



Legislation Text

File #: 2021-0446, **Version:** 1

DATE: January 11, 2022

SUBJECT:

RESOLUTION APPROVING AMENDMENTS TO THE EMPLOYMENT AGREEMENTS FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CEO), GENERAL COUNSEL, AND PORT AUDITOR

EXECUTIVE SUMMARY:

The Executive Director (President/CEO), General Counsel and Port Auditor positions all report directly to the Board of Port Commissioners (Board). The terms and conditions under which these positions serve are memorialized in Employment Agreements. Amendments to the Employment Agreements for the President/CEO, General Counsel and Port Auditor are being presented for Board consideration and approval.

RECOMMENDATION:

Adopt a Resolution approving amendments to the Employment Agreements for the Executive Director (President/CEO), General Counsel and Port Auditor

FISCAL IMPACT:

The salary and benefits for the President/CEO, General Counsel and Port Auditor have been budgeted and are included in the FY2021/2022 Operating Budget. All funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to board approval upon adoption of each fiscal year's budget.

COMPASS STRATEGIC GOALS:

This agenda item is part of the reporting system to promote transparency and open communication with the community and supports the following Strategic Goals:

- A Port that the public understands and trusts.
- A Port with an innovative and motivated workforce.

DISCUSSION:

The Board of Port Commissioners (Board) recently met in closed session to conduct performance reviews for the President/CEO, General Counsel and Port Auditor. As a result, the Board determined that amendments to their Employment Agreements would be considered. The proposed amendments would change the salary and/or terms for the President/CEO (Attachment A), General Counsel

(Attachment B) and Port Auditor (Attachment C).

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved the agenda sheet and the Amendments to the Employment Agreements, as presented , as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution approving amendments to employment agreements, does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

The proposed Board action complies with Section 35 of the Port Act, which allows the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct DEI impact on contracting, but the three positions are included in the District's workforce reporting.

PREPARED BY:

Michelle Corbin
Director, Human Resources

Attachment(s):

Attachment A: First Amendment to the Employment Agreement between the San Diego Unified Port District and Joseph Stuyvesant

Attachment B: Eighth Amendment to the Employment Agreement between the San Diego Unified Port District and Thomas A. Russell

Attachment C: First Amendment to the Employment Agreement between the San Diego Unified Port District and Mark Yielding