



**DATE:** October 27, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** City Attorney Employment Agreement: Adopt a Resolution Approving the Extension and Modification to the Employment Agreement Between the City of Hayward and the City Attorney and Authorizing the Mayor to Execute the Agreement

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) approving the extension and modification to the employment agreement between the City of Hayward and the City Attorney and authorizes the Mayor to execute the agreement.

### **SUMMARY**

The current employment agreement between the City of Hayward and the City Attorney expires on October 31, 2020. Council has completed the City Attorney's performance and compensation review and has expressed a desire to extend the terms of the employment agreement for the City Attorney through June 30, 2021. If approved, the employment agreement between the City of Hayward and the City Attorney will become effective November 1, 2020.

### **BACKGROUND**

Each year, the Council reviews the performance of the three employees that report directly to the Council: the City Manager, City Attorney, and City Clerk. However, because City Council has been working with staff to address the myriad of issues related to the COVID-19 pandemic, Council was unable to complete its annual performance and compensation review for the City Attorney prior to June 30, 2020, when the agreement was originally scheduled to expire. Consequently, on June 2, 2020, Council approved a three-month extension of the City Attorney's employment agreement through September 30, 2020, and a subsequent one-month extension on September 22, 2020 through October 31, 2020 to allow time to complete the performance review process.

As part of the employment agreement extension through September 30, 2020, the City Attorney volunteered to forego the two percent (2%) cost-of-living adjustment (COLA) originally due to him on July 1, 2020 to contribute to city-wide cost-savings and help mitigate the financial impact of the pandemic on the City of Hayward's finances.

Council has since completed the City Attorney's performance and compensation review and has expressed a desire to extend the terms of the employment agreement for the City Attorney through June 30, 2021.

In consideration of the current organizational practices for market-based salary adjustments, the City Council will consider a salary adjustment for the City Attorney based on a Market Study and other factors on or around January 1, 2021.

As part of the employment agreement extension, the language regarding leave cash-out options was clarified to align with leave cash-out terms for other Appointed and Executive employees. In addition, outdated language regarding the City Attorney's 2018 salary concessions to the City of Hayward was removed. There are no other substantive changes to the employment agreement.

### **FISCAL IMPACT**

If approved, the extension and the modification to the employment agreement would not, at this time, result in any fiscal impact, as the terms of the agreement are unchanged.

### **STRATEGIC ROADMAP**

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council's Strategic Roadmap.

### **NEXT STEPS**

If approved, staff will finalize the employment agreement modification and extension between the City of Hayward and the City Attorney for execution by the Mayor.

*Prepared by:* Kakshi Master, Human Resources Analyst II

*Recommended by:* Maria A. Hurtado, Assistant City Manager

Approved by:



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Barbara Halliday, Mayor