



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 02/03/2026

ITEM NO: 10

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DATE: February 3, 2026  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Adopt a Resolution to Approve a Fourth Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Attorney and Authorize the Mayor to Execute the Amendment; Modify the Management Salary Schedule to Reflect the New Salary of \$310,000; and Authorize a Budget Adjustment in the Amount of \$24,195 from Available General Fund Unassigned Balance**

**RECOMMENDATION:** Adopt a resolution approving the fourth amendment to the Employment Agreement between the Town of Los Gatos and the Town Attorney; authorize the Mayor to execute the agreement; modify the Management Salary Schedule to reflect the new salary for the Town Attorney of \$310,000 (Attachment 3 ); and authorize a Budget Expenditure Adjustment in the total amount of \$24,195 that includes a \$17,419 merit increase and \$6,776 for costs associated with payroll, retirement and taxes from a General Fund unassigned fund balance.

**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 \$24,195. The requested budget adjustment is funded from available General Fund unassigned balance and additional salary and benefit cost for Fiscal Year (FY) 2025/26 will be reflected in fund and account number 111-1301-51111. Funding for the ongoing costs each year will be incorporated into the proposed future year budgets for Council approval.

**PREPARED BY:** Vilcia Rodriguez  
Human Resources Division Manager

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

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SUBJECT: Approve an Amendment to the Employment Agreement Between the Town of Los Gatos and the Town Manager

DATE: February 3, 2026

STRATEGIC PRIORITY:

This item is not associated directly with a specific strategic priority; however, it aligns with the Town's Core Goal of Good Governance.

BACKGROUND:

As an appointee of the Town Council, the Town Attorney is employed under an Employment Agreement (Attachment 4) specifying the terms and conditions of employment. The terms and conditions of employees 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 Council reviews the Town Attorney's performance and compensation annually through a performance evaluation. In accordance with the agreement terms for Town Attorney Gabrielle Whelan, the Town Council completed the evaluation for the period of November 2024 through November 2025.

Based upon the completion of a satisfactory performance review, the Town Council authorized a merit increase retroactive to November 23, 2025. This would be equivalent to \$310,000 annually.

CONCLUSION:

Based upon the completion of a satisfactory performance review in Closed Session, it is recommended that the Town Council adopt a resolution approving the fourth amendment to the Employment Agreement between the Town of Los Gatos and the Town Attorney; authorize the Mayor to execute the agreement; modify the Management Salary Schedule to reflect the new salary for the Town Attorney of \$310,000 (Attachment 3 ); and authorize a Budget Expenditure Adjustment in the total amount of \$24,195 that includes a \$17,419 merit increase and \$6,776 for costs associated with payroll, retirement and taxes from a General Fund unassigned fund balance.

ENVIRONMENTAL ASSESSMENT:

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

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Attachments:

1. Resolution
2. Fourth Amendment to the Employment Agreement – Town Attorney (Exhibit A)
3. Salary Schedule for Town Council and Management
4. Employment Agreement - Town Attorney