



## Legislation Text

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**File #:** 2018-0329, **Version:** 1

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**DATE:** July 17, 2018

**SUBJECT:**

**RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CHIEF EXECUTIVE OFFICER)**

**EXECUTIVE SUMMARY:**

The Executive Director (President/Chief Executive Officer) position reports directly to the Board of Port Commissioners (Board). The terms and conditions under which this position serves are memorialized in an Employment Agreement. An Amendment to this Employment Agreement for the Executive Director (President/Chief Executive Officer) is being presented for Board consideration and approval.

**RECOMMENDATION:**

Adopt a Resolution approving Amendment to the Employment Agreement for the Executive Director (President/Chief Executive Officer)

**FISCAL IMPACT:**

The salary and benefits for the Executive Director (President/Chief Executive Officer) have been budgeted and are included in the FY 2019 Operating 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 a performance review for the Executive Director (President/Chief Executive Officer). As a result, the Board determined that an amendment to her Employment Agreement would be considered. The proposed amendment would change the salary for the Executive Director (President/Chief Executive Officer) (Attachment A).

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed the Amendment to the Employment Agreement of the Executive Director (President/Chief Executive Officer) as presented to it and approves it as to form and legality.

### **Environmental Review:**

The proposed Board direction or action, including without limitation, amending the employment agreement for the Executive Director 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.

In addition, the proposed Board direction or action complies with Section 73 of the Port Act, which allows the Board to fix the salaries of officers by ordinance. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed presentation is consistent with the Public Trust Doctrine.

The proposed Board direction or 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.

### **Equal Opportunity Program:**

Not applicable.

### **PREPARED BY:**

Michelle A. Corbin  
Director, Human Resources

### **Attachment(s):**

Attachment A: Third Amendment to Employment Agreement between San Diego Unified Port District and Randa J. Coniglio