

# **Resolution No. 2022-XXX N.C.S. of the City of Petaluma, California**

## **APPROVING A SECOND AMENDED AND RESTATED AGREEMENT FOR AT-WILL EMPLOYMENT OF CITY MANAGER, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY**

**WHEREAS**, since January 28, 2019, Peggy Flynn has served as the City Manager of the City of Petaluma; and

**WHEREAS**, Ms. Flynn's salary, benefits, and conditions of employment are documented in an Agreement for At-Will Employment of the City Manager; and

**WHEREAS**, on November 1, 2021, the City Council approved an Amended and Restated Agreement for At-Will Employment with Ms. Flynn on a 7-0 vote; and

**WHEREAS**, the City Council recently completed a performance evaluation for Ms. Flynn and Section 5 of the Agreement permits salary adjustments to her salary from time to time; and

**WHEREAS**, it is the desire of the Petaluma City Council, as the governing board of the City, to provide Ms. Flynn a 2% cost-of-living adjustment (COLA) to her salary; and

**WHEREAS**, Attachment A to this resolution is a Second Amended and Restated Employment Agreement for At-Will Employment of City Manager; and

**WHEREAS**, the Second Amended and Restated Agreement reflects an updated salary of \$244,800 annually and other miscellaneous benefit clean-up language; and

**WHEREAS**, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(4), in that, approving this action does not meet CEQA's definition of a "project," because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because this is a personnel-related action that constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Petaluma as follows:

1. Declares the above recitals to be true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(4), in that approving this action does not meet CEQA's definition of a "project," because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because this is a personnel-related action that constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. The Second Amended and Restated Employment Agreement for At-Will Employment of the City Manager attached to and made a part of the resolution as Exhibit A is hereby approved.

4. The Mayor is hereby authorized and directed to execute on behalf of the City the Second Amended and Restated Employment Agreement for At-Will Employment of the City Manager with Peggy Flynn that is substantially in accordance with that attached to this resolution as Exhibit A.

Under the power and authority conferred upon this Council by the Charter of said City.

**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 19<sup>th</sup> day of December 2022, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor