

**Contract No. 23,016-5**

**FIFTH AMENDMENT TO AT-WILL EMPLOYMENT AGREEMENT**

**BETWEEN THE CITY OF PASADENA**

**AND**

**MICHELE BEAL BAGNERIS**

This **FIFTH AMENDMENT TO AGREEMENT** is entered into this 4<sup>th</sup> day of December, 2023 by and between the City of Pasadena, a municipal corporation (hereinafter the "City") and Michele Beal Bagneris (hereinafter "Employee").

**RECITALS**

WHEREAS, the City and Employee entered into an At-Will Employment Agreement ("Agreement") on August 27, 2018, setting forth the terms of Employee's employment as the City Attorney/City Prosecutor; and

WHEREAS, the City and Employee entered into a first amendment to the Employment Agreement ("Agreement") on February 25, 2019; and

WHEREAS, the City and Employee entered into a second amendment to the Employment Agreement ("Agreement") on March 9, 2020; and

WHEREAS, the City and Employee entered into a third amendment to the Employment Agreement ("Agreement") on December 13, 2021; and

WHEREAS, the City and Employee entered into a fourth amendment to the Employment Agreement ("Agreement") on November 21, 2022; and

WHEREAS, it is the desire of the CITY to continue to retain the services of EMPLOYEE as City Attorney/City Prosecutor and the desire of the EMPLOYEE to continue to serve in that capacity;

WHEREAS, both parties hereto agree to amend the Agreement as follows:

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto agree as follows:

1. Section 3A is amended to read, in its entirety, as follows:

"A. City agrees to pay EMPLOYEE a base salary of \$319,300 (three hundred nineteen thousand three hundred dollars) annually, subject to legally permissible or required deductions, prorated and paid on the City's normal paydays, effective June 19, 2023.

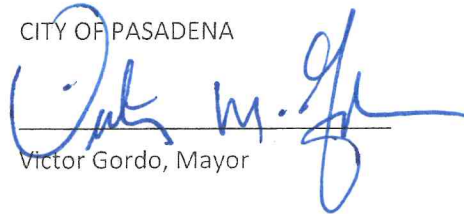
City agrees to pay EMPLOYEE a base salary of \$335,265 (three hundred thirty-five thousand and two hundred sixty-five dollars) annually, subject to legally permissible or required deductions, prorated and paid on the City's normal paydays, effective the pay period that includes November 1, 2023.

2. Section 3B is amended to read, in its entirety, as follows:

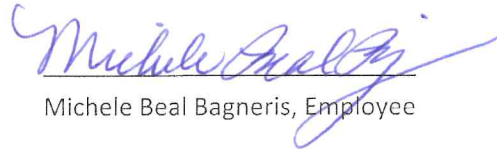
"B. EMPLOYEE'S base salary shall be reviewed by the City Council during the performance review process. Salary increases resulting from such reviews shall be at the discretion of the City Council, in conjunction with EMPLOYEE and unless amended shall not exceed the control rate of \$335,265 (three hundred thirty-five thousand and two hundred sixty-five dollars) annually, effective the pay period that includes November 1, 2023."

3. All other terms and conditions of the Agreement not modified herein shall remain in full force and effect.

12/14/23  
Date

CITY OF PASADENA  
  
Victor Gordo, Mayor

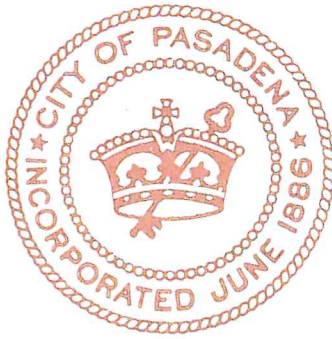
Dec. 11, 2023  
Date

  
Michele Beal Bagneris, Employee

Approved as to form:

  
Lesley Cheung, Assistant City Attorney

ATTEST:  
  
MARK JOMSKY, CMC  
CITY CLERK



# Agenda Report

December 4, 2023

**TO:** City Council

**FROM:** Mayor Victor M. Gordo

**SUBJECT: APPROVAL OF FIFTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY ATTORNEY/CITY PROSECUTOR**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed action herein is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) (Common Sense Exemption); and
2. Approve a fifth amendment to the employment agreement for City Attorney/City Prosecutor Michele Beal Bagneris to provide an increase to salary and the classification's salary control rate. It is further recommended that the Mayor be authorized to sign the fifth amendment to the employment agreement to reflect City Council approved changes.

## **BACKGROUND:**

On August 27, 2018, the City entered into an employment agreement (Contract No. 23,016) with Michele Beal Bagneris as City Attorney/City Prosecutor. The employment agreement has been modified four times on February 25, 2019 (Contract No. 23,016-1), March 9, 2020 (Contract No. 23,016-2), December 13, 2021 (Contract No. 23,016-3) and November 21, 2022 (Contract No. 23,016-4).

As a result of the City Attorney/City Prosecutor's recently completed performance evaluation covering 2022-2023, the Council recommends approving the attached fifth contract amendment (Contract No. 23,016-5) for Michele Beal Bagneris with the following modifications:

1. Compensation/Salary – Effective June 19, 2023, the City Attorney/City Prosecutor will be paid a base annual salary of \$319,300 representing a 3% general wage increase, and the salary control rate for the City Attorney/City

Prosecutor classification shall also be \$319,300. This aligns with the effective date and salary increase other non-represented employees received as part of the non-represented Salary Resolutions.

Effective the pay period that includes November 1, 2023, the City Attorney/City Prosecutor will be paid a base annual salary of \$335,265, representing a 5% merit increase, and the salary control rate for the City Attorney/City Prosecutor classification shall also be \$335,265. The merit increase provides alignment with the regional labor market.

2. Bonus Pay – The City Attorney/City Prosecutor will receive a one-time, lump sum payment of approximately \$26,821 (8% of salary) in recognition of her superior performance and accomplishments during this evaluation period.

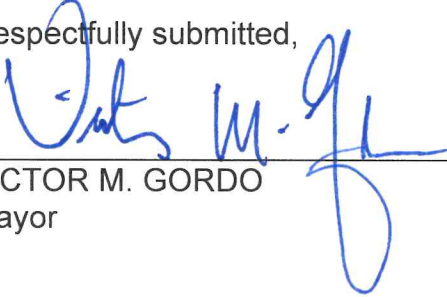
**COUNCIL POLICY CONSIDERATION:**

The approval of the amendment to the employment agreement supports the City Council's strategic goal of maintaining fiscal responsibility and stability.

**FISCAL IMPACT:**


The approval of the amendment to the employment agreement for the City Attorney/City Prosecutor is estimated to have an overall FY2024 impact of \$63,638 which includes a one-time cost of \$26,821. This position is budgeted to the General Fund (101), and the City Attorney Department's FY 2024 Operating Budget includes appropriations for anticipated wage increases. However, staff will monitor personnel expenses and request additional appropriations during the fiscal year if necessary.

Respectfully submitted,



VICTOR M. GORDO  
Mayor

Prepared by:



Tiffany Jacobs-Quinn  
Director of Human Resources

Attachment A – FIFTH AMENDMENT TO CITY ATTORNEY/CITY PROSECUTOR EMPLOYMENT AGREEMENT