



City of Rialto

Legislation Text

File #: 21-0750, **Version:** 1

For City Council Meeting [October 26, 2021]

TO: Honorable Mayor and City Council

FROM: Eric Vail, City Attorney

Request City Council to Approve Amendment No. 1 to the Employment Agreement between the City of Rialto and the City Manager.

BACKGROUND

The City entered into an employment agreement with Marcus Fuller as the City Manager on May 25, 2021. The contract provisions of the agreement state that most of the benefits provided to the City Manager will mirror those benefits provided to the executive management employees who are members of the City Government Management Association (CGMA) under the applicable CGMA MOU.

Subsequently, the City has withdrawn recognition of CGMA in accordance with the provisions of Rialto Municipal Code section 2.51.100(C) based on good faith doubt that CGMA does not constitute an employee organization given lack of membership involving multiple employees of the City.

Also, on September 22, 2020, the City Council adopted Resolution No. 7671 that, among other things, adopted an Executive Benefits Profile for the City's Executive Team Management employees.

In light of these facts, it is necessary to eliminate references to CGMA in the employment agreement with the City Manager, and align those benefits to those generally provided to Executive Team Management employees pursuant to the Executive Benefits Profile adopted by City Council on September 22, 2020.

ANALYSIS/DISCUSSION

The employment agreement with the City Manager contains several references to CGMA. An amendment to the employment agreement has been prepared to eliminate these references, and in its place to refer to the benefits generally provided to the City's Executive Team Management employees pursuant to the Executive Benefits Profile adopted by City Council on September 22, 2020.

The benefits to be provided to the City Manager are not changing, except as to vacation leave accruals. The employment agreement originally made reference to vacation leave accrual at the rate of 160 hours per calendar year, aligned with the CGMA MOU last approved in 2016. However, the prior two employment agreements with City Administrator Michael Story and City Manager Rod Foster provided vacation leave accrual at a rate of 260 hours per calendar year.

The Executive Benefits Profile adopted by City Council on September 22, 2020, establishes vacation leave accrual at the rate of 240 hours per calendar year for all Executive Team Management employees. The proposed amendment would revise the City Manager's vacation leave accrual to align with the Executive Team Management employees at 240 hours per calendar year.

ENVIRONMENTAL IMPACT

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA) Guidelines. A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Pursuant to Section 15378(b)(5), a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

GENERAL PLAN CONSISTENCY

This action is consistent with Guiding Principle 3A in the General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW

The City Attorney has reviewed and supports this staff report and the amendment to the employee agreement.

FINANCIAL IMPACT

Operating budget Impact

This action has no impact on the operating budget; although the vacation leave accrual rate is increasing, the terms providing for cash-out of annual leave (either vacation and/or sick leave) remains unchanged at 200 hours annually.

Capital Improvement Budget Impact

This action has no impact to the Capital Budget.

RECOMMENDATION

Staff recommends that the City Council approve Amendment No. 1 to the employment agreement between the City of Rialto and the City Manager.