



MEETING DATE: 1/20/2009

ITEM NO:

6

COUNCIL AGENDA REPORT

DATE: January 12, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: RUMI PORTILLO, HUMAN RESOURCES DIRECTOR

SUBJECT: ADOPT RESOLUTION AMENDING THE AGREEMENT BETWEEN THE TOWN OF LOS GATOS AND THE TOWN ATTORNEY AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT

RECOMMENDATION:

Adopt resolution of the Town Council of the Town of Los Gatos amending agreement between the Town of Los Gatos and the Town Attorney and authorizing the Mayor to sign the amendment.

DISCUSSION:

The Town Council approved an agreement with the Town Attorney effective April 7, 1997 to set forth the terms and conditions of employment. The agreement specifies that the Town Council shall evaluate the Town Attorney's performance annually and may adjust the base salary or provide a one-time, lump sum payment or some combination of both at the sole discretion of Council, based upon its assessment of the Town Attorney's performance.

In accordance with the agreement, Council met in closed session in November and December of 2008 to conduct a formal and structured evaluation of the Town Attorney's performance for last fiscal year (July 1, 2007-June 30, 2008). On the basis of that evaluation, Council determined that all performance goals and objectives for the evaluation period were met. In recognition of the Town Attorney's performance, Council agreed that it is appropriate to award a lump sum performance bonus equal to 3% of the annual salary (approximately \$5,134). The performance bonus is paid as a one-time lump-sum and the base annual salary remains the same.

FISCAL IMPACT:

Funding for an increase in the Town Attorney's compensation is available in the FY 2008-2009 adopted budget.

- Attachment:
- 1) Resolution of the Town Council of the Town of Los Gatos amending agreement between the Town of Los Gatos and the Town Attorney and authorizing the Mayor to sign the amendment
 - 2) Amendment to the Town Attorney Agreement

PREPARED BY:


RUMI PORTILLO, Human Resources Director

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Reviewed by: 32 Town Manager PSJ Assistant Town Manager _____ Town Attorney
_____ Clerk Administrator JE Finance _____ Community Development

RESOLUTION 2009 -

**RESOLUTION OF THE TOWN OF LOS GATOS AMENDING THE AGREEMENT
BETWEEN THE TOWN OF LOS GATOS AND THE TOWN ATTORNEY AND
AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT**

WHEREAS, Town and Orry Korb executed an Agreement approved on April 7, 1997 to provide Town Attorney services to the Town;

WHEREAS, in December 2008 the Town Council concluded a structured evaluation of Orry Korb's performance for the period July 1, 2007 through June 30, 2008, and determined that all performance goals and objectives were met; and

WHEREAS, in recognition of the Town Attorney's performance, the Town Council desires to amend the employment agreement to award the equivalent of 3% of the Employee's annual base salary as a one-time lump sum performance bonus.

RESOLVED, by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that the Town Council approves the Amendment to Agreement between the Town of Los Gatos and Orry Korb and that the Mayor is hereby authorized to sign the agreement on behalf of the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20th day of January, 2009 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

AMENDMENT TO THE TOWN ATTORNEY AGREEMENT

This Amendment to Town Agreement AGR _____ is entered into this 20th day of January, 2009, by and between the Town of Los Gatos, a municipal corporation ("Town") and Orry Korb ("Employee").

RECITALS:

WHEREAS, Town and Orry Korb executed an Agreement approved on April 7, 1997 to provide Town Attorney services to the Town;

WHEREAS, in December 2008 the Town Council concluded a structured evaluation of Orry Korb's performance for the period July 1, 2007 through June 30, 2008, and determined that all performance goals and objectives were met; and

WHEREAS, on the basis of the evaluation the Town Council desires to amend the employment agreement to award the equivalent of 3% of the Employee's annual base salary as a one-time lump sum performance bonus.

IT IS THEREFORE AGREED by the parties as follows:

1. Item 4 of the Agreement is amended to read as follows:

4. Compensation.

(d) Following Employee's performance evaluation concluded in December of 2008 for Fiscal Year 2007-08, the Town Council agreed to award an amount equal to 3% of Employee's annual base salary, payable as a one-time lump sum bonus.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Town Attorney Agreement on the date written above.

TOWN OF LOS GATOS

BY:

Mike Wasserman, Mayor

ATTEST:

Town Clerk of the Town of Los Gatos
Los Gatos, California

ATTACHMENT 2