

RESOLUTION NO. 2022-153

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING EXECUTION OF EMPLOYEE CONTRACT AMENDMENT NO. 2 WITH THE CITY MANAGER

WHEREAS, for the current fiscal year 2022/2023 the City Council has approved 4% cost of living adjustments for City of Marina (City) employees; and

WHEREAS, the City Manager's current employment agreement provides, "compensation shall be evaluated by the City Council on an annual basis and will include consideration of both merit and cost of living increases provided to Department Directors and non-represented management employees, as well as consideration of the competitive market compensation for city managers in comparable cities"; and,

WHEREAS, the City Council desires the City Manager to receive the same 4% cost of living adjustment as has been approved for other City employees; and

WHEREAS, Government Code section 54953(c)(3) requires that, before taking final action, the City Council must orally report a summary of the recommendation regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive; and

WHEREAS, on December 6, 2022, the City Council received an oral report on the changes to executive compensation and approved the changes; and

WHEREAS, the City Council desires to approve Amendment No. 2 to the City Manager's employment agreement to reflect the CPI increase.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina do hereby:

1. Adopt Resolution No. 2022- authorizing the execution of Employee Contract Amendment No. 2 with Layne Long, City Manager, in substantially the same form, which is attached hereto as Exhibit A and incorporated by reference; and
2. Authorize adjustments to the City's Salary Schedule and Compensation Plan, and
3. Authorize the Finance Director to make appropriate accounting and budgetary entries

PASSED AND ADOPTED, by the City Council of the City of Marina at a regular meeting duly held on the 6th day of December 2022, by the following vote:

AYES: COUNCIL MEMBERS: McCarthy, Visscher, Medina Dirksen, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

Exhibit A

Amendment No. 2
To Employment Agreement With
Layne Long, City Manager

This Amendment No. 2 (Amendment No. 2) to the City Manager Employment Agreement (Agreement) made and entered into on March 29, 2013, as amended by Amendment No. 1 to the Agreement dated January 2016, is entered into and made between the City of Marina (City), a California charter city, and Layne P. Long (City Manager or Employee), on December __, 2022 upon the following facts and circumstances.

Now, therefore, in consideration of the foregoing, and the mutual promises set forth herein, City and Employee (collectively, the Parties) agree as follows:

- A. Provisions of this Amendment No. 2 shall supersede and replace the provisions of the Agreement, as amended by Amendment No. 1.
- B. Section 3 (a) of the Agreement shall be revised as set forth below in Amendment No. 2.

3. Compensation

For the services to be performed under this Agreement, City shall pay Employee a salary of nineteen thousand eight hundred eighty-eight dollars and 45 cents per month, or \$239,861.46 annually.

- C. Except as provided herein, all other terms and conditions of the Agreement, as Amended by Amendment No. 1, shall remain in full force and effect.
- D. This Amendment No. 2 shall take effect December 6, 2022.

IN WITNESS WHEREOF, Employee and the City of Marina, by its duly authorized representatives, have executed this Amendment No. 2 on the date hereinabove set forth at Marina, California.

CITY OF MARINA

EMPLOYEE

Bruce C. Delgado, Mayor

Layne P. Long

Dated: _____

Dated: _____

Approved as to Form:

Heidi Quinn, Interim City Attorney

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of December 6, 2022

**CONSIDER APPROVAL OF EMPLOYEE CONTRACT AMENDMENT NO.
2 WITH THE CITY MANAGER**

REQUEST:

It is recommended that the City Council consider:

1. Adopting Resolution No. 2022- authorizing execution of Employee Contract Amendment No. 2 with Layne Long, City Manager;
2. Authorizing adjustments to the City's Salary Schedule and Compensation Plan; and,
3. Authorizing the Finance Director to make appropriate accounting and budgetary entries.

BACKGROUND:

The City Council has approved cost-of-living adjustments for City of Marina (City or Marina) employees for the current fiscal year. On March 1, 2022, the City Council adopted Resolution No. 2022-33 approving a Memorandum of Understanding (MOU) with the Marina Directors. The MOU included a 2-year agreement spanning July 1, 2021 to June 30, 2023. The agreement called for a 2.5% cost of living adjustment for FY 21/22 and a variable cost of living adjustment for FY 22/23 based upon the April 2022 SF/Oakland CPI but not less than 2% and not more than 3.5%.

The CPI adjustments included in the Marina Directors MOU are substantially the same adjustments as all other bargaining unit MOUs that were negotiated in 2021/2022. Recently, the City Council also approved an amendment to the Marina Professional Fire Fighters Association (MPFFA) MOU that increased the second year CPI increase to 4%. This second year CPI of 4% was also approved for the Marina Employees Association in their recent MOU and for other City employees.

ANALYSIS:

The City Council has completed the City Manager's performance evaluation November 29, 2022. Per the employment contract with the City Manager, "compensation shall be evaluated by the City Council on an annual basis and will include consideration of both merit and cost-of-living increases provided to Department Directors and non-represented management employees, as well as consideration of the competitive market compensation for city managers in comparable cities."

It is now desired that the City Manager receive the same CPI increase of 4% as was approved for the other City employees. This increase would become effective the first pay period following City Council approval of Amendment No. 2 to the City Manager's Employment Agreement. The proposed Amendment No. 2 is attached to the Resolution as Exhibit A.

City Manager Compensation Changes

Government Code section 54953(c)(3) requires that, before taking final action, the City Council must orally report a summary of the recommendation regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive.

The proposed City Manager salary with the 4% CPI increase would be \$19,988 per month or \$239,861 annually.

FISCAL IMPACT

The fiscal impact of the increased cost to the City from the proposed 4% cost of living increase is approximately \$9,000 annually.

CONCLUSION:

This request is submitted for City Council consideration and approval.

Respectfully submitted,

Heidi Quinn
Interim City Attorney
City of Marina