RESOLUTION NO. 105-23 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING SECOND AMENDMENT TO EMPLOYMENT CONTRACT BETWEEN THE CITY OF WATSONVILLE AND IRWIN IVAN ORTIZ FOR EMPLOYMENT AS CITY CLERK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE,

CALIFORNIA, AS FOLLOWS:

1. This action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Additionally, even if a “project,” the action would be exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

2. That the Second Amendment to Employment Contract between the City of Watsonville and Irwin Ivan Ortiz for employment as City Clerk of the City of Watsonville, which Contract is attached hereto and incorporated herein by this reference, is hereby approved.

3. That the Mayor be hereby authorized and directed to execute the Second Amendment to the Employment Contract for and on behalf of the City of Watsonville.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 13th day of June, 2023, by Mayor Montesino, who moved its adoption, which motion being duly seconded by Member Salcido, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: Clark, Dutra, Orozco, Parker, Quiroz-Carter, Salcido, Montesino

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

I, Irwin I. Ortiz, City Clerk of the City of Watsonville, do hereby certify that the foregoing Resolution No. 105-23 (CM) was duly and regularly passed and adopted by the Watsonville City Council at a meeting thereof held on the 13th day of June, 2023, and that the foregoing is a full, true and correct copy of said Resolution.

Irwin I. Ortiz, City Clerk
Include insurance documents, signed agreements, and all relevant documentation.

All documents must be signed by contractor/lessee and in Munis (if applicable) prior to routing to City Clerk.

Request:
- City Manager Signature
- City Attorney Review/Approval
- Notarization
- Munis Approval NOT REQUIRED
- IT Reviewed (if applicable) – THIS CONTRACT INVOLVES TECHNOLOGY, AN EMAIL FROM THE IT DIRECTOR APPROVING THE CONTRACT MUST ACCOMPANY THIS FORM.

All documents routed for signatures must be approved by Department Head.

Department Head Approval: ___________________________ Date: ________________

To be completed by initiating department: (PLEASE COMPLETE ENTIRELY)

Staff Responsible: ___________________________ Department: ___________________________ Phone Ext: ___________

Contractor/Vendor Name: ___________________________

Project Title: ___________________________

Original Contract Amount: $______________ Changer Order/Amendment No(s) ______

Amendment Amount $ ___________ Cumulative Total $______________

Funding Source (Name of Acct. & Enterprise) ___________________________

Budget Account No(s): ___________________________

Resolution No. (if any): ___________________________

- Document is within CM signature authority up to $100,000 (cumulative) for professional services or Public projects meeting the amount set forth in subdivision (b) of California Public Contract Code Section 22032, except as otherwise provided by State legislation, the project shall be let to contract by formal bidding procedure.
- Insurance is up to date and included.
- (For Bids only) DIR Extract Form has been filled and attached (due within 5 days of award of contract by Council or within 5 days from City Manager signature of Quick Bid)

☐ This is a form agreement prepared by City Attorney’s Office.
(See http://intranet.ci.watsonville.ca.us/node/303)
- No changes were made; or
- Changes are described AND redlined version is attached.

☐ This is not a form agreement prepared by City Attorney’s Office.
Previously prepared or reviewed by: ___________________________

- $10,000 to $100,000 complete memo stating quotes obtained, include names and amounts, if did not obtain any, explain reasons pursuant to WMC 3-5.530.
- Sole Source (attach memo explaining reasons for sole source or list any other exemptions pursuant to (WMC 3-5.210)).

Description of project, scope of work or purchase (must be detailed, incomplete or deficient statements will be sent back):
City Clerk Contract Amendment Per Council Evaluation

☐ Consultant Required to File FPPC Form 700 (Statement of Economic Interests)
SECOND AMENDMENT TO THE AT-WILL EMPLOYMENT AGREEMENT OF IRWIN IVAN ORTIZ

This Second Amendment is entered into by and between the CITY OF WATSONVILLE, a municipal corporation, hereafter referred to as “City,” and Irwin Ivan Ortiz, hereafter referred to as “Employee,” and collectively as “Parties.”

RECITALS

WHEREAS, on March 22, 2022, the City Council adopted Resolution No. 54-22 (CM), appointing Irwin Ivan Ortiz as City Clerk, and approving an at-will employment agreement (“Agreement”) between the City and Ortiz for employment of Ortiz as City Clerk; and

WHEREAS, on October 25, 2022, the City Council adopted the First Amendment to the Agreement; and

WHEREAS, the Parties now wish to amend the Agreement.

NOW THEREFORE, the Parties agree that the At-Will Employment Agreement of Irwin Ivan Ortiz shall amended as follows:

1. Section 6. Salary. Section 6 is amended to read as follows:
   b. Effective March 23, 2023, City agrees to pay Employee $160,000.00 per year for his services. All salary payments to Employee shall be payable in installments at the same time as other employees of the City are paid and subject to customary withholding.

2. Section 7. Supplemental Benefits. Section 7.b. is amended to read as follows:
   b. Effective March 23, 2022, the City will provide Employee a bi-weekly contribution of $250 in deferred compensation to a plan of Employee’s choosing.

3. Section 9. Annual Performance Evaluation. Section 9.b. is amended to read as follows:
   b. The City Council will provide Employee with a review, in September of each year, as detailed in section 6(c) above based on Employee’s performance of assigned duties as detailed in this Agreement.
All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the At-Will Employment Agreement of Irwin Ivan Ortiz on the day and year noted above.

CITY OF WATSONVILLE

By: ________________________________  By: ________________________________
Eduardo Montesino, Mayor   Irwin Ivan Ortiz, City Clerk

ATTEST:

______________________________
Irwin Ivan Ortiz, City Clerk

APPROVED AS TO FORM:

______________________________
Samantha W. Zutler, City Attorney