



REPORT TO CITY COUNCIL

Approved by:

Wendy Silva
Department Director

Arnoldo Rodriguez
Arnoldo Rodriguez, City Manager

Council Meeting of: January 30, 2019

Agenda Number: C-3

SUBJECT:

Consideration of a Resolution Approving Amendments to Employment Agreements with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources

RECOMMENDATION:

The City Manager recommends the City Council (Council) adopt the resolution amending employment agreements with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources and authorize the City Manager to sign the amendments.

Pursuant to Government Code § 54953 (c) (3), prior to taking action on this item, the Council must publicly announce a summary of the action being considered.

Announcement - *If approved, the proposed Employment Agreement Amendments for the listed positions will extend the term of the agreements by sixty (60) days for the purpose of ongoing contract negotiations.*

SUMMARY:

The proposed action will extend the existing employment agreements for the stated positions by sixty (60) calendar days due to ongoing negotiations.

DISCUSSION:

Employment agreements with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources were entered into in August 2015 for three (3) year terms. Due to a desire of the City Council to modify compensation and benefits for management employees, the term of the agreements was extended to February 6, 2019. The City's new City Manager began his appointment in December and has worked diligently with the City Council on a new compensation package for management employees, however these discussions are still ongoing. To facilitate the continued discussion, it is recommended the specified agreements be extended an additional sixty (60) days to allow Council and the City Manager to finalize the compensation package to be offered.

Employment agreements with the Grants Administrator, Information Services Manager, and Chief of Police have terms expiring outside of this timeframe, so there is no need at this time to consider extensions to these employment agreements.

FINANCIAL IMPACT:

If adopted, the agreement extensions will continue the existing compensation packages for the stated positions. The adopted Fiscal Year 2018-19 budget includes funding for the existing agreement terms; no additional funding will be required.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

Compensation and benefits for employees are not addressed in the Vision Madera 2025 Plan, nor is the requested action in conflict with any actions or goals contained in that plan.

ALTERNATIVES:

The Council may approve the amendments extending the agreement terms or may choose to not take action on the resolution. If the Council does not take action on the resolution, existing agreements will terminate February 6, 2019.

ATTACHMENTS:

1. Resolution approving agreement amendments with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources.
2. Agreement amendments with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources.

RESOLUTION No. _____

**A Resolution of the City Council of the City of Madera
Approving Amendments to Employment Agreements with the Director of
Community Development, City Engineer, Director of Parks & Community
Services, Chief Building Official, Director of Financial Services, and Director of
Human Resources and Authorizing the City Manager to Execute the
Amendments**

WHEREAS, the City of Madera wishes to establish reasonable rules, regulations and compensation for its staff within the financial limits of the organization; and

WHEREAS, Amendments have been prepared for the following At-Will Employment Agreements:

- Director of Community Development
- City Engineer
- Director of Parks & Community Services
- Chief Building Official
- Director of Financial Services
- Director of Human Resources

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.
2. The Amendments to the At-Will Employment Agreements between the City and the individual currently employed with the City in each listed position, copies of which are on file with the City Clerk and referred to for more particulars, are approved.
3. The City Manager is authorized to execute the Amendments with the Director of Community Development, City Engineer, Director of Parks & Community Services, Chief Building Official, Director of Financial Services, and Director of Human Resources.
4. This resolution is effective immediately upon adoption.

* * * * *

**FOURTH AMENDMENT TO THE
DIRECTOR OF COMMUNITY DEVELOPMENT
AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled DIRECTOR OF COMMUNITY DEVELOPMENT AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and David Merchen, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as Director of Community Development of Employer ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
David Merchen

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney

**FOURTH AMENDMENT TO THE
CITY ENGINEER AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled CITY ENGINEER AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Keith Helmuth, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as City Engineer of Employer ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
Keith Helmuth

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney

**FOURTH AMENDMENT TO THE
DIRECTOR OF PARKS & COMMUNITY SERVICES
AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled DIRECTOR OF PARKS & COMMUNITY SERVICES AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Mary Anne Seay, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as Director of Parks & Community Services ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
Mary Anne Seay

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney

**FOURTH AMENDMENT TO THE
CHIEF BUILDING OFFICIAL
AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled CHIEF BUILDING OFFICIAL AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Steven Woodworth, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as Chief Building Official ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
Steven Woodworth

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney

**FOURTH AMENDMENT TO THE
DIRECTOR OF FINANCIAL SERVICES
AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled DIRECTOR OF FINANCIAL SERVICES AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Tim Przybyla, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as Director of Financial Services ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
Tim Przybyla

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney

**FOURTH AMENDMENT TO THE
DIRECTOR OF HUMAN RESOURCES
AT-WILL EMPLOYMENT AGREEMENT**

This Amendment, entered into on the 30th day of January, 2019, amends the previous agreement entitled DIRECTOR OF HUMAN RESOURCES AT-WILL EMPLOYMENT AGREEMENT dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; by and between the City of Madera, a municipal corporation, hereinafter called "Employer," and Wendy Silva, hereinafter called "Employee," both of whom understand as follows:

WITNESSETH:

WHEREAS, Employee and Employer entered into an agreement dated August 5, 2015 and amended June 15, 2016; June 7, 2017; and June 20, 2018; to contract with Employee to serve as Director of Human Resources ("Agreement"); and

WHEREAS, Employer and Employee desire to modify said Agreement to update the contract provisions.

NOW THEREFORE, it is hereby agreed that the Agreement between the parties is amended in the following particulars only:

Section 1. Section 1. A. of the Agreement is amended to read as follows:

Section 1: TERM

- A. The term of this Agreement shall be 3 years commencing on August 5, 2015. The Employer will provide written notice to the Employee on or before May 5, 2018 of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal. Due to a desire to gather more information through the conducting of a compensation study by outside consultant Koff & Associates prior to the Employer making an offer to extend, renew, or otherwise not renew this contract, the parties agree that the term of the contract is extended until no later than February 6, 2019. Employer will provide notice to the Employee on or before November 6, 2018 of its intent to offer to extend, renew or otherwise not renew this contract for an additional term.

Due to ongoing contract negotiations, the term of the Agreement is extended by sixty (60) days to April 7, 2019.

Section 2. All other provisions of the Agreement not inconsistent with this Amendment shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers duly authorized on the date first written above.

EMPLOYEE

CITY OF MADERA

By: _____
Wendy Silva

By: _____
Arnoldo Rodriguez, City Manager

ATTEST

APPROVED AS TO LEGAL FORM

By: _____
Sonia Alvarez, City Clerk

By: _____
Brent Richardson, City Attorney