



DATE: December 1, 2020

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: City Attorney Employment Agreement: Adopt a Resolution Approving the Amendment 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 amendment to the employment agreement between the City of Hayward and the City Attorney and authorizing the Mayor to execute the agreement.

SUMMARY

On October 27, 2020, Council approved the current employment agreement between the City of Hayward and the City Attorney, which expires on June 30, 2021. Subsequently, the Council Appointed Officers (CAO) Committee reviewed a total compensation market study for the City Attorney position, which indicated the position was approximately seven percent (7%) below the market average when compared to similar positions. Therefore, the Committee recommends the Council amend the existing employment agreement with the City Attorney to provide a 7% equity adjustment phased in over two (2) years, 3.5% each year, to bring the City Attorney's total compensation to market average. The Committee also recommends extending the term of the employment agreement to five (5) years to align the terms of the three Council-appointed officers' agreements.

BACKGROUND AND DISCUSSION

Upon approval of the City Attorney's current employment agreement, Council agreed to consider a salary adjustment for the City Attorney on or around January 1, 2021 based on market study data and other factors. The Human Resources Department staff completed a total compensation market study that found the City of Hayward's City Attorney position is approximately seven percent (7%) below the market average when compared to similar positions at similar jurisdictions. Based on the survey findings, the Council wishes to amend the City's employment agreement with the City Attorney to adjust his total compensation to mid-market, implemented over a two (2) year period. The amended

agreement would provide for a 3.5% equity adjustment in the pay period including January 1, 2021, and a 3.5% equity adjustment in the pay period including January 1, 2022.

Historically, Council has entered into annual employment agreements with their appointed officers. After approving a five (5) year employment agreement with the City Manager in 2018, the Council expressed a desire to align the employment agreements for the three Council-appointed officers and recommends extending the term of the City Attorney's employment agreement from a one (1) year agreement to a five (5) year agreement.

FISCAL IMPACT

The amendment to the City Attorney's employment agreement would result in an estimated cost of \$5,295 in fiscal year 2021 and \$5,482 in fiscal year 2022, for a total fiscal impact of \$10,778 over amounts previously projected for the next two (2) years.

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:


Barbara Halliday, Mayor