

SECOND AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

THIS SECOND AMENDMENT is made and entered into this 7th day July, 2021, by and between the CITY OF SANTA PAULA, a general law city and municipal corporation ("City"), and DANIEL SINGER, an individual ("Employee").

SECTION 1: Recitals. This amendment to the agreement is made with reference to the following facts:

A. On December 4, 2019, the City and Employee entered into a City Manager Employment Agreement providing for the performance of City Manager services to the City. On November 4, 2020, the employment agreement was amended to extend the term through June 30, 2024, and to synchronize Employee's annual performance evaluation to correspond to the City's fiscal year (together the original agreement and first amendment constitute the "Agreement");

B. It is the City's desire to continue to retain Employee as City Manager pursuant to the terms and conditions of the Agreement and Employee's desire to accept continued employment as City Manager pursuant to those same terms and conditions;

C. The parties now desire by this Second Amendment to the City Manager Employment Agreement ("Amendment") to amend the Agreement to increase Employee's base salary; and

D. This Second Amendment is authorized pursuant to Section 21.F. of the Agreement.

SECTION 2: Amendment.

1. Section 5 of the Agreement, entitled Term, is amended to read as follows:

"5. Compensation.

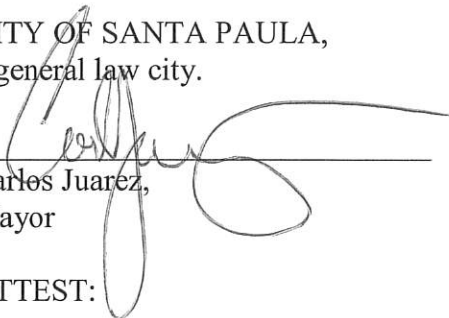
A. City agrees to pay Employee for the services required by this Agreement a monthly base annual salary of One Hundred Ninety Eight Thousand, Nine Hundred Ten Dollars and Forty Cents (\$198,910.40) payable in installments at the same time as other employees of the City are paid. Employee's base annual salary shall increase to Two Hundred Three Thousand, Eight Hundred Eighty One Dollars and Sixty Cents (\$203,881.60) on July 31, 2022."

2. This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together shall constitute one instrument executed on the same date.

3. Except as modified by this Amendment, all other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF SANTA PAULA,
a general law city.



Carlos Juárez,
Mayor

DANIEL SINGER,
an individual.



Daniel Singer

ATTEST:



Julie Latshaw,
City Clerk



APPROVED AS TO FORM:



John C. Cotti,
City Attorney

RESOLUTION NO. 7348

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA PAULA APPROVING A ONE-TIME MERIT
AWARD FOR CITY MANAGER PERFORMANCE**

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

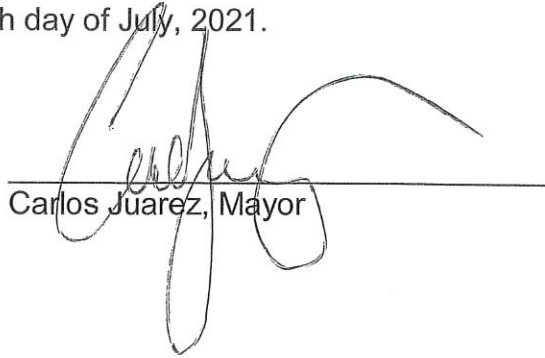
- A. Pursuant to the requirements of City Manager Dan Singer's Employment Agreement, the City Council conducted an annual employee evaluation of the City Manager on June 2 and June 16, 2021;
- B. The City Council unanimously provided Mr. Singer with a positive performance evaluation, recognizing his completion of several Council goals and objectives, his management of the City during the COVID-19 pandemic, and his service as a leader both within City Hall and in the community;
- C. Section 10.B. of Mr. Singer's Employment Agreement authorizes the Council to award a merit bonus as recognition for the accomplishment of goals and objectives and excellent performance; and
- C. At the conclusion of the evaluation, the City Council directed the City Attorney to prepare this resolution to recognize the City Manager's positive performance with the payment of a one-time merit award of \$2,000.

SECTION 2: *One-Time Merit Award.* Pursuant to Section 10.B. of the City Manager's Employment Agreement, the City Council awards to City Manager Dan Singer a one-time merit award of \$2,000.

SECTION 3: *Effective Date.* This Resolution shall take effect immediately upon adoption.

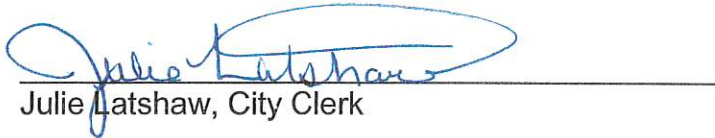
[SIGNATURES ON FOLLOWING PAGE]

PASSED, APPROVED AND ADOPTED this 7th day of July, 2021.



Carlos Juarez, Mayor

ATTEST:



Julie Latshaw, City Clerk

APPROVED AS TO FORM:



John C. Cotti, City Attorney

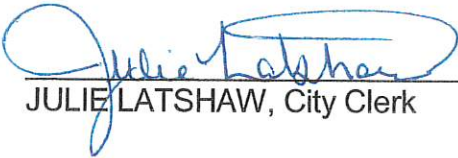


CITY OF SANTA PAULA)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

I, Julie Latshaw, City Clerk of the City of Santa Paula, California, do hereby certify that the foregoing Resolution No. 7348 was duly passed and adopted by the City Council of the City of Santa Paula at the regular meeting thereof, held on the 7th day of July, 2021, and was signed by the Mayor of said City, and that the same was passed and adopted by the following vote:

AYES: ARAIZA, SOBEL, CORNEJO, CROSSWHITE, JUAREZ
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE





JULIE LATSHAW, City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager
John Cotti, City Attorney

Subject: Amendment No. 2 the Employment Agreement with Dan Singer

Date: July 7, 2021

RECOMMENDATION:

Staff recommends that the City Council:

- (1) Approve the Second Amendment to the City Manager Employment Agreement with Dan Singer; and
 - (2) Adopt Resolution No. 7348 approving a one-time merit award for City Manager Performance.
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BACKGROUND:

On December 4, 2019, the City entered into an employment agreement with Dan Singer for the provision of City Manager services. The Agreement was amended in November, 2020, to extend the term to June 30, 2024, and to shift future performance evaluations to coincide with the City's fiscal year (the original agreement and the first amendment are referred to herein as the "Agreement")

The Agreement requires the City Council to perform an annual evaluation of Mr. Singer's performance. On June 2 and June 16, 2021, the City Council conducted a review of Mr. Singer's performance and provided a unanimously positive performance evaluation for his work as City Manager. The City Council was also unanimous in its desire to continue working with Mr. Singer.

Section 5.B. of the Agreement requires the Council to annually review Mr. Singer's salary and authorizes the Council to increase his salary in its sole discretion. In undertaking that review, the Council considered Mr. Singer's salary in the marketplace, the City's financial position, and his performance; among other factors. Mr. Singer's salary has remained \$195,000 since he began in December, 2019.¹

¹ Like all other employees, Mr. Singer voluntarily took a 2.6% pay cut in July, 2020, thereby reducing his salary to 189,930. As of January 1, 2021, Mr. Singer's salary was restored to the \$195,000 level.

Section 10.B. of the Agreement also provides for the awarding of a merit bonus in an amount not to exceed \$20,000 as recognition for the accomplishment of goals and objectives and excellent performance. In recognition of Mr. Singer's performance, the Council directed the awarding of a \$2,000 bonus.

ISSUES/ANALYSIS:

On June 16, 2021, in closed session the City Council discussed Mr. Singer's salary in relation to his performance. At the conclusion of that discussion, the Council directed the City Attorney to bring forward a second amendment to the Agreement that increases Mr. Singer's salary by 1.5% (\$2,932.80) in fiscal year 2021/2022 and 2.5% (\$4,950.40 additional) in fiscal year 2022/2023. Over the two-year period, Mr. Singer's salary will increase by 4% (\$7,883.20) to \$202,883.20 (rounded). A proposed Second Amendment to the Agreement that addresses these terms is presented to the City Council for its consideration.

Council is currently in discussions with other bargaining units. During negotiations with Mr. Singer, the Council expressed a desire to align his employment agreement to be in parity with benefits offered to other bargaining units. If cost of living increases are given to bargaining groups above the percentages discussed above, Mr. Singer's amended agreement will be revised to align with those cost of living increases.

Also attached is Resolution No. 7348, which upon its approval awards a one-time merit award of \$2,000.

FISCAL IMPACTS:

The Council's approval of the Second Amendment affirms a salary increase over two years of \$7,883.20 and adoption of the proposed Resolution affirms a \$2,000 bonus for the City Manager. There are sufficient funds to cover these payments.

PERSONNEL IMPACTS:

There are no personnel impacts associated with this item.

OPTIONS:

In addition to the recommended action, the Council can:

1. Approve the second amendment only;
2. Approve Resolution 7348 to award a one-time merit bonus of \$2,000;
3. Provide additional direction to staff relative to the Second Amendment, Resolution NO. 7348, or both; or

4. Take no action thereby leaving Mr. Singer's salary at its current \$195,000.

ATTACHMENTS:

Santa Paula Resolution approving City Manager Merit Award
Second Amendment to Singer Employment Agreement