



AGENDA REPORT

Meeting Date: June 21, 2016

Item Number: E-27

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AMENDMENT NO. 1 TO AN AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND BYRON POPE.

Attachments:

1. Amendment No. 1 to an Amended and Restated Employment Agreement
2. Pay Schedule for Elected Officials and City Council Appointed Employees

RECOMMENDATION

Approve Amendment No. 1 to an Amended and Restated Employment Agreement and approve the Pay Schedule for Elected Officials and City Council Appointed Employees.

INTRODUCTION

Pursuant to the City Clerk's employment agreement, the City Council reviews the compensation and performance of the City Clerk annually. Following the reviews, the City Council may approve changes to compensation and other terms and conditions of employment.

DISCUSSION

The terms and conditions of Byron Pope's employment by the City as City Clerk are specified in an employment agreement between the City and Mr. Pope. The agreement provides that the City will review compensation and performance annually, and may grant increases or make mutually agreeable changes to the agreement. Following this year's review, the Amended and Restated Employment Agreement provides for a 1.7% cost of living increase in base salary, which reflects the change in the Consumer Price Index for all urban consumers in the Los Angeles-Riverside-Orange County Metropolitan Area. The Amendment also provides for performance pay of \$8,000.00.

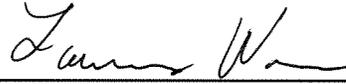
No other substantive changes have been made to the Employment Agreement. To conform to requirements of the California Public Employees Retirement System, the Pay Schedule for Elected Officials and City Council Appointed Employees also needs to be

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updated to show the City Clerk's new salary. This is the only change to the pay schedule.

FISCAL IMPACT

If approved, the Amended and Restated Employment Agreement will provide the City Clerk with a base salary increase of approximately \$2,696.37 annually and a one-time payment of \$8,000.00.



Laurence S. Wiener, City Attorney

Attachment 1

AMENDMENT NO. 1 TO AN AMENDED AND
RESTATED EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF BEVERLY HILLS AND BYRON POPE

This Amendment No. 1 (“Amendment”) is to that certain Amended and Restated Employment Agreement (“Agreement”), dated June 8, 2015, and identified as Agreement No. 236-15 between the City of Beverly Hills (“Employer” or “City”) and Byron Pope (“Employee”), a copy of which is on file in the office of the City Clerk, for services as City Clerk.

R E C I T A L S

A. City and Employee entered into an Amended and Restated Employment Agreement, made as of June 8, 2015 and identified as Agreement Number 236-15.

B. In the Agreement, City and Employee agreed to an annual review and performance evaluation by the City Council.

C. Following such review and evaluation and without limitation to the continuing nature of such communications between the City Council and Employee, the parties desire to amend certain terms and conditions of the Agreement, as provided in this Amendment, and to have all other terms and conditions remain in full force and effect.

NOW, THEREFORE, the parties do amend the Agreement as follows:

Section 1. Section 4, Paragraph A, Sub-paragraph (1), titled "Base Salary," of the Agreement, shall be amended to read in its entirety as follows:

(1) Base Salary. Effective April 1, 2016, Employer shall pay Employee a base salary of \$161,306.47 (One Hundred Sixty One Thousand Three Hundred Six and 47/100 Dollars) annually, subject to legally permissible or required withholding, prorated and paid on Employer's normal paydays. Employee's salary is compensation for all hours worked. Employee shall be exempt from the overtime pay provisions of California law (if any) and federal law. "

Section 2. The City Council has evaluated Employee's performance on the basis of the goals and objectives identified by the City Council pursuant to the program established in Section 4, Paragraph A, Sub-paragraph (2), titled "Salary Review and Performance Pay," of the Agreement. Based on its 2016 annual review, Section 4, Paragraph A, Sub-paragraph (3), titled "2015 Annual Performance Review" is hereby revised to provide performance pay of \$8,000.00 and to read as follows:

"(3) 2016 Annual Performance Review. Based on its 2016 annual performance review pursuant to Section 4, Paragraph A, Sub-paragraph (2) above, Employer agrees to pay Employee performance pay of Eight Thousand and No/100 Dollars (\$8,000.00), in a single lump sum, subject to legally permissible or required withholding, payable on or before the next payday on which the City's Payroll Division can process the payment using normal processing procedures. The performance pay is intended as special compensation, in addition to the salary provided in Section 4, Paragraph A, Sub-paragraph (1) of the Agreement and is paid for superior performance of normally required duties performed during normal hours of employment. However the payment will only be included for purposes of Public Employees' Retirement System contributions and benefits to the extent permitted by law."

Section 3. Except as expressly amended by this Amendment, all of the provisions of the Agreement between the City and Employee, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the ___ day of June, 2016, at Beverly Hills, California.

EMPLOYEE


BYRON POPE

CITY OF BEVERLY HILLS
A Municipal Corporation

JOHN A. MIRISCH
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
LOURDES SY-RODRIGUEZ
Assistant City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

Attachment 2

City of Beverly Hills
Pay Schedule for
Elected Officials and City Council Appointed Employees

<u>Elected Officials</u>	<u>Monthly Salary</u>
City Council Member ¹	\$785.81
City Treasurer ²	\$200.00

<u>City Council Appointed Employees</u>	<u>Effective</u>	<u>Annual Full-Time Salary</u>
City Manager	2/1/15	\$302,400.00
City Clerk	4/1/16	\$161,306.47

¹ Reference: Beverly Hills Municipal Code 2-1-19. Effective April 2007. All Council Members receive the same salary, including those serving as Mayor and Vice Mayor.

² Reference: Beverly Hills Municipal Code 2-3-1103. Effective May 8, 2009.