

Agenda Report

December 4, 2023

TO: City Council

FROM: Mayor Victor M. Gordo

SUBJECT: APPROVAL OF FIFTH 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 fifth 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 fifth 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 four times on February 25, 2019 (Contract No. 23,016-1), March 9, 2020 (Contract No. 23,016-2), December 13, 2021 (Contract No. 23,016-3) and November 21, 2022 (Contract No. 23,016-4).

As a result of the City Attorney/City Prosecutor's recently completed performance evaluation covering 2022-2023, the Council recommends approving the attached fifth contract amendment (Contract No. 23,016-5) for Michele Beal Bagneris with the following modifications:

1. Compensation/Salary – Effective June 19, 2023, the City Attorney/City Prosecutor will be paid a base annual salary of \$319,300 representing a 3% general wage increase, and the salary control rate for the City Attorney/City

Prosecutor classification shall also be \$319,300. This aligns with the effective date and salary increase other non-represented employees received as part of the non-represented Salary Resolutions.

Effective the pay period that includes November 1, 2023, the City Attorney/City Prosecutor will be paid a base annual salary of \$335,265, representing a 5% merit increase, and the salary control rate for the City Attorney/City Prosecutor classification shall also be \$335,265. The merit increase provides alignment with the regional labor market.

2. Bonus Pay – The City Attorney/City Prosecutor will receive a one-time, lump sum payment of approximately \$26,821 (8% of salary) in recognition of her superior performance and accomplishments during this evaluation period.

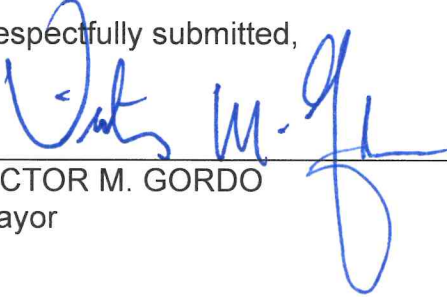
COUNCIL POLICY CONSIDERATION:

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 FY2024 impact of \$63,638 which includes a one-time cost of \$26,821. This position is budgeted to the General Fund (101), and the City Attorney Department's FY 2024 Operating Budget includes appropriations for anticipated wage increases. However, staff will monitor personnel expenses and request additional appropriations during the fiscal year if necessary.

Respectfully submitted,



VICTOR M. GORDO
Mayor

Prepared by:



Tiffany Jacobs-Quinn
Director of Human Resources

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