



Office of the City Manager

CONSENT CALENDAR  
November 10, 2009

To: Honorable Mayor and Members of the City Council  
From: *PK* Phil Kamlarz, City Manager  
Subject: Appointment of Police Chief and Amendments to Unrepresented Employee Manual and the Retiree Health Premium Assistance Plan

RECOMMENDATION

Adopt three Resolutions as follows:

- 1 Confirming the appointment of Michael Meehan as Police Chief to be effective December 13, 2009 and authorizing the CM to negotiate a Housing Assistance loan as set forth in the attached resolution;
- 2 Amending Resolution No. 60,777-N.S. (Unrepresented Employee Manual) regarding benefits;
- 3 Amending Resolution No 61, 752-N.S. (Retiree Health Premium Assistance Plan) on retiree medical benefits for the newly appointed Police Chief.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Police Chief are included in the Fiscal Year 2010 and 2011 Department budgets. The position is paid 100% from the General Fund (budget code 010 6901 420) and the annual salary is \$205,400.

CURRENT SITUATION AND ITS EFFECTS

Effective September 24, 2009 Doug Hambleton retired from the Berkeley Police Department as Chief after more than thirty years of service to the community. Following Chief Hambleton's announcement of his retirement earlier in the year, the City began a recruitment process to select his successor.

In accordance with the City Charter, Section 28(b) of Article VII, I am submitting my selection for the Police Chief to the City Council for confirmation. I have selected Michael Meehan for appointment to the vacant Police Chief position, to be appointed with an annual salary of \$205,400. I am requesting confirmation of this appointment so that I may formally offer this regular at will benefited department head position to Mr. Meehan to be effective December 13, 2009.

Given that the Meehan family is relocating from Seattle for this position, and given the difference in costs of living between the two areas, I am also requesting the Council's authorization to negotiate with Mr. Meehan a housing assistance loan of up to \$500,000

for the purchase of a residence within the City of Berkeley, with an annual interest rate equal to 3%. If entered into, the loan would be required to be repaid with interest within 12 months of separation from the City.

### BACKGROUND

The Police Chief is responsible for overall policy development, program planning, fiscal management, administration and operations of the Police Department. The Police Department has a long history as one of the most progressive and innovative law enforcement agencies in the country. The Police Chief, through subordinate division heads, directs all City police functions including crime investigation, community services, Internal Affairs, operation of the City jail, Communications Center, maintenance of police records and related support services. The Police Chief is also responsible for policy development, program planning, fiscal management, administration and operation of the divisions of the Department. The Police Department implemented Community Involved Policing in 1994 and continues to use this philosophy of engaging the community in crime prevention and law enforcement. The Police Department currently employs 185 sworn and 116 non-sworn personnel and has a current annual operating budget of approximately \$56.5 million. It is organized into several operating divisions including: the Office of Police Chief; Police Administrative Services; Patrol and Traffic and Parking divisions.

The City retained CPS Executive Search to conduct a nationwide recruitment for Police Chief. An extensive outreach process was conducted, including mailing brochures to all police chiefs in the top 100 university cities in the country. Forty-five resumes were received, with one candidate subsequently withdrawing from consideration. An initial screening was conducted of the applications and eight candidates were identified as possessing the best combination of experience and education to meet the City's needs for a Police Chief. The eight candidates were interviewed by three panels including representatives of the community, the Police Review Commission, the Berkeley Police Association, SEIU Local 1021, law enforcement professionals from the area, as well as City department directors. The panels recommended three finalists who were then interviewed by me and Deputy City Manager Christine Daniel.

### RATIONALE FOR RECOMMENDATION

As expressed in the recruitment brochure, the ideal candidate for this position will be a contemporary leader and highly engaged manager who conveys a strong, yet approachable command presence, is comfortable interacting with all internal and external audiences, and will enjoy developing and maintaining key relationships in the community. I expect the next Police Chief to be well versed in community involved policing and problem solving, and to bring a strong understanding of meaningful performance measures to the Police Department.

Michael Meehan has twenty three years of experience with the Seattle Police Department. He currently holds the rank of captain in the Seattle PD and is the

commander of the Violent Crimes division (homicide, gangs, robbery, CIS). Formerly, as a precinct commander, he was responsible for an area of that city which is roughly equal in size to the population of Berkeley. During that period, he commanded a staff of 135 and was responsible for a budget of approximately \$20,000,000. He has worked patrol at each rank of the department and has commanded the following divisions: Training, Vice, Narcotics, Auto Theft, Major Crimes, Fraud/Forgery, Audit, Accreditation, and Policy & Ethics. Additionally, he commanded the Field Training Program where he supervised 120 field training officers and 12 field training sergeants and was responsible for ensuring proper training of approximately 70 new personnel each year. While continuing to work full-time, Michael earned his B.A. in Business from the University of Washington, and followed that with a master's degree in Homeland Security and Emergency Preparedness from the Naval Postgraduate School in Monterey.

Michael brings a wealth of experience to the Berkeley community. He has worked his entire career in law enforcement in a diverse urban environment and has focused on innovative and community based crime prevention strategies. He understands the strengths and limitations of the modern police agency, and is committed to community involvement, acknowledging that police departments must leverage their abilities with those of other governmental agencies, community and non-profit groups. He will also bring a strength of leadership that is critical to the relatively young organization of the Berkeley Police Department (82 of the Department's 185 sworn officers have been hired since 2000) and his extensive Field Training experience will contribute to that.

Each of the three panels felt Michael was quite well qualified for the position and in my own interactions with him throughout the selection process, I have been extremely impressed by his professionalism, strong leadership skills, commitment to community involved policing, and deep interest in coming to Berkeley. For all of the reasons discussed above, I am submitting Michael Meehan as my selection for Police Chief.

Additionally, in order to attract and retain such a highly qualified individual to assume the position of Police Chief, I am recommending (1) a housing assistance loan as described above; and (2) amendments to the Unrepresented Employee Manual to provide certain benefits that are different from other Representation Unit Z-1 Unrepresented Executive and Confidential Management employees. I am recommending that the Council amend the Unrepresented Employee Manual to provide: sick leave benefits, retiree medical service credit and an automobile allowance in lieu of receiving a City provided vehicle. It is also necessary to amend the Retiree Health Premium Assistance Plan document to provide for service credit for the benefit. These benefit changes are set forth in more detail in the Resolution and Exhibits that are attached to this report and represent a minimal overall cost impact to the City.

ALTERNATIVE ACTIONS CONSIDERED

A recruitment process was conducted and other candidates were considered for the position.

CONTACT PERSON

Phil Kamlarz, City Manager, City Manager's Office, 981-7000

Attachments:

- 1: Resolution Confirming the Appointment of Michael Meehan as Police Chief
2. Resolution Amending Resolution No.60,777- N.S. Unrepresented Employee Manual Benefit Changes
3. Resolution Amending Resolution No.61,752-N.S. Retiree Health Premium Assistance Plan Amendment

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE APPOINTMENT OF MICHAEL MEEHAN AS THE POLICE CHIEF

WHEREAS, Michael Meehan has 23 years of law enforcement experience and is currently a captain in good standing with the Seattle Police Department (SPD); and

WHEREAS, Michael Meehan has commanded numerous units of SPD including Training, Vice, Narcotics, Auto Theft, Major Crimes, Fraud/Forgery, Audit, Accreditation, Policy & Ethics and the Field Training Program; and

WHEREAS, Mr. Meehan exhibits the highest professionalism, leadership skills and commitment to community involved policing; and

WHEREAS, in addition to his extensive law enforcement experience, Mr. Meehan has obtained a Bachelor of Arts in Business from the University of Washington and a Master's degree in Homeland Security and Emergency Preparedness from the Naval Postgraduate School.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby confirms the City Manager's appointment of Michael Meehan as the Police Chief with an annual salary of \$205,400 on the same terms and conditions as other, regular at will employees, and as set forth in the amended Unrepresented Employee Manual effective December 13, 2009.

BE IT FURTHER RESOLVED that the City Manager is authorized to negotiate with Mr. Meehan a housing assistance loan of up to \$500,000 for the purchase of a residence within the City of Berkeley, with an annual interest rate equal to 3%; any such loan is required to be repaid with interest within 12 months of separation from the City.

RESOLUTION NO. ##,###-N.S.

UNREPRESENTED EMPLOYEE MANUAL: BENEFIT CHANGES

WHEREAS, the City Council has confirmed the City Manager's appointment of Michael Meehan as Police Chief; and

WHEREAS, under City Charter Section 32, the City Council is responsible to fix the compensation of all officers and employees of the City on recommendation of the City Manager; and

WHEREAS, on September 20, 2000, the City Council adopted Resolution No. 60,777-N.S. that established the Unrepresented Employee Manual that establishes rules governing working conditions, benefits and compensation for unrepresented career benefited and regular at-will employees; and

WHEREAS, Resolution No. 60,777-N.S. has been amended from time to time to include changes affecting working conditions, benefits and compensation for unrepresented career benefited and regular at-will employees; and

WHEREAS, as the result of the appointment of Michael Meehan as Police Chief, the City Manager is recommending changes in benefits for the unrepresented regular at-will department heads and Deputy City Managers including the Police Chief in Representation Unit Z-1 (Confidential Executive and Management Employees) including sick leave accrual, retiree health premium assistance plan, and automobile allowance for the Police Chief.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley amends Resolution No. 60,777-N.S. (Unrepresented Employee Manual), to provide modifications to the Sick Leave Accrual for Department Heads and Deputy City Managers set forth in Article 4.16 ., as shown in Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that Council of the City of Berkeley amends Resolution No. 60,777-N.S. (Unrepresented Employee Manual), to provide modifications to the Retiree Medical Benefit for the Police Chief appointed after November 1, 2009 as set forth in Article 13.10.1, as shown in Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that that Council of the City of Berkeley amends Resolution No. 60,777-N.S. (Unrepresented Employee Manual), to add Article 13.23 to provide a \$400 per month automobile allowance for the Police Chief in lieu of receiving a City provided car.

## **ARTICLE 4 – SICK LEAVE**

**4.16 Sick Leave Accrual for Department Heads and Deputy City Managers:** At the time of appointment of new hires in regular at-will department head classifications and Deputy City Managers, the City Manager may authorize credit for accrual of sick leave based on sick leave accrual with a prior employer in an amount that does not exceed four weeks of sick leave credit.

## **APPENDIX TO THE UNREPRESENTED EMPLOYEE MANUAL**

**13.10.1 Retiree Medical Benefit for Police Chief Appointed after November 1, 2009:** An employee appointed after November 1, 2009 to the classification of Police Chief shall not receive the Retiree Medical Plan described in Section 13.10 but shall be covered by the Retiree Health Premium Assistance Plan described herein at Section 13.8 et seq. and in the Retiree Health Premium Assistance Plan Document adopted as Resolution No. 61,752 – N.S. as amended, except that the employee shall not be required to meet the eligibility requirements of subsections 13.8.1(b) and 13.8.1(c). Resolution 61,752-N.S. shall be amended to credit the Police Chief with 15 years of qualifying years of service for eligibility in the Plan and shall receive benefits as a Representation Unit Z-1 employee.

**13.23. Automobile Allowance for Police Chief:** The City Manager may authorize an automobile allowance of \$400 per month in lieu of a City provided vehicle for an employee appointed after November 1, 2009 to the classification of Police Chief.

RESOLUTION NO. ##,###-N.S.

RETIREE HEALTH PREMIUM ASSISTANCE PLAN AMENDMENT

WHEREAS, the City Council has confirmed the City Manager's appointment of Michael Meehan as Police Chief; and

WHEREAS, under City Charter Section 32, the City Council is responsible to fix the compensation of all officers and employees of the City on recommendation of the City Manager; and

WHEREAS, on September 17, 2002, the City Council adopted Resolution No. 61,752-N.S. that authorized the City Manager to execute and implement the Retiree Health Premium Assistance Plan for non-sworn employees and elected officials; and

WHEREAS, the Retiree Health Premium Assistance Plan provides post employment medical benefits to former employees or elected officials of the City who terminate service for any reason, including death, and at the time of such termination are at least age 50 and have at least eight years of service credit with CalPERS earned at the City of Berkeley; and

WHEREAS, in an effort to attract and retain applicants and employees from external jurisdictions to fill regular at-will positions including, but not limited to, the Police Chief, it is necessary to offer a fair and competitive benefit package; and

WHEREAS, a retiree medical benefit such as the Retiree Health Premium Assistance Plan is an important component of a fair and competitive package.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to amend Section 2.13 (Eligible Retiree) of the Retiree Health Premium Assistance Plan as set forth in Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley authorizes the City Manager to amend Section 2.16 (Years of Service) of the Retiree Health Premium Assistance Plan as set forth in Exhibit A attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the aforementioned amendments to the Retiree Health Premium Assistance Plan are to be effective upon adoption of this resolution.

Exhibits

A: Definition of "Eligible Retiree" and Definition of "Years of Service"

## Retiree Health Premium Assistance Plan

- 2.13 **“Eligible Retiree”** means a participant who is a former employee or elected official of the City (described in Appendix I) who terminates service with the City for any reason, including death, on or after the Effective Date applicable to the Retiree (specified on Appendix I) and at the time of such termination is at least age 50 and has at least eight (8) Years of Service, as defined in section 2.16. The Manager may add to, delete from or amend the units listed in Appendix I from time to time, at his or her discretion after consultation with the appropriate Union and consistent with the relevant Memorandum of Understanding or Memorandum Agreement. An individual who retires from City service prior to age 55 pursuant to a CalPERS-approved disability retirement and who maintains continuous coverage in a Health Plan from the date of retirement until the individual's 55th birthday shall be an Eligible Retiree. Any employee or elected official of the City who terminates service with the City before the applicable Effective Date shall not be an Eligible Retiree and shall not be eligible for any benefits under this Plan.

Notwithstanding the foregoing, effective July 1, 2005, an “Eligible Retiree” shall include a regular at-will employee, as defined in Section 1.11.12 of the Personnel Rules and Regulations, who has never obtained career service status, as defined in Section 1.07 of the Personnel Rules and Regulations, with the City prior to appointment as a regular at-will employee, if the regular at-will employee terminates service with the City for any reason, including death, on or after June 28, 1998 and at the time of such termination is at least age 50 and is vested in CalPERS or in a County Retirement System as defined in Section 20023.5 of the California Public Employees’ Retirement Law.

Notwithstanding the foregoing, effective November 1, 2009, an “Eligible Retiree” shall include a person appointed to the regular at-will position of Police Chief and is at least 55 years of age at the time of retirement

**2.16 “Years of Service” under this plan shall mean the following:**

- 2.16.1. the number of aggregate years of service with the City as credited by CalPERS for determining years of service for the pension benefits.**
- 2.16.2. CalPERS service credit purchased by the Participant where purchase of service credit for service with the City that the Participant previously withdrew and is repurchasing.**
- 2.16.3. Military service that must be credited by CalPERS under federal law resulting from a leave of absence from the City.**
- 2.16.4 Career service with the City that follows a break in service.**
- 2.16.5 No other service shall be included in this definition of Years of Service except as modified by 2.16.6, 2.16.7, 2.16.8 and 2.16.9.**
- 2.16.6. Notwithstanding section 2.16.5, for employees in Representational Unit R-1 (career benefited, part-time Recreational) and the classification of Recreation Coordinator only, all time in a permanent, probationary, provisional, temporary (full-time, part-time, and intermittent), seasonal and exempt employment will be included as Years of Service. See Appendix II for how Years of Service are calculated for R-1 employees under this Plan.
- 2.16.7. Notwithstanding section 2.16.5, for elected officials of the City (described in Appendix I) all time served as an elected official and all time in a permanent, probationary, provisional, temporary (full-time, part-time, and intermittent), seasonal and exempt employment will be included as Years of Service.
- 2.16.8 Notwithstanding section 2.16.5, effective July 1, 2005 a regular at will employee who is an Eligible Retiree as defined in Section 2.13, upon attaining one (1) year of full time equivalent service with the City, will have included as Years of Service the total number of aggregate years of service as credited by CalPERS for service with another public agency or aggregate years of service credited by a County Retirement System as defined in Section 2023.5 of the California Public Employees’ Retirement Law.

- 2.16.9. Notwithstanding section 2.16.5, Effective November 1, 2009 a person appointed to the regular at-will position of Police Chief who is defined as an Eligible retiree under Section 2.13 shall be credited with 15 years of qualifying Years of Service.