



STAFF REPORT
1/24/2024

TO: Honorable Mayor and City Council Members

FROM: Best Best & Krieger, LLP, City Attorney

SUBJECT: Amendment No. 1 to the Employment Agreement between the City of Coachella and Dr. Gabriel Martin

STAFF RECOMMENDATION

Staff recommends that the City Council consider the approval of Amendment No. 1 to the Employment Agreement between the City of Coachella and Dr. Gabriel Martin.

BACKGROUND

The City of Coachella is a general law city that operates under the council-manager form of government. Under this form of government, the City Council acts as the board of directors and sets policy for the City, while the City Manager acts as the chief executive officer of the organization and carries out the policies of the governing body.

The City Manager implements the decisions of the City Council, manages the day-to-day operations of the City, ensures municipal services are delivered efficiently and effectively, hires and fires employees and works to protect the health, safety and welfare of the City.

On May 26, 2021 the City Council approved an Employment Agreement with Dr. Martin, attached hereto as Exhibit B. The 2021 Employment Agreement provides for a two-year term with the potential for two one-year extensions. Before the City Council today is a first amendment to the City Manager's Employment Agreement.

DISCUSSION

Dr. Martin has been the City of Coachella's City Manager since 2021. Previously, he was the City's Economic Development Director and the City's Economic Development Manager. Prior to Dr. Martin's employment with the City he previously served as a Project Manager, Program Manager, Administrative Services Analyst, and Industry Sectors and Community Liaison for various governmental organizations such as the County of San Bernardino, City of Redmond, Riverside County Flood Control and Water Conservation District and Riverside County Economic Development Agency.

Dr. Martin holds a Doctorate in Public Administration; a Master's degree in Public Administration; and a Bachelor's degree in Economics and Business Administration. Dr. Martin has also completed a Project Management Certification Program and has acquired over fifteen years of work experience in the public sector.

The proposed Amendment No. 1 to the Employment Agreement with Dr. Martin is attached to the Staff Report as Exhibit A. Amendment No. 1 would make certain revisions to Dr. Martin's 2021 Employment Agreement. Amendment No. 1 provides for a new three year term with two optional one year extensions. Other terms of the proposed Amendment No. 1 to the Employment Agreement include the following:

- Three (3) year term commencing January 1, 2024 and continuing for three (3) years. Thereafter it provides for two (2) optional one (1) year extensions upon the same terms.
- Annual base salary of 287,000.
- Based on City Manager's annual performance evaluation, at the discretion of the City Council, the City Manager may be awarded a yearly cost of living allowance ("COLA") in an amount not to exceed seven percent (7%). Any COLA granted by City Council shall be added to the City Manager's base salary.
- City Manager shall initiate his evaluation in May each year under City Council procedures, or as otherwise directed by the City Council.
- City Manager shall also receive a one-time lump sum payment in the amount of \$16,100.
- On separation from City employment, the City Manager shall be paid for all unused accrued leave balances, including balances as to vacation, sick leave, administration leave, floating holidays, and other outstanding accrued leave balances, if any.
- The establishment and funding by the City of a qualified pension plan pursuant to Section 401(a) of the Internal Revenue Code with an annual contribution of 5% of the City Manager's annual compensation.
- For termination without cause, the City Manager shall be receive reimbursement for the costs of City Manager's COBRA health insurance premiums for nine (9) months following City Manager's termination or until City Manager finds other employment, whichever occurs first.
- Except as otherwise expressly provided in Amendment No. 1, the remaining provisions of the 2021 Employment Agreement shall continue in full force and effect.

FISCAL IMPACT

The annual base salary of \$287,000 plus the lump sum payment of \$16,100 and benefits as outlined in Amendment No. 1 to the Employment Agreement.

ALTERNATIVE(S)

Provide alternative direction.

ATTACHMENTS

A. Amendment No. 1 to the Employment Agreement Between the City of Coachella and Dr. Gabriel Martin.

B. City Manager Employment Agreement Between the City of Coachella and Dr. Gabriel Martin (Dated May 26, 2021).