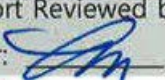


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: November 7, 2023
To: Honorable Mayor and City Councilmembers
From: Deborah Muchmore, MuchmoreThanConsulting, Human Resources Consultant
Agenda Review Committee
Subject: Approval of Amendment to Contract – City Clerk/Assistant City Manager
Recommendation: That the City Council Approve the Contract Amendment for City Clerk/Assistant City
Manager Position
Funding: Currently Budgeted: *Yes No Not Applicable
*Reductions discussed in financial impact section of this report.

Account Code: [Fill in Account Number]

Costs authorized in City Approved Budget: Yes (Finance Initialed _____) No (Finance Exempt)

INTRODUCTION/PURPOSE:

The item is to request Council Consider Approve the Contract Amendment for City Clerk/Assistant City Manager Position as requested by said employee.

BACKGROUND:

Each year or as soon thereafter, the City Council conducts an annual evaluation of the City Clerk’s/Assistant City Manager’s performance. Following the evaluation, the Council and employee by mutual concurrence can consider modifications to the employment agreement and does so in Closed Session.

DISCUSSION:

On October 23, 2023 and October 30, 2023, the City Council conducted a performance evaluation with the City’s HR consultant, Deborah Muchmore, Muchmore Than Consulting, and City Employee Mary Gourley. The City Council is pleased with the City Clerk’s performance accomplishments and has completed the performance evaluation which has been placed in the City employee personnel file. Following this successful performance evaluation conducted during properly noticed Meetings, said employee requested and Council agreed to re-open employee contract to discuss the employee’s requests for voluntary reductions based upon the financial crisis of the City.

The City employee has voluntarily agreed to the following reductions or removal of benefits as listed below.

City Employee Voluntary Removal of Items from Current Contract:

1. City employee voluntarily requests, and Council approves employee’ request for temporary reduction of pay of 3%. Effective the first payroll in December 2023, City employee voluntarily requests, and Council approves employee’s request for a voluntary reduction of salary in the amount of 3% through the last payroll of June 2024; and
2. City employee voluntarily requests, and Council approves employee’s request for removal of a one-time, non-pensionable, lump sum retention payment of two thousand five hundred dollars \$2,500 gross paid City-wide; and

3. City employee voluntarily requests, and Council approves employee's request for temporary suspension of the City's \$350 contribution to the ICMA Deferred Compensation Plan: Effective December 2023, Said benefit will be suspended until June 30 2024.; and
4. City employee voluntarily requests, and Council approves employee' request for removal of Electronic Allowance: Stipend of \$150.00 per month.

Next performance evaluation will be due December 31, 2024, and per the current contract; prior to June 30, 2024, the employer or employee shall request a reopener for negotiations of salary and/or other compensation benefits.

ENVIRONMENTAL REVIEW:

The proposed action is Not a project under CEQA Not exempt Exempt under Section _____ from the requirements of the California Environmental Quality Act (CEQA).

GOALS:

This action supports the following City Council Goals and General Plan Actions:

Goal 1 – Maintain the long-term financial stability and sustainability of the City of Sebastopol and Operate City government in a responsive manner.

1.1 Develop and Implement Sound Financial Management Policies and Procedures

Economic Vitality (EV)

Goal EV7: Maintain a stable and self-sustaining fiscal base in order to generate the resources necessary to provide desired city services and support new growth that is consistent with the City's values and goals (Pg.9-8)

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

The overall cost savings of approximately \$11,100 or 4.2% would be achieved from item 1-4 proposed above.

A breakdown is provided below:

| | |
|-------------------|---------|
| Item#1 - | \$3,900 |
| Item#2 - | \$2,500 |
| Item#3 - | \$2,450 |
| Item#4 - | \$1,500 |
| Pension savings - | \$750 |

\$11,100

RECOMMENDATION:

Staff recommends the Sebastopol City Council Approve the Contract Amendment for City Clerk/Assistant City Manager Position as requested by said employee.

Attachments:

Resolution/Agreement/Addendum

Resolution Number: XXXX-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
APPROVING AND ADOPTING THE AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
APPOINTED CITY CLERK (Employer Hiring Authority: City Council)
ASSISTANT CITY MANAGER (Employer Hiring Authority: City Manager)

WHEREAS, Employee serves as the City of Sebastopol City Clerk (Employer Hiring Authority: City Council) and Assistant City Manger (Employer Hiring Authority: City Manager); and

WHEREAS, any changes to said contract shall be approved by the City Council; and

WHEREAS, City Council, City Manager and Employee have met and conferred and City Council has unanimously approved the amendments to said employment; and

WHEREAS, the City and Employee agreed to revisions to current employment agreement.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Sebastopol, approval of the Amendment Number 3, attached hereto as Exhibit A, to the Agreement for Professional Services for City of Sebastopol City Clerk (Employer Hiring Authority: City Council) and Assistant City Manager (Employer Hiring Authority: City Manager).

PASSED AND ADOPTED, by the CITY COUNCIL of THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, of STATE OF CALIFORNIA on this 7TH DAY OF November, 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

Approved: _____
Mayor Neysa Hinton

Attest: _____
Mary Gourley, MMC, Assistant City Manager / City Clerk

Approved as to Form: _____
Larry McLaughlin, City Attorney

AGREEMENT

This Amended and Restated Employment Agreement ("Agreement - Exhibit A") is made and entered into on this 7th day November, 2023, by and between the City of Sebastopol, California (herein "City" or "Employer") and Mary Gourley, (hereinafter referred to as "Employee"), with reference to the following facts:

WHEREAS, Employee was Appointed by the City Council in September 2006 for the City of Sebastopol as City Clerk; and

WHEREAS, Employee was promoted to the Position of Assistant City Manager/City Clerk effective October 2016; and has been continuously employed;

WHEREAS, Employee has and continues to perform functions and duties as the City of Sebastopol City Clerk for the City of Sebastopol as assigned by the City Council as well performing the Assistant City Manager duties and responsibilities as has been assigned by the City Manager; and

WHEREAS, City and Employee desire to restate the employment terms in this Employment Agreement and Amendment Number 3 and confirm specific terms and conditions relating to compensation and benefits and related matters; and

WHEREAS, the City and Employee now desire to make certain minor revisions to their current employment agreement (Exhibit A); and

WHEREAS, City and Employee have met and conferred on October 23, 2023 and October 30, 2023, and City Council has unanimously approved the amendments to said employment and Employer and Employee hereby mutually covenant and agree to the following provisions listed herein; and

WHEREAS, All remaining terms and conditions of said Agreement of October 4, 2016, and Amendment Number 1 of July 2019, and Amendment Number 2 of July 5, 2022, are incorporated herein and remain in full force and effect unless otherwise amended below; and

WHEREAS, Employee shall continue to receive such applicable benefits, bonuses, incentives, holidays, etc., in the same manner and under the same limitations provided to and imposed upon the Management employees and Master Personnel Rules and Regulations unless otherwise amended in writing; and

WHEREAS, City shall not at any time during the term of this Agreement reduce the salary, compensation, or other benefits of Employee unless otherwise amended in writing; and

WHEREAS, This amendment 3 and restated agreement and Amendment 1 and Amendment 2 shall continue to be governed by and construed in accordance with the laws of the State of California, which are in full force and effect as of the date of execution of said agreement. Except as amended by this Amendment No. 3, all other provisions of the Employment Agreement, as amended, shall remain unchanged and in full force and effect.

NOW, THEREFORE BE IT RESOVLED, for and in consideration of the covenants and mutual promises herein set forth, the parties agree to amendments as listed in Exhibit A.

Approved: _____
Mayor Neysa Hinton

Approved as to Form: _____
Larry McLaughlin, City Attorney

AMENDMENT NUMBER 3
ADDENDUM
EXHIBIT A

COMPENSATION

Salary: Effective the first payroll in December 2023, City employee voluntarily requests, and Council approves employee's request for a voluntary reduction of salary in the amount of 3% through the last payroll of June 2024.

Retention: City employee voluntarily requests, and Council approves employee's request for removal of a one-time, non-pensionable, lump sum retention payment of two thousand five hundred dollars \$2,500 gross paid City-wide.

Deferred Compensation: City employee voluntarily requests, and Council approves employee's request for temporary suspension of the \$350 City contribution to the ICMA Deferred Compensation Plan: Effective December 2023, Said benefit will be suspended until June 30 2024.

Electronic Allowance: City employee voluntarily requests, and Council approves employee' request for removal of Electronic Allowance: Stipend of \$150.00 per month.

Performance Evaluation Dates: Next performance evaluation will be due December 31, 2024 and per the current contract; prior to June 30, 2024, the employer or employee shall request a reopener for negotiations of salary and/or other compensation benefits.