



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/06/2022

ITEM NO: 10

DATE: November 15, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney, and Authorize Salary and Benefits Budget Adjustments in the Amount of \$3,872 from Available General Fund Capital/Special Projects Reserve.

RECOMMENDATION:

Approve an Amendment to the employment agreement (Attachment 1) between the Town of Los Gatos and the Town Attorney and authorize salary and benefits budget adjustments in the amount of \$3,872 from available General Fund Capital/Special Projects Reserve.

BACKGROUND:

As an appointee of the Town Council, the Town Attorney is employed under an Employment Agreement (Attachment 2) specifying the terms and conditions of employment. The terms and conditions of employment include items such as base pay, basic and optional benefits, covered expenses, parameters for an annual performance review, and conditions for termination/severability. Senate Bill 1436 requires an oral summary at a Council meeting when a recommendation is made related to modifying the salary, salary schedule, or fringe benefits of any person employed under an Employment Agreement with a local agency.

DISCUSSION:

As outlined in the Employment Agreement, the Town Attorney's performance and compensation is reviewed annually in conjunction with a performance evaluation. The review of the Employment Agreement is conducted to ensure legal compliance and to provide for any adjustments in the terms and conditions of employment.

PREPARED BY: Salina Flores
Human Resources Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

PAGE 2 OF 2

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DISCUSSION (Continued):

In accordance with the agreement terms for Town Attorney Gabrielle Whelan, the Town Council completed the evaluation for her first six months in the position, from May 2022 through November 2022.

The discussion of the performance review was conducted in Closed Session meetings that took place on September 6, October 18, and November 1. Based upon the satisfactory completion of the performance review, Council authorized a one and a half percent (1.5%) salary increase, which is equivalent to a new salary of \$253,649 annually. The salary increase is authorized to be effective in the pay period that includes November 15, 2022. The Town Attorney would also have the new Council adopted Juneteenth holiday.

CONCLUSION:

Based upon the satisfactory completion of the performance review in Closed Session, it is recommended that the Town Attorney's annual base salary increase one and a half percent (1.5%) to \$253,649 annually, effective in the pay period that includes November 15, 2022.

FISCAL IMPACT:

Funding to support the Town Attorney's salary and benefits is authorized in the annual budget each fiscal year along with all other Town employee compensation and benefits. The anticipated fiscal impact for the remainder of the fiscal year is \$3,872. The requested budget adjustment in the amount of \$3,872 from available General Fund Capital/Special Project Reserve will provide funding for the additional salary and benefit cost for Fiscal Year (FY) 2022/23. Funding to support the FY 2023/24 ongoing cost each year will be incorporated into the proposed future year budgets for Council approval.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Amendment to the Employment Agreement – Town Attorney
2. Employment Agreement - Town Attorney
3. Salary Schedule for Town Council and Management