

Agenda Report

December 13, 2021

TO: City Council

FROM: Mayor Victor Gordo

SUBJECT: APPROVAL OF THIRD 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 and add a city-paid deferred compensation contribution. 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 twice on February 25, 2019 (Contract No. 23,016-1) and March 9, 2020 (Contract No. 23,016-2).

As a result of the City Attorney/City Prosecutor's recently completed performance evaluation, the Council recommends approving the attached third contract amendment for Michele Beal Bagneris with the following modifications:

1. Compensation/Salary – Effective November 9, 2020, the City Attorney/City Prosecutor will be paid a base annual salary of \$293,475, which is the classification's salary control rate. The November 2020 effective date is one year from the date of the City Attorney's last merit increase and consistent with the

APPROVAL OF THIRD AMENDMENT CITY ATTORNEY/CITY PROSECUTOR
EMPLOYMENT AGREEMENT
DECEMBER 13, 2021
Page 2 of 2

practice for timing of annual merit increases provided to other City employees. The Council-appointed positions, including the City Attorney/City Prosecutor, 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 approximately \$11,739.
3. Deferred Compensation – The City Attorney/City Prosecutor will begin receiving an annual 5% City-paid contribution to a deferred compensation account.
4. Benefits/Pension Contribution – The City Attorney/City Prosecutor will continue making a 10% employee-paid pension contribution to the Public Employees' Retirement System (PERS).

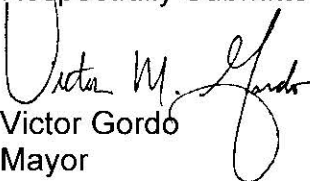
COUNCIL POLICY CONSIDERATION:

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 an overall FY2022 impact of \$36,700 which includes a one-time cost of \$11,739. This position is budgeted to the General Fund (101), and there are sufficient appropriations within the City Attorney Department's FY 2022 Operating Budget to support this action.

Respectfully Submitted,


Victor Gordo
Mayor

Prepared by:



Jennifer Curtis
Director of Human Resources

Attachment:

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