



# Agenda Report

December 6, 2010

**TO:** City Council  
**FROM:** Mayor Bill Bogaard  
**SUBJECT:** APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT CONTRACT WITH CITY CLERK MARK JOMSKY

## **RECOMMENDATION:**

It is recommended that the City Council approve the attached Amendment to Contract No. 19,710-2, the Employment Agreement between the City of Pasadena and City Clerk Mark Jomsky, effective November 15, 2010.

## **BACKGROUND:**

In July 2008, the City entered into an Employment Agreement with Mark Jomsky as the City Clerk. The Agreement provides for an annual performance review at which time the salary and benefits for the City Clerk are generally reviewed.

During the previous review period, in July 2009, while it was acknowledged that a position such as City Clerk with the City of Pasadena would typically be paid at the 75<sup>th</sup> percentile of the labor market, Mr. Jomsky recognized that given the fiscal realities of the time he agreed to forego a six month step increase that was due and he agreed to a salary less than the 75<sup>th</sup> percentile. Since that time, the City's fiscal challenges have continued and Mr. Jomsky has further agreed to forego any salary increase in Fiscal Year 2011. In light of the foregoing, however, certain benefit levels should be adjusted consistent with the City Council's treatment of other executives that report directly to the City Council.

The attached Amendment to the Employment Agreement provides for the following adjustments:

- Increase vacation leave from 120 hours to 160 hours annually;
- Allow cash out of accrued but unused vacation time of up to one hundred and twenty (120) hours per year provided he has taken at least eighty (80) hours of paid leave in the same calendar year;
- Increase annual management leave from 4 days to 80 hours;

- Increase car allowance from \$475 to \$525 per month;
- Should non-safety Department Heads receive enhanced benefits in lieu of compensation, consideration shall be given to providing the same benefits to the City Clerk.

**FISCAL IMPACT:**

The fiscal impact of this amendment is estimated to be approximately \$9,750 for FY2011.

Respectfully submitted,



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BILL BOGAARD

Mayor

**CONTRACT NO. 19,710-2**

**SECOND AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF PASADENA AND CITY CLERK MARK JOMSKY**

THIS AMENDMENT TO AGREEMENT is entered into on November 15, 2010, by and between the CITY OF PASADENA, a municipal corporation of the State of California, herein referred to as "CITY," and Mark Jomsky, herein referred to as "EMPLOYEE."

**RECITALS**

WHEREAS, CITY and EMPLOYEE entered into Contract No. 19,710 on July 22, 2008, and the First Amendment to the Employment Agreement, Contract No. 19,710-1 ("the Employment Agreement"), setting for the terms of EMPLOYEE'S service as City Clerk of CITY; and,

WHEREAS, both parties desire to modify certain terms of the Employment Agreement;

NOW, THEREFORE, the parties hereto agree to amend the Employment Agreement effective November 8, 2010, as follows:

1. Section III., C., 7., is amended to increase EMPLOYEE vacation leave from 120 hours to 160 hours of annual vacation leave;
2. Section III., C., 7., is further amended to add: "EMPLOYEE shall be allowed to annually cash out accrued but unused vacation time of up to one hundred and twenty (120) hours per year, provided EMPLOYEE has used at least eighty (80) hours of paid leave in the same calendar year."
3. Section III., C., 8., is amended to increase EMPLOYEE paid management leave from four (4) days to "eighty (80) hours of paid management days each calendar year, to be administered in the manner such leave is administered for department directors."
4. Section III., C., 9., is amended to increase EMPLOYEE car allowance from \$475 per month to \$525 per month;
5. Section III., C., is amended to add Paragraph 11, which states: "Should non-safety Department Heads receive enhanced benefits in lieu of compensation, consideration shall be given to providing the same benefits to the City Clerk. Said consideration shall not create an obligation on the part of City to provide any increase in benefits to the City Clerk."

6. All other terms and conditions of Contract No. 19,710 and 19,710-1 not modified herein shall remain in full force and effect.

EXECUTED the date and year first written above.

CITY OF PASADENA  
A municipal corporation

\_\_\_\_\_  
MARK JOMSKY

\_\_\_\_\_  
BILL BOGAARD

Approved as to form:

ATTEST:

  
MICHELE BEAL BAGNERIS  
City Attorney

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SYLVIA FLORES  
Sr. Assistant City Clerk