

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: January 6, 2015

SUBJECT: AMENDMENT TO EMPLOYMENT AGREEMENTS BETWEEN THE CITY OF CONCORD AND CITY MANAGER VALERIE BARONE AND THE CITY OF CONCORD AND CITY ATTORNEY MARK COON, EACH PROVIDING FOR A SALARY INCREASE OF 2.6 PERCENT

Report in Brief

Valerie Barone was appointed as the City Manager in April, 2013. Mark Coon, in turn, was appointed as City Attorney in July, 2012.

Respectively on October 7, 2014 and November 25, 2014, the City Council met in closed session to separately review the performance of Mr. Coon and Ms. Barone. The City Council is pleased with the performance of both individuals. As respects Ms. Barone, the City Council concludes that she has efficiently and effectively served as the City Manager since her appointment, guiding the City in achieving its Mission Statement of working with the community to provide responsive, cost-effective, and innovative local government services. The City Council is also pleased with Mr. Coon's performance and professionalism in serving as the City Attorney. Mr. Coon's experience and legal skills continue to be an asset to the organization.

During each of the closed sessions described above, the City Council appointed an *ad hoc* Committee, comprised of Vice-Mayor Laura Hoffmeister and Councilmember Dan Helix, to make recommendations to the City Council regarding proposed increases to the salaries of Ms. Barone and Mr. Coon. Based on these performance evaluations, the *ad hoc* Committee recommends to the full Council that Ms. Barone and Mr. Coon each receive a salary increase of 2.6 percent.

Discussion

Since her appointment as the City Manager, Ms. Barone has continued to focus the organization on customer service. Her accomplishments from the past fiscal year include working with staff on Council's goals and priorities and the adoption of a balanced budget and 10-year Forecast for FY 2014-15. Some of the City's more notable successes under Ms. Barone's leadership include: Developing an assessment of the City's unmet infrastructure maintenance needs and backlog and unfunded liabilities and incorporating this information into the City's budgeting process; development of a fiscal sustainability ordinance that Council adopted; design and implementation of a public education outreach campaign on what happens if Measure Q is extended or if it is not extended; continued progress towards

**AMENDED EMPLOYMENT AGREEMENTS FOR THE CITY MANAGER AND
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the disposition and development of the former Concord Naval Weapons Station; guiding the provision of services to the community in a manner that resulted in 83% of residents being very satisfied or satisfied with City services; and significant progress on establishing the Central County Regional Family Justice Center in the City of Concord. Additionally, Ms. Barone took a lead role amongst the County City Managers in negotiating with PG&E a new, less destructive approach to their Pipeline Pathways Project.

For his part, under Mark Coon's leadership during the past fiscal year, the City Attorney's Office has provided effective representation for the City in a broad range of legal matters, including claims processing, litigation, labor and employment, law enforcement matters, code enforcement proceedings (including successful conclusion of a significant receivership action), preparation of numerous contracts covering a wide range of subject matter, drafting of ordinances, and day-to-day advice-giving to all City departments on a wide range of legal issues. His key accomplishments included successful resolution of a number of lawsuits against the City, prosecution of numerous code enforcement actions (including the successful closure of two internet gambling establishments fronting as office supply businesses), drafting an ordinance banning aggressive solicitation (panhandling), working closely with the City Council, City Manager, and a number of City departments in forcing PG&E to stand down on its Pipeline Pathways Project, representing the City in a number of personnel matters, providing extensive legal advice regarding Measure Q, and working closely with the Planning Division to implement and revise the new Development Code. Mark also successfully recruited a new assistant City Attorney, Josh Clendenin, who has demonstrated a high degree of competence and quickly established excellent working relationships with key City personnel.

It is recommended by the Council-appointed *ad hoc* Council Committee, consisting of Councilmembers Vice-Mayor Laura Hoffmeister and Daniel Helix, that both Ms. Barone and Mr. Coon each receive a 2.6 percent increase in their respective annual salaries, effective September 29, 2014. If this recommendation is adopted, Ms. Barone would receive an annualized \$6,215.48 salary increase (from \$239,057.10 to \$245,272.58), while Mr. Coon would receive an annualized increase of \$5,354.73 (from \$205,951.20 to \$211,305.93).

It should be noted that effective September 29, 2014, all Executive Management, Management and Confidential Employees, and Local 29 employees, with the exception of Ms. Barone and Mr. Coon received a 2.6 percent salary increase. Additionally, the same employees (again, with the exception of Ms. Barone and Mr. Coon) were eligible, upon a satisfactory or better performance review, to advance five percent within their salary range (if they were not already at the top) in October, 2014, or on their employment anniversary date. Accordingly, the proposed increases in the salaries of Mr. Coon and Ms. Barone are proportionately less than those being received by other management and non-sworn employees.

Fiscal Impact

Funds are available in the budget for the proposed increases.

Public Contact

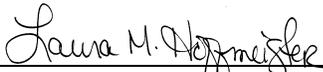
The Council Agenda has been posted as required by law.

Recommendation for Action

Increase the annual salaries of City Manager Valerie Barone and City Attorney Mark Coon by 2.6 percent.

Alternative Courses of Action

Adjust the annual salaries of City Manager Valerie Barone and City Attorney Mark Coon by a different percentage/amount, or make no adjustment.



Laura Hoffmeister, Vice-Mayor



Daniel Helix, Councilmember

Attachments:

Attachment 1 – Amendment to Employment Agreement between City of Concord and City Manager Valerie Barone

Attachment 2 – Amendment to Employment Agreement between City of Concord and City Attorney Mark S. Coon

AMENDMENT TO EMPLOYMENT AGREEMENT

(City Manager)

THIS AMENDMENT TO THE AGREEMENT between the City of Concord (“City”) and Valerie Barone (“Employee”) is dated this 6th day of January, 2014. Recitals City and Employee wish to amend Section 6 (a) of the employment agreement between the City of Concord and Employee, to read as follows:

6. Compensation.

(a) Retroactive to September 29, 2014, City agrees to pay Employee salary at the annualized rate of \$245,272.58 for her services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding. Employee may elect to defer salary up to the maximum amount allowable by law to his ICMA-RC 457 and/or 401 (k) deferred compensation account(s).

IN WITNESS HEREOF, the City has caused this modification to the agreement to be signed on its behalf by the Mayor and duly attested by the City Clerk. It has also been executed by Employee.

Valerie Barone, Employee

Timothy S. Grayson, Mayor

Joelle Fockler
City Clerk

APPROVED AS TO FORM _____

Mark S. Coon
City Attorney

FINANCE DIRECTOR'S CERTIFICATION

CONCORD, CA Date: _____

I HEREBY CERTIFY THAT ADEQUATE FUNDS EXIST OR WILL BE RECEIVED DURING THE CURRENT FISCAL YEAR 2014-2015 TO PAY THE ANTICIPATED EXPENSES TO BE INCURRED PURSUANT TO THIS CONTRACT.

TO WIT: THE SUM OF \$6,215.48

FINANCE DIRECTOR'S SIGNATURE

AMENDMENT TO EMPLOYMENT AGREEMENT

(City Attorney)

THIS AMENDMENT TO THE AGREEMENT between the City of Concord (“City”) and Mark Coon (“Employee”) is dated this 6th day of January, 2015.

Recitals

City and Employee wish to amend Section 7(a) of the employment agreement between the City of Concord and Employee, to read as follows:

7. Salary.

(a) Retroactive to September 29, 2014, City agrees to pay Employee salary at the annualized rate of \$211,305.73 for his services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding. Employee may elect to defer salary up to the maximum amount allowable by law to his ICMA-RC 457 and/or 401 (k) deferred compensation account(s).

IN WITNESS HEREOF, the City has caused this modification to the agreement to be signed on its behalf by the Mayor and duly attested by the City Clerk. It has also been executed by Employee.

Mark S. Coon, Employee

Timothy S. Grayson, Mayor

Joelle Fockler
City Clerk

APPROVED AS TO FORM

Suzanne Brown
Senior Assistant City Attorney

FINANCE DIRECTOR'S CERTIFICATION

CONCORD, CA Date: _____

I HEREBY CERTIFY THAT ADEQUATE FUNDS EXIST OR WILL BE RECEIVED DURING THE CURRENT FISCAL YEAR 2014-2015 TO PAY THE ANTICIPATED EXPENSES TO BE INCURRED PURSUANT TO THIS CONTRACT.

TO WIT: THE SUM OF \$5,354.73

FINANCE DIRECTOR'S SIGNATURE