



**DATE:** September 22, 2020

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** City Attorney Employment Agreement Extension: Adopt a Resolution Approving a One-Month Extension 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 a one-month extension to the employment agreement between the City of Hayward and the City Attorney and authorizing the Mayor to execute the agreement.

## **SUMMARY**

The City Council was unable to complete the City Attorney's annual performance review prior to the June 30, 2020 expiration of the previous employment agreement as Council needed to reprioritize its work with staff to address the unprecedented crises resulting from the COVID-19 pandemic. Therefore, on June 2, 2020, City Council adopted a resolution approving a three-month extension of the employment agreement between the City of Hayward and the City Attorney to allow for the completion of the review process. The City Attorney's performance review is scheduled to be completed at the end of October, therefore, staff recommends that the employment agreement for the City Attorney be extended through October 31, 2020.

## **BACKGROUND AND DISCUSSION**

As a result of the COVID-19 pandemic and ensuing Shelter in Place Orders requiring the temporary cessation of non-essential services, City Council has worked diligently with City staff to address revenue shortfalls, to shift to remote work for a majority of employees, and address employee safety for on-site staff. Although the necessary shift in priorities has resulted in the delay of the City Attorney's performance review, as part of the initial three-month employment agreement extension between the City of Hayward and the City Attorney, the City Attorney agreed to forego the two percent (2%) cost-of-living adjustment (COLA) originally due to him July 1, 2020 to contribute to citywide cost-savings and help mitigate the financial impact of the pandemic on the City of Hayward's finances.

The City Attorney's annual performance evaluation is scheduled to conclude October 13, 2020. The next regular City Council meeting following the completion of the evaluation is

scheduled for October 27, 2020, at which point Council shall consider the proposed successor employment agreement between the City of Hayward and the City Attorney, which shall be effective November 1, 2020. Therefore, the proposed one-month employment agreement extension extends the terms of the employment agreement through October 31, 2020.

### **FISCAL IMPACT**

If approved, the proposed one-month employment agreement extension would not result in an unexpected or unbudgeted 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 identified in the Council's Strategic Roadmap.

### **NEXT STEPS**

If approved, staff will finalize the one-month employment agreement 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:*

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager