



Legislation Details (With Text)

File #: 2023-0183 **Version:** 1 **Name:**

Type: Discussion **Status:** Agenda Ready

File created: 3/6/2023 **In control:** City Council

On agenda: 3/7/2023 **Final action:**

Title: CONSIDER RESOLUTION 23-053 APPROVING SECOND AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution 22-027 Approving City Manager Employment Agreement, 2. Resolution 22-197 Approving First Amendment to the City Manager Employment Agreement, 3. Resolution 23-237, A Resolution of the City Council of the City of Carson, California, Establishing the Salary and Benefits for Unclassified Management Employees Effective November 1, 2022, and Adopted on February 7, 2023, 4. Proposed Resolution 23-053 Approving Second Amendment to the City Manager Employment Agreement

Date	Ver.	Action By	Action	Result
3/7/2023	1	City Council		

Report to Mayor and City Council

Tuesday, March 07, 2023

Discussion

SUBJECT:

CONSIDER RESOLUTION 23-053 APPROVING SECOND AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT (CITY COUNCIL)

I. SUMMARY

Attached for the City Council’s review is the Second contract amendment between the City of Carson and David C. Roberts, Jr. for the position of City Manager. The contract amendment is attached to the resolution in Exhibit No. 4.

II. RECOMMENDATION

1. ADOPT Resolution 23-053 approving the proposed Second Amendment to the City Manager Employment Agreement.
2. AUTHORIZE the Mayor to execute the agreement with Mr. David C. Roberts, Jr.

following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE another action deemed appropriate by the City Council and consistent with applicable laws.

IV. BACKGROUND

David C. Roberts, Jr., began his public administration career in 2007 in the field of Human Resources. Since then, he has held various executive management positions with multiple public agencies. His experience combines of over 22 years of federal, public, and private sector experience in the fields of Administration (Human Resources & Finance), Public Safety (Police & Fire), Community Services, Information Technology and Public Information while having worked with Elected Officials and leaders in various communities. Mr. Roberts holds a Bachelor of Arts Degree in Sociology. He is currently working on his Doctorate Degree in Ministry (Chaplaincy).

Mr. Roberts was appointed as the City's City Manager beginning February 16, 2022 pursuant to an employment agreement ("Agreement"). The current compensation structure in the Agreement is the following:

Current COLAs: 3% guaranteed on first 3 anniversaries of employment.

Current annual compensation: \$281,140.00.

The proposed changes by the Second Amendment in compensation and benefits are summarized below.

Compensation:

One-time lump sum payment following approval of Second Amendment, to encourage Employee's continued retention: \$32,618.14.

Annual compensation effective March 7, 2023: 15.5% compensation increase to \$324,716.70 (in lieu of first anniversary COLA).

Annual compensation effective July 1, 2023: 5% additional compensation increase to \$340,952.54.

Effective February 16, 2024: 3% COLA (second anniversary COLA).

Effective February 16, 2025: 3% COLA (third anniversary COLA).

Benefits:

Currently, the Agreement specifies the City Manager’s fringe benefit level. This is explained in the Unclassified Management Employees Resolution, Article II, Section II:

“The City Manager shall receive the benefits provided in this Resolution that are expressly authorized in the City Manager’s employment contract. If any provision of this Resolution related to benefits is inconsistent or in conflict with the City Manager’s employment contract, the provisions of the City Manager’s employment contract shall prevail.”

If the Second Amendment is approved, then the City Manager would receive fringe benefit levels equivalent to the level of all Unclassified Management Employees, if the Agreement provided for a lower rate than the fringe benefit level equivalent to that provided to all Unclassified Management Employees. The following language would be added by the Second Amendment to Section 6.17 of the Agreement:

“Additionally, should a fringe benefit level (e.g. auto allowance, deferred compensation match, sick, vacation and other leave accrual rates and accrual caps) applicable to all Unclassified Management Employees under the Unclassified Management Employees Benefits Resolution exceed the fringe benefit level provided to Employee pursuant to this Agreement, then Employee shall be entitled to the fringe benefit level equivalent to that provided to all Unclassified Management Employees. (For example, Employee will be provided administrative leave accrual at the rate of 10 hours monthly with an accrual cap of 160 hours as provided in the current Unclassified Management Employees Benefits Resolution for all Unclassified Management Employees, instead of 8.33 hours per month with an accrual cap of 100 hours as provided in Section 6.9 of this Agreement.”

The changes in benefits can be summarized as follows, which are as a result of Unclassified Management Employees being at a higher level in the Unclassified Management Employees Benefits Resolution. This change would also apply going forward to fringe benefit level changes provided to Unclassified Management Employees as follows:

Admin leave accrual rate

From 8.33 per month to 10 hours per month

Admin leave accrual cap

From 100 hours to 160 hours

Vacation leave accrual cap

600 hours to 800 hours

Educational Reimbursement

As defined for all employee Memorandum of Understandings and Resolutions.

V. FISCAL IMPACT

The fiscal impact for the City Manager position for FY 2022-2023 is \$40,772. This amount will be absorbed through the departmental budget as approved by the City Council for FY 2022-2023. The fiscal impact for the City Manager position for the new FY 2023-2024 is \$54,470.

Current annual compensation: \$281,140 (Salary) \$70,285 (Benefits)

Salary plus Benefits = \$351,425

Annual compensation effective March 7, 2023: 15.5% compensation increase to \$324,716 (in lieu of first anniversary COLA). Benefits = \$81,179

Salary plus Benefits = \$405,895

Annual compensation effective July 1, 2023: 5% additional compensation increase to \$340,952 Benefits = \$85,238

Salary plus Benefits = \$426,190

Effective February 16, 2024: 3% COLA (second anniversary COLA).

Effective February 16, 2025: 3% COLA (third anniversary COLA).

VI. EXHIBITS

1. Resolution 22-027 Approving City Manager Employment Agreement (pgs. 5 - 32)
2. Resolution 22-197 Approving First Amendment to the City Manager Employment Agreement (pgs. 33 - 39)
3. Resolution 23-237, A Resolution of the City Council of the City of Carson, California, Establishing the Salary and Benefits for Unclassified Management Employees Effective November 1, 2022, and Adopted on February 7, 2023 (pgs. 40 - 60)
4. Proposed Resolution 23-053 Approving Second Amendment to the City Manager Employment Agreement (pgs. 61 - 68)

Prepared by: City Attorney's Office