



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Amend the Employment Agreement between the City of Sunnyvale and City Attorney John A. Nagel

#### **BACKGROUND**

The City Council met in closed session on June 28, 2016 to discuss the City Attorney's 6-month performance evaluation. The City Attorney's compensation must be determined in a public meeting.

Section 7.130 of the Salary Resolution provides for employees to receive an increase not exceeding the control point after 6 months of employment and satisfactory performance. The City Attorney has completed 6 months of employment and is eligible for a merit increase consistent with the Salary Resolution and Section 5 of his employment agreement.

#### **EXISTING POLICY**

Council Policy 7.3.1 Legislative Management - Goals and Policies, Goal 7.3D: Maintain a quality work force, consistent with state and federal laws, City Charter, and adopted policies in order to assure that City services are provided in an effective, efficient, and high quality manner.

Salary Resolution 7.130. Merit Increase. Management - Upon completion of 13 pay periods of service, employees in Categories D, F and K who receive an overall rating of achieves or exceeds expectations on their most recent performance evaluation may receive an increase in salary above the rate to which they were initially assigned, up to but not exceeding the Control Point.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### **DISCUSSION**

The City Attorney's Employment Agreement provides that the City Attorney shall be entitled to retirement and other benefits as applicable to department directors. Pursuant to the Salary Resolution Article 7.130, employees may receive an increase in salary, typically 5%, not exceeding the control point, upon completion of 13 pay periods of service with satisfactory performance evaluation. The intent when the City Attorney was hired at a salary under control point was that he would be eligible for the salary adjustment described in the Salary Resolution, consistent with all other management employees. The City Attorney's Employment Agreement also provides for increases in the annual salary by written agreement of the parties or by inclusion of the agreed salary amount in any duly adopted ordinance or resolution of the city setting the City Attorney's salary or employee salaries generally. This amendment will be posted with the Employment Agreement for the

City Attorney on the City's website.

The salary control point for the City Attorney's classification is \$222,669. The City Attorney was hired on January 19, 2016 at 92.06% of the control point with an annual salary of \$205,000. The City Attorney completed 13 pay periods of service on July 16, 2016. Based on the City Attorney's satisfactory performance and consistent with the Salary Resolution providing for a 5% increase on the control point following successful completion of 6 months of service, the City Attorney is eligible for an increase in salary to 97.06% of the control point at \$216,122 per year.

### **FISCAL IMPACT**

The FY 2016/17 Budget for Program 750 - Comprehensive Legal Services includes full funding of salary and benefits for the City Attorney.

### **Funding Source**

The City Attorney is funded by three funds dependent on the type of legal work that is being completed. They are the General Fund (70%), the Redevelopment Successor Agency Fund (10%), and the Development Enterprise Fund (20%).

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

Approve increasing the City Attorney's salary to 97.06% of the control point for an annual salary of \$216,122 effective July 17, 2016.

Prepared by: Vienne Choi, Human Resources Manager

Reviewed by: Teri Silva, Director, Human Resources

Approved by: Walter C. Rossmann, Assistant City Manager

### **ATTACHMENT**

1. First Amendment to Agreement for Services between the City of Sunnyvale and John A Nagel, City Attorney for the City of Sunnyvale