

THIRD AMENDMENT TO EMPLOYMENT AGREEMENT

This Third Amendment to Employment Agreement is made April 7, 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. Consistent with the Employee Agreement, in the first calendar quarter of 2022, City conducted a salary survey of City Managers of certain cities in San Mateo County and other San Francisco Bay Area cities to determine whether any adjustment to Employee's salary schedule was warranted.
- E. A City Council ad hoc subcommittee was appointed to oversee and review the salary survey, a copy of which is attached hereto as Attachment 1.
- F. Based on its review of the salary survey, the City Council's ad hoc subcommittee has recommended that Employee's salary schedule be adjusted to reflect an increase in total salary and to extend the term of the Employment Agreement to April 30, 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 April 30, 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 April 2022, the bi-weekly base salary will be \$11,040 (\$287,040 annually; \$23,920/monthly; \$138/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 and August 2021, 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 August 2022 but such administrative leave must be used by April 30, 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 Third 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 Third Amendment the day and year first written above.

CITY OF BRISBANE



Coleen Mackin, Mayor

EMPLOYEE




Clayton L. Holstine

Attest:



Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney

CITY OF BRISBANE
City Manager

Appendix A

Effective Date: 04/11/2022

<u>Job Title</u>		<u>Salary</u>
City Manager	Monthly	\$23,920.00
	Bi-weekly	\$11,040.00
	Hourly	\$138.00



2021 San Mateo County's City Manager Compensation

City	Salary 2021 ¹	Other Pay ²	Deferred Comp	Total
Redwood City	\$334,000	\$40,000	\$6000	\$380,000
https://www.redwoodcity.org/home/showpublisheddocument/24586/637794020919600000				
Daly City	\$357,000	\$17,000	0	\$374,000
https://www.dalycity.org/DocumentCenter/View/154/Executive-Management-PDF				
South San Francisco	\$308,000	\$25,500	0	\$333,500
https://www.ssf.net/home/showpublisheddocument/24041				
San Carlos	\$287,000	\$22,000	\$14,000	\$323,000
https://www.cityofsancarlos.org/home/showdocument?id=5504				
San Mateo	\$273,000	\$15,000	\$18,000	\$306,000
https://www.cityofsanmateo.org/DocumentCenter/View/46428/Department-Heads-and-Deputy-Directors?bidId=				
Millbrae	\$250,000	\$27,000	0	\$277,000
https://www.ci.millbrae.ca.us/home/showpublisheddocument/25115/637625620790100000				
Burlingame	\$269,000	\$500	\$6,000	\$275,500
https://cms6.revize.com/revize/burlingamecity/document_center/Human%20Resources/Salary%20Tables%20Report%2012-20-21%20-%20Merit%20Classifications%20UPDATED%20with%20CM%20COLA.pdf				
Pacifica	\$240,000	\$4,300	\$11,000	\$255,300
https://www.cityofpacifica.org/civicax/filebank/blobdload.aspx?BlobID=18359				
San Bruno	\$258,000	\$9,500	\$2,500	\$270,000
https://sanbruno.ca.gov/DocumentCenter/View/718/Salary-Schedule-for-Full-Time-Employees-PDF				
Brisbane	\$263,500	\$3,500	0	\$267,000
https://www.brisbaneca.org/sites/default/files/fileattachments/human_resources/page/16771/cm_pay_scale_july_2021.pdf				
Half Moon Bay	N/A			
Colma	N/A			
Average	\$284,000	\$16,500	\$5800	\$306,000

¹ Salaries information is compiled from the identified cities' websites as of March 10, 2022.

² Other information is from the California State Controller's annual government compensation report. See <https://publicpay.ca.gov/Reports/PositionRpts.aspx?rpt=2&entityid=0>