



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/16/2021

ITEM NO: 18

DATE: November 10, 2021
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

RECOMMENDATION:

Approve an amendment to the Employment Agreement (Attachment 1) between the Town of Los Gatos and the Town Attorney.

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. In accordance with the agreement terms for Town Attorney Robert Schultz, the Town Council completed the evaluation for his eighth year in the position, from December 2020 through December 2021.

The discussion of the performance review was conducted in Closed Session meetings that took place on October 5, October 19, and November 1. Based upon the satisfactory completion of

PREPARED BY: Lisa Velasco
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 Town Attorney Employment Agreement

DATE: November 10, 2021

DISCUSSION (continued):

the performance review, Council authorized a two-percent (2%) salary increase, which is equivalent to a new salary of \$249,900 annually. The performance review and salary increase authorization is based on past performance and occurred prior to the resignation notice provided by the Town Attorney. The salary increase is authorized to be effective in the pay period that includes October 1, 2021.

The Employment Agreement also provides authorization for the Town Attorney to receive the same benefits as Town Management employees. Pending receipt of Council authority to provide an additional one-time eight (8) hour floating holiday (not subject to cash out) to be used by June 30, 2022 for unrepresented Management employees, the same holiday should be provided to the Town Attorney.

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 two-percent (2%) to \$249,900 annually, effective in the pay period that includes October 1, 2021. Pending receipt of Council authority to provide a floating holiday to unrepresented Management employees, the same holiday should be provided to the Town Attorney.

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 FY 2021/22 Operating Budget forecast included an anticipation of increases in Town salaries and benefits, therefore, a budget adjustment is not necessary. The anticipated impact for the remainder of the 2021/22 is \$4,937.

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