



City of Emeryville

CALIFORNIA

MEMORANDUM

Date: July 7, 2020
To: Mayor/Chair Christian Patz and City Council/MESA Board
From: Michael Guina, City Attorney/General Counsel
Subject: City Attorney Employment Agreement

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY (MESA) APPROVING AN AGREEMENT OF EMPLOYMENT BETWEEN MESA AND MICHAEL GUINA AS CITY ATTORNEY/GENERAL COUNSEL FOR THE PERIOD OF AUGUST 1, 2020, THROUGH JULY 31, 2022, AND AUTHORIZING THE CHAIR OF THE BOARD OF DIRECTORS TO EXECUTE SAID AGREEMENT ON BEHALF OF THE MESA

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE APPROVING AND CONSENTING TO AN AGREEMENT OF EMPLOYMENT BETWEEN THE MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY AND MICHAEL GUINA AS CITY ATTORNEY/GENERAL COUNSEL FOR THE PERIOD OF AUGUST 1, 2020, THROUGH JULY 31, 2022

RECOMMENDATION

Staff recommends the MESA Board of Directors and City Council review the attached resolutions regarding an Agreement of Employment ("Agreement") between MESA and Michael Guina as City Attorney/General Counsel for a two- year period commencing August 1, 2020, and expiring July 31, 2022.

The MESA resolution approves the Agreement and authorizes the Chair of the Board of Directors to execute the Agreement with Mr. Guina. The City Council resolution approves and consents to the Agreement between MESA and Mr. Guina. The proposed Agreement is attached as Exhibit A to both resolutions.

BACKGROUND

The MESA retained the services of Michael Guina as City Attorney in 2018 pursuant to that certain Agreement of Employment effective July 1, 2018, for a two-year term ending July 30, 2020. That agreement allows for the Parties to meet periodically in closed session for the purpose of evaluating the performance of the City Attorney and to negotiate and consider a new contract as deemed necessary and appropriate. Pursuant to those terms, the Parties entered into negotiations for new terms of employment and wish to enter into a new Agreement for the period 2020-2022, described below. The terms of the proposed Agreement are the same as those of 2018-2020 agreement.

DISCUSSION

The proposed new employment Agreement contains the following substantive deal points:

- Section 1 provides that as City Attorney for the City of Emeryville, Mr. Guina also serves as the City Attorney for the City of Emeryville Successor Agency, General Counsel of the Emeryville Public Financing Authority, General Counsel of the Emeryville Community Development Commission, and General Counsel of the Management of Emeryville Services Authority.
- Section 2 provides for a two-year term commencing August 1, 2020, and terminating on July 31, 2022, and that the parties will meet in good faith to renegotiate the terms of the Agreement at least three (3) months prior to its expiration.
- Section 3 specifies the City Attorney is an at-will employee.
- Section 4 provides that the MESA Board may terminate the Agreement prior to expiration, but the City Attorney is entitled to a maximum of six months' severance pay, plus 100% of any accrued vacation and administrative leave, plus 60% of accrued sick leave. The City Attorney may resign upon providing sixty (60) days' prior notice, at which time he is entitled to 100% of any accrued vacation and administrative leave, plus 60% of accrued sick leave.
- Section 6 provides that the City Attorney shall be paid a base salary of \$17,680.00 per month. The Board may increase the base salary following the annual evaluation of the City Attorney. In addition, the City Attorney shall receive the same annual increases to Base Salary as negotiated between MESA and the Confidential Administrative, Managerial and Professional (CAMP) bargaining group.
- Section 7 provides for 4 weeks of vacation, 3 weeks of sick leave, and 80 hours of administrative leave.
- Section 8 provides for the 2% @ 55 PERS formula, and the City Attorney will pay the employee contribution.

FISCAL IMPACT

The salary and benefits for FY 20-21 have been included in the current FY19/20-20/21 budget.

CONCLUSION

Enclosed are resolutions for consideration by the Board of Directors of MESA and the City Council. The MESA resolution would approve the new Agreement and authorize the Chair of the Board of Directors to execute a new two (2) year employment agreement with Michael Guina. Further the City Council resolution would approve and consent to the Agreement between MESA and Michael Guina

Respectfully submitted,



Michael A. Guina
City Attorney/General Counsel

ATTACHMENTS:

- MESA Resolution
 - Exhibit A: Proposed Agreement 2020-2022
- City Council Resolution
 - Exhibit A: Proposed Agreement 2020-2022