

Meeting Date:

Agenda Item

June 23, 2015

22

REQUESTED COMMISSION ACTION:

Consent

Ordinance

Resolution

Consideration/
Discussion

Presentation

SHORT TITLE

**A RESOLUTION APPOINTING MARK E. BERMAN AS CITY
ATTORNEY AND ESTABLISHING A SALARY TO BE PAID;
PROVIDING AN EFFECTIVE DATE.**

Summary of Purpose and Why:

Appointing Mark E. Berman as the new City Attorney effective August 21, 2015.

- (1) Origin of request for this action: City Commission
- (2) Primary staff contact: Gordon B. Linn, City Attorney Ext. 4614
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL
COORDINATION

DATE

DEPARTMENTAL
RECOMMENDATION

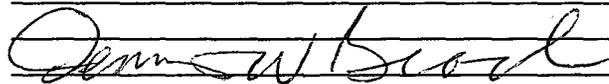
DEPARTMENTAL HEAD SIGNATURE

City Attorney

6/2/15

See City Attorney's Comm. #2015-1060 

City Manager 



ACTION TAKEN BY COMMISSION:

Ordinance
1st Reading

Resolution
1st Reading

Consideration
Results:

Workshop
Results:

2nd Reading



City Attorney's Communication #2015-1060

June 2, 2015

TO: Dennis W. Beach, City Manager
FROM: Gordon B. Linn, City Attorney
RE: Resolution Appointing City Attorney

Attached please find the following captioned Resolution addressing the above-referenced matter:

**A RESOLUTION APPOINTING MARK E. BERMAN AS
CITY ATTORNEY AND ESTABLISHING A SALARY TO
BE PAID; PROVIDING AN EFFECTIVE DATE.**

Please place this matter on the June 23, 2015 City Commission Agenda. I have attached a Commission Agenda Cover Sheet for your convenience.

Should you have any questions regarding this matter, please feel free to contact me.



GORDON B. LINN

GBL/jrm
l:cor/manager/2015-1060

Attachments

RESOLUTION NO. 2015-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

**A RESOLUTION APPOINTING MARK E. BERMAN AS
CITY ATTORNEY AND ESTABLISHING A SALARY TO
BE PAID; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a vacancy will exist for a City Attorney for the City of Pompano Beach;
and

WHEREAS, the City Commission has determined that Mark E. Berman is well qualified
for the position; now, therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO
BEACH, FLORIDA:**

SECTION 1. That effective August 21, 2015, Mark E. Berman shall be appointed as
full-time City Attorney for the City of Pompano Beach at an annual salary of \$_____.

SECTION 2. Upon the effective date hereof the said Mark E. Berman shall be credited
with twenty (20) days of vacation leave. Thereafter, beginning with the thirteenth month of
employment as City Attorney, he shall accrue and have credited to his personal account vacation
leave at the rate of twenty (20) days per year, with maximum accrual to be as provided for
classified City employee in Chapter 34 of the Code of Ordinances. Upon termination by either
the City or the City Attorney, the City shall compensate the City Attorney for all accrued
vacation time.

SECTION 3. In the event that the said Mark E. Berman is terminated as City Attorney
by the City Commission during the term of his employment and during such time as he is willing

and able to perform the duties of City Attorney, he shall be paid severance pay in the amount of three (3) months' salary.

SECTION 4. The City Attorney shall participate in the Elected Officials and Appointees plan established by Section 34.0264 of the City of Pompano Beach Code of Ordinances and all prior service with the City shall be credited to said plan.

SECTION 5. Except as otherwise provided herein, the said City Attorney shall be entitled to all employee benefits which are provided to regular classified employees of the City.

SECTION 6. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
6/15/15
l:reso/2015-345



City Attorney's Communication #2015-1048A

June 15, 2015

TO: Mayor and City Commission
FROM: Gordon B. Linn, City Attorney
RE: Appointment of City Attorney

In accordance with the desires of the City Commission, I have prepared a Resolution appointing Mark Berman as the new City Attorney. A copy of the Resolution is attached for your review.

The Resolution requires that the City Commission insert certain information in the proposed Resolution. First, in Section 1 of the proposed Resolution the annual salary of Mr. Berman should be set. Michael Smith, the Human Resources Director, has prepared a memorandum dated June 2, 2015, a copy of which is attached, which will assist you in making that decision.

Should you have any questions regarding this matter please feel free to contact me.



GORDON B. LINN

GBL/jrm
l:cor/comsn/2015-1048

Attachments

cc: Dennis W. Beach, City Manager



HUMAN RESOURCES

Michael Smith, Human Resources Director

E: michael.smith@copbfl.com | P: 954.786.4626 | F: 954.786.5553

DATE: June 2, 2015

TO: Gordon Linn, City Attorney

FROM: Michael W. Smith, Human Resources Director

SUBJECT: City Attorney Salaries and Benefits

Recently you requested that Human Resources provide you with information regarding prevailing salaries for City Attorney's.

I have provided the attached document which provides comparative salary information for City Attorney's in the Broward and Palm Beach market. The average range for this position is \$119,813- \$170,039 with an average midpoint of \$142,508. The average actual salary is \$163,653. The average for the Broward cities is \$ 228,735

The position of City Attorney currently has no pay plan which is the same situation as two other charter officers- City Manager and City Clerk. The salary is set by the City Commission. The incumbent City Attorney salary is currently \$179,576.28

Mr. Berman currently occupies the position of Senior Assistant City Attorney with a current salary of \$137,321.86

I have provided a matrix for potential salary increases for the promotion below.

<u>PERCENTAGE INCREASE</u>	<u>SALARY</u>
20%	\$164,786.23
25%	\$171,652.32
30%	\$178,518.41
35%	\$185,384.51

The City Attorney currently enjoys all benefits provided to other management employees. The current Attorney and Mr. Berman currently are receiving longevity steps.

The only change for benefit purposes will be he will now be a member of Elected and Appointed Officials for retirement. As such, pursuant to Chapter 34.0264 **he will no longer contribute 10% to the Pension plan and the City will assume that contribution on her behalf.** He is already vested so the five year vesting provision is immaterial.

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GORDON B. LINN TO THE POSITION OF CITY ATTORNEY OF THE CITY OF POMPANO BEACH; PROVIDING FOR SALARY AND BENEFITS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to appoint a new City Attorney to assume the duties of the position; and

WHEREAS, it has been established to the satisfaction to the City Commission that Gordon B. Linn is well qualified for the position; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That Gordon B. Linn is hereby appointed full-time City Attorney for the City of Pompano Beach at a salary of \$75,000.00 per annum.

SECTION 2: Upon the effective date hereof the said Gordon B. Linn shall be credited with twenty (20) days of vacation leave. Thereafter, beginning with the thirteenth month of employment as City Attorney, he shall accrue and have credited to his personal account vacation leave at the rate of twenty (20) days per year, with maximum accrual to be as provided for classified City employee in Chapter 34 of the Code of Ordinances. Upon termination by either the City or the City Attorney, the City shall compensate the City Attorney for all accrued vacation time.

SECTION 3: Except as otherwise provided herein, the City Attorney shall be entitled to all employee benefits which are provided to regular classified employees of the City.

SECTION 4: The City Attorney shall continue to participate, pursuant to Resolution No. 91-181, in the deferred compensation plan heretofore established by the City of Pompano Beach with the International City Management Association Retirement Corporation.

SECTION 5: In the event that the said Gordon B. Linn is terminated as City Attorney by the City Commission during the term of his employment and during such time as he is willing and able to perform the duties of City Attorney, he shall be paid severance pay in the amount of three (3) months' salary.

SECTION 6: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 25th day of July, 1995.



EMMA LOU OLSON, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL:amd
7/19/95
L:\reso\95-348