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Staff Report for a Resolution Extending the Term of the Current Employment Agreement with City Manager Chris Zapata

SUMMARY AND RECOMMENDATIONS

The City Council is negotiating terms and conditions of a new employment agreement with San Leandro’s City Manager, Chris Zapata. Mr. Zapata’s employment agreement automatically terminates January 30, 2015. The parties anticipate that the negotiation of a new employment agreement with Mr. Zapata will not conclude by January 30, 2015. Therefore, to avoid a technical default of the employment agreement, the City Council should consider an extension to the term of the employment agreement - under the current agreement’s conditions and provisions - for six months.

BACKGROUND

The City Council’s employment agreement with Mr. Zapata was executed January 17, 2012. The termination of the agreement is January 30, 2015. The City Council and Mr. Zapata are currently engaged in good faith negotiations on the terms, conditions, and provisions of a new employment agreement. The parties intend to complete the negotiation of a new employment agreement within the next 30 days, so that a new agreement is presented for review and approval by the City Council in accordance with the Brown Act. In order to encompass this negotiation period, address any contingencies that may necessitate further time to consider and analyze provisions, and to not have to return to the City Council for an additional extension of the term, it is the parties’ intention to extend the City Manager’s employment agreement for six months, under its current conditions and provisions.

Analysis

To avoid a technical default of the Agreement, and maintain continuity of purpose, it is in the parties' best interest to extend the term of the current agreement while good faith negotiations on a new agreement continue.

Fiscal Impacts

The terms and conditions, including compensation and benefits, of the City Manager are within the City's current budget. So, no fiscal impacts associated with this action are anticipated.

ATTACHMENT

Attachment to Resolution

- First Amendment to Agreement for Employment

PREPARED BY: Richard D. Pio Roda, City Attorney