



Legislation Text

File #: 2020-0378, **Version:** 1

DATE: November 10, 2020

SUBJECT:

RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE GENERAL COUNSEL

EXECUTIVE SUMMARY:

The General Counsel 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 General Counsel is being presented for Board consideration and approval.

RECOMMENDATION:

Adopt a Resolution approving an amendment to the Employment Agreement for the General Counsel

FISCAL IMPACT:

The salary and benefits for the General Counsel have been budgeted and are included in the FY2020/2021 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 General Counsel. As a result, the Board determined that an amendment to his Employment Agreement would be considered. The proposed amendment would change the terms for the General Counsel (Attachment A).

General Counsel's Comments:

The Office of the General Counsel has reviewed the agenda sheet and the Amendment to the

Employment Agreement of the General Counsel, as presented to it, and approves them as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, a resolution amending the employment agreement for General Counsel, does not constitute a “project” under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it would not have the 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 Sections 21, 35, 72, and 73 of the Port Act, which allow the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, to appoint an attorney, and to fix the salary of officers. 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.

Equal Opportunity Program:

Not applicable.

PREPARED BY:

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Director, Human Resources

Attachment(s):

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