

Contract No. 22,943-4
FOURTH AMENDMENT TO AT-WILL EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF PASADENA
AND
MARK JOMSKY

This **FOURTH AMENDMENT TO AGREEMENT** is entered into this 4th day of December, 2023 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, the City and Employee entered into a second amendment to the Employment Agreement ("Agreement") on December 6, 2021; and

WHEREAS, the City and Employee entered into a third 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 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 \$239,846 (two hundred thirty-nine thousand eight hundred forty-six 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 \$247,041 (two hundred forty-seven thousand forty-one dollars) annually, subject to legally permissible or required deductions, prorated and paid on the City's normal paydays, effective the pay period that includes December 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

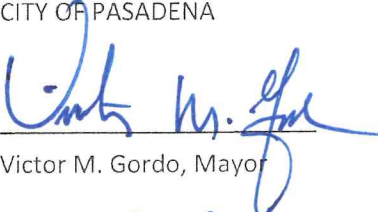
the City Council, in conjunction with EMPLOYEE and unless amended shall not exceed the control rate of \$247,041 (two hundred forty-seven thousand forty-one dollars) annually, effective the pay period that includes December 1, 2023.

3. Section 3D (2) is amended to read, in its entirety, as follows:

"2) Management Time Off: EMPLOYEE will be granted eighty (80) hours of management time off annually. Management Time Off has a maximum of 160 (one-hundred sixty) hours. Management Time Off may not be cashed-out."

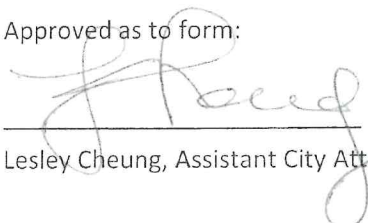
4. All other terms and conditions of the Agreement not modified herein shall remain in full force and effect.

12/14/23
Date

CITY OF PASADENA

Victor M. Gordo, Mayor

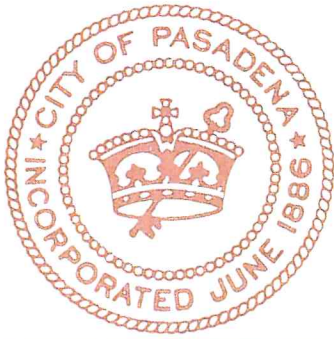
12/08/2023
Date


Mark Jomsky, Employee

Approved as to form:

Lesley Cheung, Assistant City Attorney

ATTEST:

for MARK JOMSKY, CMC
CITY CLERK



Agenda Report

December 4, 2023

TO: City Council
FROM: Mayor Victor M. Gordo
SUBJECT: APPROVAL OF FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY CLERK

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 fourth 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 fourth 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. The employment agreement has been modified three times on April 8, 2019 (Contract No. 22,943-1), December 6, 2021 (Contract No. 22,943-2) and November 21, 2022 (Contract No. 22,943-3).

As a result of the City Clerk's recently completed performance evaluation covering 2022-2023, the Council recommends approving the attached fourth contract amendment (Contract No. 22,943-4) for Mark Jomsky with the following modifications:

1. Compensation/Salary – Effective June 19, 2023, the City Clerk will be paid a base annual salary of \$239,846 representing a 3% general wage increase, and the salary control rate for the City Clerk classification shall also be \$239,846. 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 December 1, 2023, the City Clerk will be paid a base annual salary of \$247,041 representing a 3% merit increase, and the salary control rate for the City Clerk classification shall also be \$247,041.

2. Bonus Pay – The City Clerk will receive a one-time, lump sum payment of \$24,704 (10% of salary) in recognition of his superior performance and accomplishments during this evaluation period.
3. Management Time Off – The maximum for the MTO leave bank will increase from 120 to 160 (one hundred-sixty) hours.

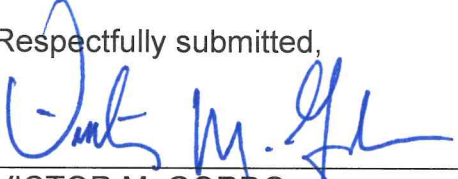
COUNCIL POLICY CONSIDERATION:

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 2024 fiscal impact of \$49,550 which includes a one-time cost of \$24,704. This position is budgeted to the General Fund (101), and the City Clerk 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 – FOURTH AMENDMENT TO CITY CLERK EMPLOYMENT AGREEMENT