period after the earliest legally permitted effective date. All subsequent paychecks shall reflect such adjustments.

SECTION 8: If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or application, and to this end the provisions of this measure are severable.