

Agenda Report

November 21, 2022

TO: City Council
FROM: Mayor Victor Gordo
SUBJECT: **APPROVAL OF FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action herein is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) (Common Sense Exemption); and
2. Approve a fourth 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 three times on February 25, 2019 (Contract No. 23,016-1), March 9, 2020 (Contract No. 23,016-2) and December 13, 2021 (Contract No. 23,016-3).

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

1. Compensation/Salary – Effective the pay period that includes November 1, 2022, the City Attorney/City Prosecutor will be paid a base annual salary of \$310,000, and the salary control rate for the City Attorney/City Prosecutor classification

shall also be \$310,000. The effective date is approximately one year from the date of the City Attorney's last merit increase and consistent with the 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. Bonus Pay – The City Attorney/City Prosecutor will receive a one-time, lump sum payment of approximately \$12,400 (4% of salary).

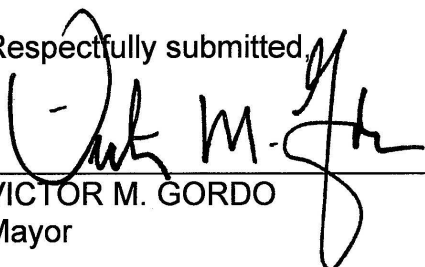
COUNCIL POLICY CONSIDERATION:

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 FY2023 impact of \$64,800 which includes a one-time cost of \$12,400. This position is budgeted to the General Fund (101), and the City Attorney Department's FY 2023 Operating Budget includes additional funding in anticipation of negotiated wage increases. However, staff will monitor personnel expenses and request a supplemental appropriation during the fiscal year if necessary.

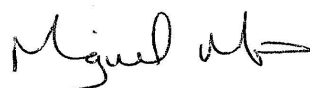
Respectfully submitted,


VICTOR M. GORDO
Mayor

Prepared by:


Tiffany Jacobs-Quinn
Acting Director of Human Resources

Approved by:


MIGUEL MÁRQUEZ
City Manager

Attachments: (1)

Attachment A – FOURTH AMENDMENT TO CITY ATTORNEY/CITY PROSECUTOR
EMPLOYMENT AGREEMENT