



DATE: December 5, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Brian Cochran, Assistant City Manager
Charla Freckmann, Director of Human Resources
Aman Kaur, Senior Human Resources Analyst

SUBJECT: Resolution Approving an Amended and Restated Agreement for At-Will Employment of the City Clerk and Finding that this Item is not a "Project" Pursuant to CEQA Guidelines Section 15378(b)(2)

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution approving an Amended and Restated Agreement for At-Will Employment of the City Clerk and authorizing the Mayor to sign same on behalf of the City, including annual salary and benefits to be effective the first full pay period following Council adoption.

BACKGROUND

City Clerk Kendall Sawyer was appointed by the City Council to her position effective September 15, 2020. As a Council-appointed position, her salary, benefits, and terms and conditions of employment are set forth in an Employment Contract (Agreement). The term of the Agreement runs through September 14, 2024 but includes an automatic “roll-over” provision that would annually extend the Agreement by one year unless one of the parties elected to end the rollover provision.

As with the City Manager and City Attorney, the City Clerk is not represented by a City bargaining unit, and any changes to her wages, benefits, or terms of employment must be made by amending her employment Agreement to reflect the updates.

DISCUSSION

The City Council recently completed a performance evaluation process for Ms. Sawyer. Per Section 5 of the employment Agreement, the City Council may approve salary adjustments to the City Clerk’s salary from time to time. Approval of the attached Resolution would grant Ms. Sawyer a 20% salary adjustment, a 2% cost-of-living adjustment (COLA) to her salary, and an increase to

her administrative leave allowance per fiscal year (80 hours to 96 hours). The 2% COLA is consistent with the COLAs negotiated with other City bargaining units.

Government Code Section 54953(c)(3), part of the Brown Act, provides that prior to taking final action on an employment agreement, the legislative body shall orally report a summary of the salary, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is to be taken. Accordingly, key changes contained in the amended agreement are as follows:

Salary: The annual salary is \$164,883. The Council retains the option to grant merit increases and/or cost-of-living adjustments at specified points during the agreement.

Administrative Leave: An increase to Ms. Sawyer's administrative leave allowance from 80 hours per fiscal year to 96 hours.

Miscellaneous Benefit Language Clean-Up: The amended agreement trues up various portions of the benefits document with current City policy and practice, such as modifications to the holiday schedule, updating the City's health insurance contribution, etc.

The City Clerk Agreement is consistent with statutory requirements and is attached to the resolution as Exhibit A. Verbiage that is being modified with this restated agreement is shown as "red-line" changes in the document.

PUBLIC OUTREACH

This agenda item appeared on the City's tentative agenda document on November 21, 2022 which was a publicly-noticed meeting.

COUNCIL GOAL ALIGNMENT

The authorization of this recommendation aligns with the City Council Goal of "A City That Works," specifically, with objective #1 to "ensure a fiscally and organizationally sustainable City." This objective includes recruiting, hiring, retaining, and advancing a workforce that is diverse, skilled, talented, and prepared to meet the demands of a full-service City.

CLIMATE ACTION/SUSTAINABILITY EFFORTS

There are no climate action or sustainability impacts associated with this item.

ENVIRONMENTAL REVIEW

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.

FINANCIAL IMPACTS

The compensation for the City Clerk position will be \$164,883, which is approximately \$29,733 more than her current compensation. The total cost for the salary increases and associated benefits is approximately \$32,638. A budget adjustment will be brought forward in conjunction with Fiscal Year 2022-23 mid-year budget adjustments.

ATTACHMENTS

1. Resolution
2. Second Amended and Restated At-Will Employment Agreement for City Clerk
3. Attachment 1 to the Agreement