

RESOLUTION NO. 2006-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK, ON BEHALF OF THE CITY, TO EXECUTE AMENDMENTS TO THE EMPLOYMENT AGREEMENTS OF THE CITY MANAGER AND CITY ATTORNEY

WHEREAS, Clay Phillips and Jeffrey Epp have been serving as the Escondido City Manager and Escondido City Attorney, respectively, pursuant to Employment Agreements with the City; and

WHEREAS, the City Council desires and deems it in the best public interest to provide for their continued employment pursuant to Agreements governing the terms and conditions by which they shall serve as the City Manager and City Attorney; and

WHEREAS, under an amendment to the Employment Agreements adopted in 2004, the base salary for the City Manager and City Attorney positions were to be set based upon a comparative salary formula, and the City Council, City Manager and City Attorney agree that base salary should be based on satisfactory performance, budget availability, and competitive with other cities in San Diego County, and therefore, the manner in which base salary is set under the Agreement should be set according to these factors; and

WHEREAS, the City Council, City Manager, and City Attorney also wish to have a regular process that provides for timely and definitive evaluations and review of performance and salary;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

- 1. That the above recitations are true.

2. The Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an amendment to the Employment Agreements of the City Manager and the City Attorney, a copy of which are attached and incorporated as Exhibit A and Exhibit B.

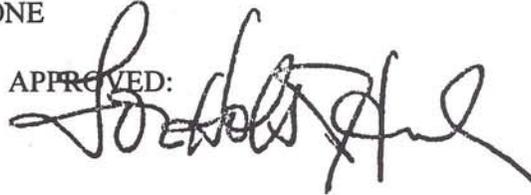
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 9th day of August, 2006 by the following vote to wit:

AYES : Councilmembers: ABED, GALLO, NEWMAN, PFEILER, WALDRON,

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



LORI HOLT PFEILER, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2006-201



Escondido City Clerk
Original Document

CITY OF ESCONDIDO
AMENDMENT TO EMPLOYMENT AGREEMENT

Between: CITY OF ESCONDIDO
201 N. Broadway
Escondido, California 92025
("Employer")

And: Clay Phillips
27118 N. Broadway
Escondido, CA 92026
("Employee")

Witness that whereas:

- A. Employer and Employee have entered into an Employment Agreement providing for terms and conditions of employment to serve as the City Manager.
- B. Employer and Employee wish to recognize the economic and budget constraints presently affecting the City and yet recognize meritorious performance, provide for a continued and stable employment relationship and provide compensation in relation to similar cities in the area.
- C. Employer and Employee amended the Employment Agreement in July, 2004 to accomplish the objectives outlined above, and now wish to make additional modifications to the provisions for base salary, which are set forth in Section 4(a) of the Employment Agreement.

NOW THEREFORE, it is mutually agreed by and between Employer and Employee as follows:

1. Effective as of July 1, 2006, the base salary pursuant to this agreement shall be \$206,504 plus 5.5%. Subject to budget availability, this base salary shall be increased on July 1 of each year pursuant to the provisions of this paragraph. Any increases in base salary shall be primarily subject to satisfactory performance on the part of Employee, and based upon comparative salary information from other cities in San Diego County. Both Employer and Employee agree on the need for prompt and definitive evaluation of performance on at least an annual basis. During the months of May and June of each year, Employee shall take steps to assure that an opportunity for City Council review of performance is placed upon the City Council agenda, and City Council shall use this opportunity to discuss performance with Employee, including implementation of the Council's Work Program, successful day to day operations and major economic development projects involving the City. Also during the month of June, Employee shall provide the City Council with comparative salary information for other cities in San Diego County. No later than July 1, City Council shall determine whether or not to increase the base salary based upon the performance evaluation and the comparative salary information, but in any event the base salary shall be set at least as high as the third highest base salary paid to a city manager for the cities in San Diego County except for the City of San Diego.

In the event the City Council fails to act on the base salary by July 1st of each year, the base salary shall be automatically increased to equal the third highest base salary paid to a city manager for the cities in San Diego County except for the City of San Diego, and such increase shall be retroactively effective as of July 1 of that year.

2. Unless specifically set forth herein, all other provisions of the Employment Agreement, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

Date: 8-17-06

CITY OF ESCONDIDO



Lori Holt Pfeiler
Mayor

Date: 8-17-06



Marsha Whalen
City Clerk

Date: 8/15/06



Clay Phillips
City Manager

APPROVED AS TO FORM:

By: 