

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

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

WHEREAS, since July 1, 2013, Eric Danly has served as the City Attorney of the City of Petaluma; and

WHEREAS, Mr. Danly's salary, benefits, and conditions of employment are documented in an Agreement for At-Will Employment of the City Attorney; and

WHEREAS, the City Council recently completed a performance evaluation for Mr. Danly and Section 5 of the Agreement permits salary adjustments to his salary from time to time; and

WHEREAS, on December 20, 2021, the City Council approved a Second Amended and Restated Agreement for At-Will Employment with Mr. Danly on a 7-0 vote; and

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

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

WHEREAS, the Third Amended and Restated Agreement reflects an updated salary of \$234,600 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 Third Amended and Restated Employment Agreement for At-Will Employment of the City Attorney 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 Third Amended and Restated Employment Agreement for At-Will Employment of the City Attorney with Eric Danly 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 19th day of December 2022, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor