



## DISCUSSION

### City of San Bernardino Request for Council Action

**Date:** November 6, 2024

**To:** Honorable Mayor and City Council Members

**From:** Andrea Russell, Director of Human Resources;  
Rochelle Clayton, Acting City Manager

**Department:** City Manager's Office

**Subject:** **Confirm Appointment and Approve Employment Agreement for the Position of City Manager**

#### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve and authorize the Mayor to execute an employment agreement for the position of City Manager with Rochelle Clayton, with an effective date of October 2, 2024, as decided by the City Council and reported in public on the same date.

#### **Executive Summary**

During its Closed Session meeting on Wednesday, October 2, 2024, the Mayor and City Council voted unanimously to appoint Rochelle Clayton as the City Manager. The City Council directed the City Attorney to prepare an employment contract with a salary of \$325,000 and certain terms of the agreement identical to the terms provided for in the previous city manager agreement, to be approved at the next scheduled Mayor and City Council Meeting.

#### **Background**

Rochelle Clayton was appointed as the Acting City Manager on May 22, 2024. The Mayor and City Council discussed the appointment of a City Manager and provided direction for consideration to be discussed in September 2024, leading to the 8-0 vote to appoint Ms. Clayton as the City Manager on October 2, 2024.

#### **Discussion**

The Employment Agreement presented sets forth the terms of employment, effective October 2, 2024. The Employment Agreement provides for all of the following:

Term: Section 2: There is no specific term for a set period of years. Instead the Agreement will continue indefinitely until terminated.

Compensation: Section 3: Salary will initially be \$325,000. On October 2, 2025 the salary will increase by the consumer price index with a cap of 5% and this will continue for each year that the Agreement is in effect.

Benefits: Section 3.2: Benefits will be the same as those provided under the Executive Benefits Resolution which is attached.

Car Allowance: Section 6: A vehicle allowance in the amount of \$775.00 per month per Resolution No. 2024-034 or as amended.

Relocation Benefit: Section 7: One-time relocation benefit of \$10,000, if relocation to a residence within the boundaries of the City is accomplished before October 2, 2026.

Severance Payment: Section 11.7: Provides for a severance payment of six-months base salary only (no other benefits or payments) if the Agreement is terminated without cause.

#### **GOVERNMENT CODE SECTION 54953(c)(3) ANNOUNCEMENT**

Effective January 1, 2017, Government Code Section 54953(c)(3) requires the Mayor, Mayor Pro Tempore, or other presiding officer to orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in Section 3511.1(d) of the Government Code, during the open regular meeting in which the final action is to be taken and prior to the motion to approve.

#### **ORAL REPORT BY MAYOR**

Prior to a motion to approve the City Manager Employment Agreement, the Mayor shall make an oral summary report of the Salary, Benefits, and Severance provisions of the City Manager Employment Agreement that are unique to this agreement.

*“In accordance with Government Code Section 54953(c)(3), a summary of the City Manager’s salary and benefits is reported as follows:*

*The annual salary of the assignment of City Manager will be \$325,000. The City Manager will receive a monthly auto allowance as set forth in Resolution 2024-034 and an annual cost of living adjustment set at the designated CPI, subject to a 5% maximum cap.*

*The City Manager will receive all other benefits and compensation that are applicable as set forth in the Executive Compensation and Benefits Plan approved by Resolution 2022-59 and is eligible for a severance payment equal to six months base pay.*

*These benefits are set forth in detail in Resolutions 2024-034 and 2022-59 attached to this staff report.”*

### **2021-2025 Strategic Targets and Goals**

The authorization to execute the Employment Agreement aligns with Key Target No. 2: Focused Aligned Leadership and Unified Community.

### **Fiscal Impact**

The salary and benefits for the City Manager are included in the FY 2024/25 Operating Budget.

### **Conclusion**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, approve and authorize the Mayor to execute an employment agreement for the position of City Manager with Rochelle Clayton, with an effective date of October 2, 2024, as decided by the City Council and reported in public on the same date.

### **Attachments**

Attachment 1 - Employment Agreement

Attachment 2 - Resolution 2022-59

Attachment 3 - Resolution 2024-034

### **Ward:**

All Wards

### **Synopsis of Previous Council Actions:**

May 22, 2024 Mayor and City Council of the City of San Bernardino Appointed to Acting City Manager

October 2, 2024 Mayor and City Council of the City of San Bernardino Voted to Appoint as City Manager