



**LEGISLATIVE MEMORANDUM**

**TO: Honorable Mayor and Members of the City Council**

**FROM: Patricia Smith, City Attorney**

**DATE: 9/16/2021**

**RE: Consideration of remuneration for Assistant City Attorneys.**

Pursuant to section 3.114 of the Palm Bay City Charter: The Council shall determine the remuneration to be paid the City Attorney and/or Assistant Attorney(s).

Currently, the City Attorney’s Office has five attorneys: the City Attorney, three Deputy City Attorneys and one Assistant City Attorney. The City previously had two Deputy City Attorney positions. However, the Deputy City Attorney I position was eliminated in 2013. Consequently, the only attorney positions within the City Attorney’s Office are: Assistant City Attorney, Deputy City Attorney and City Attorney.

Assistant City Attorney Rodney Edwards was hired January 9, 2017, as an Assistant City Attorney. Mr. Edwards started at the maximum salary for his position, \$71,520.00. Mr. Edwards salary has remained unchanged during his employment and each cost-of-living adjustment has been paid as a lump sum payout. Since his salary does not change, the City does not match the cost-of-living adjustment for retirement purposes.

Deputy City Attorney Jennifer Cockcroft was also hired at the top of her pay range in April 2019. Deputy City Attorney Jill Jacobs has been at the top of her pay range since 2017. Since their salaries do not change, the City does not match the cost-of-living adjustment for retirement purposes. Accordingly, all cost-of-living adjustments for Ms. Cockcroft and Ms. Jacobs are paid out as a lump sum rather than an adjustment to their salary.

Mr. Edwards seeks a pay increase and I support an increase in Mr. Edwards pay. The City Council has full discretion in deciding whether to provide additional remuneration and the value of such compensation. For consideration, I have provided two examples with budget impact:

1. The Council can decide to promote Mr. Edwards from Assistant City Attorney GE-V to a Deputy City Attorney GE-AP (\$85,194-\$128,322). The Deputy City Attorney position is a Group 1 position and receives an auto allowance valued at \$4,860.

TITLE	SALARY/WAGES	FICA- SS/MC	RETIREMENT	TOTAL
Assistant City Attorney	\$71,520	\$5,471	\$6,973	\$83,964
Deputy City Attorney	\$85,194	\$6,517	\$8,306	\$100,018

<b>Variance</b>	<b>\$13,674</b>	<b>\$1,046</b>	<b>\$1,333</b>	<b>\$16,053</b>
<b>Total with Auto Allowance</b>				<b>\$20,913</b>

2. The Council may decide to approve the creation of additional positions: Assistant City Attorney II and/or Chief Assistant City Attorney.

<b>TITLE</b>	<b>SALARY/WAGES</b>	<b>FICA- SS/MC</b>	<b>RETIREMENT</b>	<b>TOTAL</b>
Assistant City Attorney	\$71,520	\$5,471	\$6,973	\$83,964
Assistant City Attorney II	\$81,520	\$6,236	\$7,948	\$95,704
<b>Variance</b>	<b>\$10,000</b>	<b>\$765</b>	<b>\$975</b>	<b>\$11,740</b>

The additional positions will account for the differences in positions based upon experience, expertise and duties and make the differences between pay grades less severe. Under the current salary structure there are 19 pay grades and a \$13,674 difference between the top of the Assistant City Attorney position and the bottom of the Deputy City Attorney position.

If Ms. Jacobs and Ms. Cockcroft are approved for the Chief Assistant Attorney position, they will no longer be maxed out for their pay plan and the City would pay an additional \$375 each for retirement (based upon their FY 2021 salary with the COLA).

I have attached for Council's consideration the attorney salaries paid by other municipalities having a similar population and Melbourne. The job titles vary as some cities only have Assistant City Attorneys, others have graduated Assistant City Attorney positions or primarily have deputy city attorney positions. Irrespective of the job title, Mr. Edwards is the lowest paid attorney among the municipalities surveyed.

**REQUESTING DEPARTMENT:**

City Attorney's Office

**FISCAL IMPACT:**

512-1425-519

The impact of a raise to Mr. Edwards depends on the amount of the salary increase and additional benefits.

Moving Deputy City Attorney Jill Jacobs and Jennifer Cockcroft to a higher pay grade will result in an additional \$750 cost.

**RECOMMENDATION:**

Motion to approve additional salary to Rodney Edwards; and approve the creation of an additional positions for the City Attorney's Office.