



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/17/2024

ITEM NO: 21

DATE: December 9, 2024
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Approve a Third 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; and Authorize a Budget Adjustment in the Amount of \$22,017.61 from Available General Fund Capital/Special Projects Reserve

RECOMMENDATION:

Approve the third amendment to the Employment Agreement between the Town of Los Gatos and the Town Attorney (Attachment 1); authorize the Mayor to execute the agreement; modify the Management Salary Schedule to reflect the new salary for the Town Attorney (Attachment 2); and authorize a Budget Expenditure Adjustment in the amount of \$22,017.61 from the 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 3) 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

PREPARED BY: Cheryl Parkman
Human Resources Director

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

PAGE 2 OF 2

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

DATE: December 9, 2024

with the agreement terms for Town Attorney Gabrielle Whelan, the Town Council completed the evaluation for the period of November 2023 through November 2024.

Based upon the completion of a satisfactory performance review, the Town Council authorized a five percent (5%) cost of living adjustment, retroactive to July 7, 2024. This would be equivalent to \$274,321 annually. Additionally, the Town Council authorized a two percent (2%) merit increase, effective retroactively to November 24, 2024. This will be equivalent to a total increase of \$279,807 annually.

CONCLUSION:

Based upon the completion of a satisfactory performance review in Closed Session, it is recommended that the Town Attorney's annual base salary increase to a total of \$279,807 annually, 5% which will be effective July 7, 2024, and 2% which will be effective November 24, 2024.

COORDINATION:

This memo was coordinated with the Director of Finance.

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 \$21,731. The requested budget adjustment in the amount of \$22,017.61 from available General Fund Capital/Special Project Reserve will provide funding for the additional salary and benefit cost for Fiscal Year (FY) 2024/25 through 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.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

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