

Contract No. 22,943-2
SECOND AMENDMENT TO AT-WILL EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF PASADENA
AND
MARK JOMSKY

This **SECOND AMENDMENT TO AGREEMENT** is entered into this 6th day of December, 2021 by and between the City of Pasadena, a municipal corporation (hereinafter the "City") and Mark Jomsky (hereinafter "Employee").

RECITALS

WHEREAS, the City and Employee entered into an At-Will Employment Agreement ("Agreement") on April 23, 2018, setting forth the terms of Employee's employment as the City Clerk; and

WHEREAS, the City and Employee entered into a first amendment to the Employment Agreement ("Agreement") on April 8, 2019; and

WHEREAS, it is the desire of the CITY to continue to retain the services of EMPLOYEE as City Clerk 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 \$197,268 (one hundred ninety-seven thousand two hundred sixty-eight dollars) annually, subject to legally permissible or required deductions, prorated and paid on the City's normal paydays, effective November 22, 2021."

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

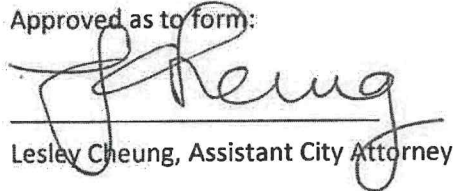
"B. EMPLOYEE'S base salary shall be reviewed by the City Council during the performance review process. Salary increases resulting from such reviews shall be at the discretion of the City Council, in conjunction with EMPLOYEE and unless amended shall not exceed the control rate of \$197,268 (one hundred ninety-seven thousand two hundred sixty-eight dollar) annually, effective November 22, 2021.

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

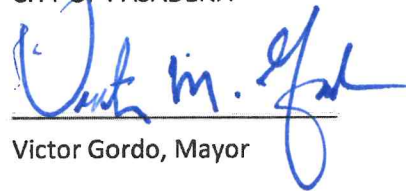
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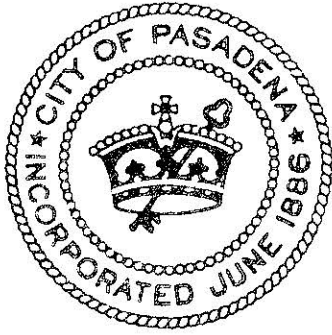
Approved as to form:


Lesley Cheung, Assistant City Attorney

CITY OF PASADENA


Victor Gordo, Mayor


Mark Jomsky, Employee



Agenda Report

December 6, 2021

TO: City Council

FROM: Mayor Victor Gordo

SUBJECT: APPROVAL OF SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY CLERK

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(2) of the State CEQA Guidelines and, as such, is not subject to environmental review; and
2. Approve a second amendment to the employment agreement for City Clerk Mark Jomsky 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 second amendment to the employment agreement to reflect City Council approved changes.

BACKGROUND:

On April 23, 2018, the City entered into an employment agreement (Contract No. 22,943) with Mark Jomsky as City Clerk, and first amendment to the employment agreement was approved by the City Council on April 8, 2019.

The City Clerk's prior performance evaluation for 2018-2019 was completed early in 2020, but a salary adjustment was not provided at that time due to the uncertainty of COVID-19 on the City's budget. In addition, the City Clerk is not eligible for any cost of living adjustments and his last salary adjustment was three years ago in November 2018.

As a result of the City Clerk's recently completed performance evaluation covering 2019-2021, the Council recommends approving the attached second contract amendment (Contract No. 22,943-2) for Mark Jomsky with the following modifications:

1. Compensation/Salary – Effective November 22, 2021, the City Clerk will be paid a base annual salary of \$197,268, and the salary control rate for the City Clerk classification also shall be \$197,268. This new salary aligns the City Clerk compensation with that of several other Department Directors.
2. Compensation/Management Incentive Pay – The City Clerk will receive a one-time, lump sum payment of \$9,863.
3. Benefits/Pension Contribution – The City Clerk will continue making a 10% employee-paid pension contribution to the Public Employees' Retirement System (PERS).


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 Clerk is estimated to have an overall FY 2022 fiscal impact of \$24,400 which includes a one-time cost of \$9,863. This position is budgeted to the General Fund (101), and there are sufficient appropriations within the City Clerk Department's FY 2022 Operating Budget to support this action.

Respectfully Submitted,



Victor Gordo
Mayor

Prepared by:



Jennifer Curtis
Director of Human Resources

Attachment:

1. SECOND AMENDMENT TO CITY CLERK EMPLOYMENT AGREEMENT