

RESOLUTION NO. 2022-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE APPROVING THE FOURTH AMENDMENT TO THE JULY 18, 2019 EMPLOYMENT AGREEMENT WITH THE CITY MANAGER

WHEREAS, Clayton Holstine is the appointed City Manager of the City of Brisbane and currently serves under an Employment Agreement between the City and Mr. Holstine dated July 18, 2019, as amended; and

WHEREAS, the City and Mr. Holstine wish to amend the Employment Agreement concerning the term of the Agreement and to revise the salary schedule for the City Manager, as set forth in the attached Exhibit A.

NOW, THEREFORE, the City Council of the City of Brisbane resolve as follows:

Section 1. The pay schedule for the City Manager, as of the first full pay period of January 2023 and thereafter, as provided in the City Manager Employment Agreement, as amended, is confirmed.

Section 2. Appendix A to the Employment Agreement, as amended, sets forth the pay rate and pay schedule for the City Manager's salary, which Appendix satisfies the requirements of a publicly available pay schedule as set forth in Government Code Section 20636.

Section 3. The Fourth Amendment to the July 18, 2019 Employment Agreement between the City and Clayton Holstine is approved, and the Mayor is authorized to sign such Amendment.

Section 2. The City Clerk is directed to post the Fourth Amendment, once fully executed, including Appendix A, on the City's website under "City Manager's Contract".

Section 3. This Resolution shall take effect immediately upon adoption.



Madison Davis, Mayor

I hereby certify that the foregoing Resolution was adopted as a regular agenda item at a special scheduled meeting of the Brisbane City Council on December 15, 2022 by the following vote:

AYES: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis

NOES: None

ABSENT: None

ABSTAIN: None


Ingrid Padilla, City Clerk

CITY OF BRISBANE
City Manager

Appendix A

Effective Date: 01/02/2023

3.0% Increase

<u>Job Title</u>		<u>Salary</u>
City Manager	Monthly	\$24,637.60
	Bi-weekly	\$11,371.20
	Hourly	\$142.14

FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT

This Fourth Amendment to Employment Agreement is made December 15, 2022 by and between the City of Brisbane, a Municipal Corporation ("City"), and Clayton L. Holstine ("Employee").

RECITALS

- A. City and Employee entered into an Employment Agreement on July 18, 2019, by which City retained Employee as the City Manager of City and set forth the salary and other benefits provided to Employee by City.
- B. The Employment Agreement was first amended in November 2020 concerning the terms and conditions of a loan that City provided to Employee for his personal residence in Brisbane and the term of the agreement.
- C. The Employment Agreement was amended a second time in June 2021 to extend the term of the agreement to December 31, 2022.
- D. The Employment Agreement was amended a third time in April 2022 to revise the salary schedule of Employee and to extend the term of the Employment Agreement to April 30, 2023.

The City Council now wishes to extend the term of the Employment Agreement through December 31, 2023 and to revise the salary schedule of Employee as of the first full pay period of January 2023. NOW, THEREFORE, in consideration of the foregoing, City and Employee agree as follows:

- 1. Subsection a) of Section 3 of the Employment Agreement is amended as follows:

"3. Term.

- a) The term of this Agreement shall commence on July 18, 2019 and end on December 31, 2023, subject to the termination provisions of Section 12.
- b) No change.
- c) No change."

- 2. Section 4 of the Employment Agreement is amended as follows:

"Salary.

- a) Commencing as of the first full pay period of January 2023, the bi-weekly base salary will be \$11,371.20 (\$295,651.20 annually; \$24,637.60/monthly; \$142.14/hour.) See the attached Appendix A.
- b) If the term of this Agreement is extended further, City Council and Employee will discuss whether to conduct a then current salary survey for City Manager's of cities in San Mateo County and the San Francisco Bay Area, and whether a potential adjustment of the salary schedule in Appendix A is warranted."

3. Section 6 of the Employment Agreement is amended as follows:

"6. Vacation and Leave Time

Employee shall be entitled to the same vacation, holidays, longevity and sick leave as provided to full time department heads of the City of Brisbane, in accordance with the Memorandum of Understanding as negotiated from time to time between such department heads and the City. For the purpose of accounting for sick leave and vacation, these hours will be merged into one bank of time called personal leave.

In addition to personal leave, Employee shall be entitled annually to 80 hours of administrative leave that shall be credited in August 2019, August 2020, August 2021 and August 2022, provided, however, that Employee must use such administrative leave in the year in which it is credited or such leave is lost. Employee shall also be credited with 80 hours of administrative leave in July 2023 but such administrative leave must be used by December 31, 2023 or it will be lost."

4. In all other respects, the terms and conditions of the Employment Agreement, as amended, shall continue in full force and effect.

IN WITNESS WHEREOF, the City of Brisbane has caused this Fourth Amendment to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk, and Employee has signed and executed this Fourth Amendment the day and year first written above.

CITY OF BRISBANE



Madison Davis, Mayor

EMPLOYEE



Clayton L. Holstine

Attest:



Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney