

Agenda Report

March 9, 2020

TO: City Council

FROM: Mayor Terry Tornek

SUBJECT: APPROVAL OF SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR

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 Attorney/City Prosecutor Michele Beal Bagneris to provide an increase to salary and the classification's salary control rate. 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 August 27, 2018, the City entered into an employment agreement (Contract No. 23,016) with Michele Beal Bagneris as City Attorney/City Prosecutor. The employment agreement has been modified one time on February 25, 2019 (Contract No. 22,636-1).

As a result of the City Attorney/City Prosecutor's recently completed performance evaluation, the Council recommends approving the attached contract amendment (Contract No. 23,016-2) for Michele Beal Bagneris with the following modifications:

APPROVAL OF SECOND AMENDMENT CITY ATTORNEY/CITY PROSECUTOR
EMPLOYMENT AGREEMENT

MARCH 9, 2020

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1. Compensation/Salary – Effective November 25, 2019, the City Attorney/City Prosecutor will be paid a base annual salary of \$287,721, which is the classification's salary control rate. The November 2019 effective date is one year from the date of the City Attorney's last merit increase and consistent with the practice for timing of annual merit increases provided to other City employees. Council-appointed positions, including the City Attorney, are not eligible to receive cost of living adjustments, which are typically provided to other employee groups.
2. Management Incentive Pay – The City Attorney/City Prosecutor will receive a one-time, lump sum payment of \$5,754.
3. Benefits/Pension Contribution – The City Attorney/City Prosecutor will continue making a 10% employee-paid pension contribution to the Public Employees' Retirement System (PERS).

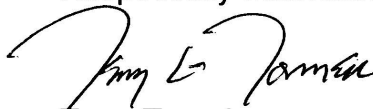
COUNCIL POLICY CONSIDERATION:

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 Attorney/City Prosecutor is estimated to have a one-time cost of \$5,754 plus an overall fiscal impact of \$4,600. This position is budgeted to the General Fund (101), and there are sufficient appropriations within the City Attorney Department's FY 2020 Operating Budget to support this action.

Respectfully Submitted,


Terry Tornek
Mayor

Prepared by:



Jennifer Curtis
Director of Human Resources

Attachment:

1. SECOND AMENDMENT TO CITY ATTORNEY/CITY PROSECUTOR
EMPLOYMENT AGREEMENT