



Agenda Report

April 8, 2019

TO: City Council

FROM: Mayor Terry Tornek

SUBJECT: APPROVAL OF FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY CLERK

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and
2. Approve an amendment to the employment agreement for City Clerk Mark Jomsky to provide an increase to salary and the classification's salary control rate and amend language regarding Management Time Off so it is consistent with the Executive Management Salary Resolution. It is further recommended that the Mayor be authorized to sign the amendment to the employment agreement to reflect City Council approved changes.

BACKGROUND:

On April 23, 2018, the City entered into an employment agreement (Contract No. 22,943) with Mark Jomsky as City Clerk.

As a result of the City Clerk's recently completed performance evaluation, the Council recommends approving the attached contract amendment (Contract No. 22,943-1) for Mark Jomsky with the following modifications:

1. Compensation/Salary – Effective November 26, 2018, the City Clerk will be paid a base annual salary of \$183,960.19, and the salary control rate for the City Clerk classification also shall be \$183,960.19.

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2. Compensation/Management Incentive Pay – The City Clerk will receive a one-time, lump sum payment of approximately \$9,000.
3. Benefits/Management Time Off – Language adjusted to match existing language and current practice outlined in the Executive Management Salary Resolution.
4. Benefits/Pension Contribution – The City Clerk will continue making a 10% employee-paid pension contribution to the Public Employees' Retirement System (PERS).

COUNCIL POLICY CONSIDERATION:

The approval of the amendment to the employment agreement supports the City Council's strategic goal of maintaining fiscal responsibility and stability.

FISCAL IMPACT:

The approval of the amendment to the employment agreement for the City Clerk is estimated to have an overall fiscal impact of \$16,600. This position is budgeted to the General Fund (101), and there are sufficient appropriations within the City Clerk Department's FY 2019 Operating Budget to support this action.

Respectfully Submitted,



Terry Tornek
Mayor

Prepared by:



Jennifer Curtis
Director of Human Resources

Attachment:

1. FIRST AMENDMENT TO CITY CLERK EMPLOYMENT AGREEMENT

**FIRST AMENDMENT TO AT-WILL EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF PASADENA
AND
MARK JOMSKY**

This **FIRST AMENDMENT TO AGREEMENT** is entered into this 8th day of April, 2019 by and between the City of Pasadena, a municipal corporation (hereinafter the "City") and Mark Jomsky (hereinafter "Employee").

RECITALS

WHEREAS, the City and Employee entered into an At-Will Employment Agreement ("Agreement") on April 23, 2018, setting forth the terms of Employee's employment as the City Clerk; and

WHEREAS, it is the desire of the CITY to continue to retain the services of EMPLOYEE as City Clerk and the desire of the EMPLOYEE to continue to serve in that capacity;

WHEREAS, both parties hereto agree to amend the Agreement as follows:

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

1. Section 3A is amended to read, in its entirety, as follows:

"A. City agrees to pay EMPLOYEE a base salary of \$183,960.19 (one hundred eighty-three thousand nine hundred sixty dollars and nineteen cents) annually, subject to legally permissible or required deductions, prorated and paid on the City's normal paydays, effective November 26, 2018."

2. Section 3B is amended to read, in its entirety, as follows:

"B. EMPLOYEE'S base salary shall be reviewed by the City Council during the performance review process. Salary increases resulting from such reviews shall be at the discretion of the City Council, in conjunction with EMPLOYEE and unless amended shall not exceed the control rate of \$183,960.19 (one hundred eighty-three thousand nine hundred sixty dollars and nineteen cents) annually, effective November 26, 2018.

3. Section 3D(2) is amended to read, in its entirety, as follows:

"D. 2). Management Time Off: EMPLOYEE will be granted eighty (80) hours of management time off (MTO) annually. MTO has a maximum of one hundred twenty (120) hours. At the time of separation from the City, earned but unused MTO hours will be paid at the EMPLOYEE'S base hourly rate of pay with his final paycheck.

4. All other terms and conditions of the Agreement not modified herein shall remain in full force and effect.

CITY OF PASADENA

Date

Terry Tornek, Mayor

Date

Mark Jomsky, Employee

Approved as to form:

Lesley Cheung, Assistant City Attorney