

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2020-077

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE MAYOR TO EXECUTE A FOURTH AMENDMENT TO THE CITY
ADMINISTRATOR AT-WILL EMPLOYMENT AGREEMENT EFFECTIVE NOVEMBER 1, 2020.**

WHEREAS, pursuant to Resolution No. 2016-012, the City of Carmel-by-the-Sea (“City”) and Chip Rerig executed an Employment Agreement (“Employment Agreement”) effective February 2, 2016 to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2017-088, City and Chip Rerig executed a First Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2018-110, City and Chip Rerig executed a Second Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2020-034, City and Chip Rerig executed a Third Amendment to the Employment Agreement as the City Administrator voluntarily reduced his compensation by 10% due to the impact of COVID-19 on the economy and the City’s budget; and

WHEREAS, the functions, duties and prerogatives of the City Administrator are specified in the Carmel-by-the-Sea Municipal Code. The provisions of the City Municipal Code shall control should any conflict exist pertaining to either this Resolution or the Agreement that it authorizes; and

WHEREAS, the City Administrator shall continue to serve at the pleasure of the City Council; and

WHEREAS, this action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

WHEREAS, the attached proposed fourth amendment is presented to the City Council for approval, establishing the terms and conditions for service as City Administrator, based on an evaluation that rated the City Administrator as “highly competent.”

WHEREAS, on the basis of the annual performance evaluation, the City Council desires to amend the employment agreement to add 40 hours of executive leave (one-time) to the City Administrator’s Executive Leave and extend the contract through 2025.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Authorize a Fourth Amendment to the Employment Agreement as follows:

4. Term

City Administrator's employment commenced March 1, 2016, and shall continue until March 1, 2025, or the date of earlier termination in accordance with provisions in this Agreement. Commencing March 1, 2018, and on every succeeding March 1st thereafter while this Agreement is in effect, and on the condition that Administrator receives positive performance reviews in the two preceding years, this Agreement shall be automatically extended for two (2) additional years unless prior to that date the City Council notifies Administrator of its intention not to extend the Agreement for two additional years. The City Council's election not to extend this Agreement shall not entitle Administrator to Severance pursuant to Section 6 of this Agreement.

8. Benefits

F. No Car Allowance / Use of City Take Home Vehicle.

City Administrator's duties require him to be available and to respond to the demands of City business at all times and outside of regular business hours, including weekends. City shall not pay City Administrator a monthly car allowance but permit City Administrator to use a City-owned vehicle for business purposes, to commute to or from work, and for personal purposes.

L. Vacation, Sick, Executive, and Bereavement Leave

Executive Leave. Executive Leave. In recognition of his prior service to the City, City Administrator was deemed to have accrued 80 hours of Executive Leave on the date of commencement of employment. Thereafter, the City has granted and will continue to grant 80 hours of Executive Leave on July 1 of each year. In addition, City will grant City Administrator a one-time bank of 40 executive leave hours, for a total of 120 hours; these additional 40 executive leave hours must be used by December 31, 2021. Executive Leave shall not roll over from year to year. Executive Leave shall have no cash value and may not be cashed out during or at the end of Administrator's tenure with the City.

The Mayor is authorized and directed to execute a fourth amendment known as the Fourth Amendment to the City Administrator At-Will Employment Agreement (Exhibit A) to this Resolution.

This Resolution shall take effect immediately following passage and adoption by the Carmel-by-the-Sea City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk