

South Bay Cities Council of Governments

January 13, 2014

TO: Steering Committee

FROM: Jacki Bacharach, Executive Director

SUBJECT: Increased Responsibilities for the Deputy Executive Director

BACKGROUND

As was discussed at last month's Steering Committee meeting, Deputy Executive Director Kim Fuentes has been coming to the office full time to take responsibility for the day to day staffing and operational decisions required at the South Bay Environmental Services Center for the last 3 1/2 months. Kim is extremely familiar with the operations of our programs as well as understanding the perspective of the SBCCOG. She has added stability to the organization and has been enjoying this new role.

After last month's Steering Committee discussion which primarily concerned Kim's status as a contractor in this position instead of an employee, I was directed to discuss with Michael Jenkins, SBCCOG legal counsel, whether this was appropriate or whether this should be an employee position.

CONTRACTOR VS. EMPLOYEE STATUS

The SBESC is currently short-staffed and we have additional work for the strategic planning effort as well as preparing for the General Assembly. As explained last month, this is one of the reasons that undertaking a major recruitment at this time is not recommended. Therefore, when I discussed this with Michael Jenkins, he felt that having Kim in this role until April and then evaluating how we plan to proceed is similar to a city contracting for an interim city manager. Without going further into whether this position needs to be an employee or can be a contractor on a permanent basis, he saw no problem with such an arrangement with Kim on an interim basis. It should be noted that Kim does not contract directly with the SBCCOG but is a subcontractor to Jacki Bacharach and Associates which is responsible for the SBCCOG staffing so no contract amendments are required.

In April, if we do not plan to recruit for this position, the Steering Committee can evaluate whether Kim should remain a contractor or if she should become an employee.

ADDITIONAL COMPENSATION

It was also recommended last month that Kim receive an additional \$1,000/month to be paid for from our partnerships and grants for the additional time that she is spending at the office as well as her additional responsibilities. The Steering Committee appeared to agree in concept to additional compensation for Kim, but asked that it be explained and retroactive to when she began her additional assignments.

Her current compensation is based on a lump sum and not based on an hourly fee. This way of calculating her work is a savings to the SBCCOG, which is not paying her a much larger hourly

rate. Therefore, the additional amount is calculated the same way - as a lump sum and is based on providing a similar compensation as was paid to the former Deputy Executive Director for Environmental Programs.

Kim began coming into the office more frequently in the 2nd half of September with her full time attendance starting October 1.

RECOMMENDATION

It is therefore my recommendation that Kim Fuentes assume the responsibilities of the former Deputy Executive Director for Environmental Programs responsible for the SBESC day to day operations on an interim basis through April 2014 at which time this decision will be re-evaluated. This new assignment is in addition to her current responsibilities for administration.

In addition, I am recommending that she receive an additional \$1,000 per month for her increased responsibilities retroactive to October 1, 2013 through April 30, 2014. The funding of this additional compensation comes from the SBESC partnerships and will be paid through Jacki Bacharach and Associates as a pass-through payment to Kim Fuentes.