



# City of Santa Clara

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## Agenda Report

24-1213

Agenda Date: 12/3/2024

### REPORT TO COUNCIL

#### **SUBJECT**

Action on Approval of Cost-of-Living Salary Adjustment for City Attorney; Approval of Amendment No. 1 to Employment Agreement with City Attorney Glen Googins; Adoption of a Resolution Updating the Unclassified Salary Plan for Position of City Attorney

#### **COUNCIL PILLAR**

Enhance Community Engagement and Transparency

#### **BACKGROUND**

The Employment Agreement between the City of Santa Clara and City Attorney Glen R. Googins (Attachment 1) includes the following provisions:

*3.1. Salary. Employee shall receive an annual salary of Three Hundred Forty-Five Thousand Dollars (\$345,000), less all authorized or appropriate deductions and withholdings, payable in pro-rata increments on regular City paydays, commencing on the first day of employment.*

*3.2. Adjustments. Following completion of the annual performance appraisal, as described in Section 4 below, the City Council shall meet with Employee for the express purpose of determining any appropriate salary adjustment. In determining any appropriate salary adjustment, the City Council shall take into account any cost-of-living adjustments, but the ultimate decision regarding the timing and the amount of any adjustment, including but not limited to cost of living, is within the sole discretion of the City Council.*

*4. Performance Appraisal. The City Council will make its best efforts to undertake a performance appraisal of the Employee at least every twelve (12) months following the Employee's original date of hire. The City Council maintains discretion to conduct performance appraisals more regularly if necessary.*

The City Attorney began his employment with the City on March 1, 2023, and has not had a completed performance appraisal or salary adjustment since that time. During the Closed Session of November 19, 2024, in discussion of the agendaized Performance Appraisal for the City Attorney, the City Council provided direction to staff to bring back for open session discussion and possible action a 3.25% cost of living salary adjustment, retroactive to March 1, 2024. This results in a new annual base salary for the City Attorney of \$356,212.50, which will take effect on December 22, 2024. To effectuate this adjustment, amendments to section 3.1 and 3.2 of the Employment Agreement are proposed (Attachment 2).

Section 9 of the Personnel and Salary Resolution requires City Council approval of compensation

plans for unclassified positions. California Code Regulations Section 570.5 governs and requires the adoption of updated publicly available salary schedules by the governing body. The proposed Council action satisfies these applicable requirements. The updated salary plan reflects the Council approved merit increase for the City Attorney.

In addition, the Brown Act requires that where final action is being taken that includes a change to the compensation of a local agency executive (here, the City Attorney), a verbal summary of that executive compensation shall be stated at the regular meeting of the legislative body at which the action is taken.

### **DISCUSSION**

A performance appraisal for the City Attorney has been agendized on three occasions (2/27/24, 11/12/24, and 11/19/24), however, to date, the appraisal has not been completed. In light of the already-significant delay in completing the performance appraisal process, the anticipated further delays into 2025, and the cost-of-living adjustments provided to Unit 9 members (all employees of the City Attorney's Office are members of Unit 9), the City Council discussed in Closed Session providing the City Attorney with a cost-of-living salary adjustment pending the completion of the performance appraisal process.

During the Closed Session of November 19, 2024, in discussion of the agendized Performance Appraisal for the City Attorney, the City Council provided direction to staff to bring back for open session discussion and possible action a 3.25% cost of living salary adjustment, retroactive to March 1, 2024. This results in a new annual base salary for the City Attorney of \$356,212.50.

The proposed amendments to the Employment Agreement provide for the following: (1) a statement of the new salary level, and (2) clarification that the ultimate decision regarding the timing and the amount of any adjustment (including cost-of-living adjustments) may be made by the City Council at any point in the performance appraisal process.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

The wage increase for the City Attorney has an annual salary cost of approximately \$11,212.50 (from \$345,000 to \$356,212.50). In addition, there will be a retroactive payment for the period March 1, 2024, through December 21, 2024, in the amount of \$9,099.38. In FY 2024/25, the total estimated cost is \$14,921 and covers the retroactive period starting March 1, 2024 through June 30, 2025. There is sufficient funding in the City Attorney's Office budget to cover this cost in FY 2024/25, and this additional cost will be factored into the FY 2025/26 budget.

### **COORDINATION**

This report has been coordinated by and between the Human Resources Department, Finance Department, and City Attorney's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

1. Approve, and authorize Mayor to sign, Amendment No. 1 to the Employment Agreement with City Attorney Glen R. Googins;
2. Approve cost-of-living salary adjustment for City Attorney of 3.25% retroactive to March 1, 2024, resulting in a new annual salary of \$356,212.50 (to take effect on December 22, 2024), and a retroactive payment of \$9,099.38;
3. Adopt a Resolution updating the Unclassified Salary Plan reflecting the new annual salary for the position of City Attorney to satisfy the requirements of California Code of Regulations Section 570.5, effective December 22, 2024.

Reviewed by: Aracely Azevedo, Director, Human Resources Department

Approved by: Jōvan Grogan, City Manager

**ATTACHMENTS**

1. Employment Agreement between City of Santa Clara and Glen R. Googins
2. Amendment No. 1 to Employment Agreement between City of Santa Clara and Glen R. Googins
3. Resolution Approving and Adopting Updated Unclassified Salary Plan (effective December 22, 2024) approved December 3, 2024
4. Unclassified Salary Plan (effective December 22, 2024) approved December 3, 2024

**AMENDMENT NO. 1  
TO THE EMPLOYMENT AGREEMENT  
BY AND BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA,  
AND  
GLEN R. GOOGINS**

**PREAMBLE**

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation ("City") and Glen R. Googins ("Employee"). City and Employee may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

**RECITALS**

- A. The Parties previously entered into an agreement entitled "Employment Agreement" dated January 10, 2023 ("Agreement"); and
- B. The Parties entered into the Agreement for the purpose of appointing and employing Employee as the City Attorney and associated duties, and the Parties now wish to amend the Agreement to adjust compensation and clarify procedures relating to performance appraisal and compensation.

NOW, THEREFORE, the Parties agree as follows:

**AMENDMENT TERMS AND CONDITIONS**

- 1. Section 3.1 of the Agreement, entitled "Salary" is amended to read as follows:
  - 3.1. Salary. Employee shall receive an annual salary of Three Hundred Fifty-Six Thousand Two Hundred Twelve Dollars and Fifty Cents (\$356,212.50), less all authorized or appropriate deductions and withholdings, payable in pro-rata increments on regular City paydays, commencing on the first day of employment.
- 2. Section 3.2 of the Agreement, entitled "Adjustments" is amended to read as follows:
  - 3.2. Adjustments. Following completion of the annual performance appraisal as described in Section 4 below, or at any other time within the discretion of the City Council, the City Council shall meet or otherwise communicate with Employee for the express purpose of determining any appropriate salary adjustment. In determining any appropriate salary adjustment, the City Council shall take into account any cost-of-living adjustments, but the ultimate decision regarding the timing and the

amount of any adjustment, including but not limited to cost of living, is within the sole discretion of the City Council.

3. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.

**CITY OF SANTA CLARA, CALIFORNIA**  
a chartered California municipal corporation

Approved as to Form:

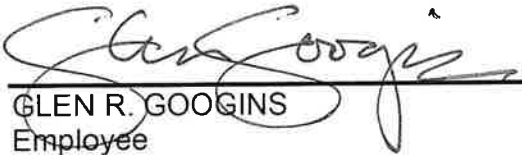
Dated: 1-14-25



Sujata Reuter  
Chief Assistant City Attorney



LISA M. GILLMOR  
Mayor

  
GLEN R. GOOGINS  
Employee