



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

I-05

## CITY COUNCIL AGENDA ITEM

Date: September 19, 2019

To: Honorable Mayor and Troy City Council Members

From: Mark F. Miller, City Manager  
Lori Grigg Bluhm, City Attorney  
Robert J. Bruner, Assistant City Manager

Subject: City Council Personnel Evaluations  
(Introduced by Robert J. Bruner, Assistant City Manager)

---

As mentioned briefly by City Manager Miller during the September 9, 2019 City Council meeting, Assistant City Manager Bruner is working with Purchasing Manager MaryBeth Murz and Assistant to the City Manager Drew Benson to seek proposals and/or qualifications from consultants to help the City Council prepare for and conduct the City Attorney and City Manager performance evaluations. According to the *Manager Evaluations Handbook* published by the International City/County Management Association (ICMA) in 2013, "It may be useful, particularly if the members of the elected body are inexperienced in the performance evaluation process, to use a consultant to help the elected body prepare for and conduct the manager's evaluation." The Troy City Council last evaluated the performance of the City Attorney and former City Manager in August 2017. City Council members will likely benefit from the help of a consultant to prepare for and conduct those evaluations. In addition, the Troy City Council will have at least two new members following the November 5, 2019 election.

The City Attorney's five year employment agreement with the City was most recently updated on June 8, 2015. Section 5 of this agreement requires the base salary to be evaluated annually prior to the anniversary date of the Agreement. The last time the base salary was evaluated was effective July 1, 2017. Increases for 2015, 2016, and 2017 were consistent with the 2% pay increase for classified and exempt City employees.

Mark Miller was appointed Acting City Manager on March 11, 2018 and appointed City Manager on November 19, 2018. The City Council and Mr. Miller subsequently entered into a 5-year employment agreement effective as of January 1, 2019. Section 5 of the agreement provides that the base salary of City Manager shall be evaluated annually prior to the anniversary date of the Agreement.

Section 9 of both agreements provide that the Council shall annually conduct a performance review of the City Attorney and City Manager. However, Section 9 is not as specific regarding the timing of the performance review as Section 5 is regarding the timing of the evaluation of base salary. As such, we recommend the City select an evaluation consultant to help City Council prepare for and conduct the City Attorney and City Manager evaluations in the first quarter of calendar year 2020. Unfortunately, this means at least two of the current City Council members the City Attorney and City Manager have worked with will leave officer before the evaluation in 2020. However, it would be difficult for the City



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## **CITY COUNCIL AGENDA ITEM**

Attorney, City Manager and the City Council to discuss and agree upon the format and basis of the performance reviews before the November 5, 2019 election.

In the meantime, the City Council may wish to evaluate the base salary of the City Attorney and City Manager based on internal pay and benefit data as provided by their employment agreements. For example, pay for classified and exempt City employees was increased by 2.25% in July 2018 and 2.5% in July 2019. The base salary of the City Attorney was not evaluated prior to the anniversary date of the Agreement in those years and could be adjusted accordingly. The base salary of the City Manager should be evaluated prior to the anniversary date of the Agreement (January 1, 2020) and could also be adjusted according to the pay increase provided to classified and exempt City employees.

Alternatively, City Council may wish to schedule a personnel evaluation for the City Attorney prior to any salary adjustment. If so, the City Attorney requests a closed session pursuant to MCL 15.268(a) as soon as possible since her last salary adjustment was effective July 1, 2017. Otherwise, the City Attorney will go more than two and on-half years without a salary adjustment if the City Council wants to wait until after hiring a consultant because the City Charter and State law discourage retroactive salary increases. Another possible option is for City Council to pass a resolution, indicating that due to extenuating circumstances, upon a favorable evaluation, the City Attorney's salary will be increased retroactively to July 1, 2019.