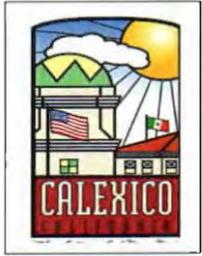


AGENDA  
ITEM

**10**



# AGENDA STAFF REPORT

**DATE:** December 9, 2019

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, City Manager *DD*

**PREPARED BY:** David B. Dale, City Manager

**SUBJECT:** Approve Amendment to the Police Chief's Contract

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**Recommendation:**

Approve amendment the Police Chief's current contract.

**Background:**

Under section 2.02.100 of the City's Municipal Code the City Manager has the authority to control, order and direct all heads of City Departments. Moreover, section 2.02.110 provides the City Manager has the authority to appoint, remove, promote and demote all officers and employees of the City, except the city clerk and city attorney. Further, under Sections 2.10.030 and 2.08.030, the City Manager has the authority to appoint the Police Chief subject to the approval of the City Council.

The amendment to the employment agreement is being brought to council for ratification. The City of Calexico Police Department's Police Chief and City Manager have reopened negotiations and have reached an agreement to amend the current contract.

The CPOA sent the City Manager a letter of confidence in Chief Gerardo on November 21, 2019.

**Discussion & Analysis:**

Chief Gerardo is due a merit increase on December 2019 due to his exemplary performance. Although understaffed, the Police Department is operating at a high level. The morale in the department has increased substantially since he took over the Interim Police Chief position in March 2018, and subsequently appointed Police Chief in December 2018.

It is recommended to increase Mr. Gerardo's salary from G69 Step 4 (\$127,395 per year) to G69 Step 5 (\$133,765.00 per year). The agreement also amends his severance pay from four months to six months per his

<p><b>AGENDA ITEM</b></p> <p><i>10</i></p>
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original contract dated December 14, 2018. No other changes to the contract changes are being requested.

**Fiscal Impact:**

\$ 8,582.15 salary and benefits for calendar year 2020

\$ 5,006.26 salary and benefits for the remainder of FY 19/20

**Funds:**

General Fund

**Coordinated With:**

City Manager.

City Attorney

City Finance Department

**Attachment(s):**

1. Contract Amendment
2. Copy of Original Contract
3. Letter of Confidence from the CPOA dated November 21, 2019
4. Letter from the Calexico Police Advisory Commission



# CALEXICO POLICE OFFICERS' ASSOCIATION

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November 21, 2019

City of Calexico  
ATTN: City Manager, David Dale and Calexico City Council  
608 Heber Avenue  
Calexico, CA 92231

**RE: Letter of Confidence Chief Gonzalo Gerardo**

Dear Mr. Dale and distinguished members of the Calexico City Council:

It is with pleasure that the men and woman of the Calexico Police Officers Association (CPOA) take the position of supporting Calexico Chief of Police, Gonzalo Gerardo with this **“LETTER OF CONFIDENCE.”** Since taking the helm of the Calexico Police Department (CPD) nearly a year ago, Chief Gerardo has led the CPD with professionalism, integrity and a clear vision of putting the needs of the community and members of his department first. Chief Gerardo achieves excellence through constant evaluation of the CPD’s practices and procedures to ensure its maximum potential.

Since becoming Chief, Gerardo has facilitated the hiring of much needed Police Officers, Public Safety Dispatchers, and Traffic Controllers while not compromising hiring standards to meet the demanding needs of Calexico when funds were scarcely available. Chief Gerardo’s extensive law enforcement experience and expertise has not only assisted in working within the framework of a limited budget, but the ability to locate sources of funding outside the budget. Over the years, Chief Gerardo has fostered and developed productive relationships involving state, local, and federal law enforcement agencies to enhance law enforcement services in Calexico as a way to supplement the department’s limited staff. In doing so, Chief Gerardo’s efforts have greatly reduced the overall crime problem in Calexico thereby enhancing the quality of life for its citizens.

When the Calexico Police Department was on the brink of disbandment, Chief Gerardo proved beyond a shadow of a doubt the men and woman of the CPD were better abled and experienced to meet the demanding needs of its citizens than outsourcing to an outside law enforcement agency.

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Despite staffing levels being below what would be considered ideal, Chief Gerardo has made it a priority to send all officers and public safety dispatchers to training to maintain the highest levels of service and discipline within the organization. Chief Gerardo has uplifted moral by taking a democratic approach to the rebranding of the CPD's shoulder patch which is scheduled to take effect in January of 2020. The rebranding is a symbol of the department's new vision of achieving excellence through professionalism and accountability.

With regard to equipment, Chief Gerardo has authorized the purchase of much needed body armor, is looking to provide all CPD officers with assigned laptops as an alternative to the limited computers within the department so officers can complete report writing duties in a more efficient manner.

Chief Gerardo has also taken the initiative to place more cameras to include license plate readers at the entry points to the U.S/Mexico International Border entrance (La Salida) as a way of locating and mitigating auto thefts in the city of Calexico.

In conclusion, Chief Gerardo truly cares and is dedicated to the community members in which he serves and men and woman who serve under his command. No Chief to date has been able to maintain such a positive relationship with subordinates well maintaining a productive relationship with city administration as the two rarely go hand and hand. It is again with pleasure the members of the CPOA submit this LETTER OF CONFIDENCE on behalf of Chief Gonzalo Gerardo.

Sincerely,



Sgt. Sean Acuña  
President, Calexico Police Officers Association

# Calexico Police Advisory Commission

November 19, 2019

Honorable Mayor Bill Hodge

Honorable City Council

Dear Mayor and City council members, this letter is in support of Calexico Police Chief Gonzalo Gerardo. During this past year, his leadership of the Calexico Police Department has balanced the City's budgetary constraints, needs of department personnel, and above all the interest of the community whom the department is sworn to protect.

At the Police Commission, we have collectively observed Chief Gerardo is genuine in his collaborative approach to leading the department by encouraging and accepting a broad perspective of ideas. Chief Gerardo has worked diligently to enhance the police department's community policing mission.

The Police Chief has also been an invaluable asset to the commission in offering his expertise and addressing community and commission concerns in a timely manner and at all hours of the day. This has increased public confidence in the police department by demonstrating to the community the department leadership and representatives in the community are responsive to their questions, comments, and concerns.

Countless citizens, that do not have the time to attend or are hesitant to speak at city council meetings, have directly expressed to police commissioners that they appreciate and are pleased with the department's responsiveness under Chief Gerardo's leadership.

We at the Police Advisory commission are pleased to have a Police Chief that has demonstrated time and time again his ability to provide vision, transparency, leadership and uncompromising commitment to the City of Calexico and the Police Department.

We the Police Advisory Commission voted unanimously in support of drafting this letter of support supporting Chief Gerardo. Thus we wholeheartedly and unequivocally recommend your continued support of Chief Gerardo's continued leadership of our Calexico Police Department.

We look forward to continue the working relationship with Chief Gerardo and his leadership and commitment to enhancing law enforcement services to the City of Calexico and its residents

Thank You,



Orlando Espino  
Chairman  
Police Advisory Commission

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT – POLICE CHIEF  
THE CITY OF CALEXICO, CALIFORNIA**

This First Amendment to Employment Agreement (this “First Amendment”) between the City of Calexico (the “City” or “Employer”) and Gonzalo Gerardo (the “Employee”), is entered into this \_\_\_\_ day of December 2019. Except as modified in this First Amendment the Employment Agreement, originally dated December 14, 2018, between the City and the Employee shall remain in full force and effect.

The parties to this First Amendment agree to the following changes:

1. Section 3(A) entitled “Salary” is hereby amended to raise Employee to “Step 5” of his salary range, as follows:

A. *Salary.* Employee shall be compensated at the range of G-69, Step 5, with a monthly salary of Eleven Thousand One Hundred and Forty Seven Dollars and Zero Cents (**\$11,147.00**) per month, which shall be payable in installments at the same time as other employees of the City are paid, pursuant to the procedures regularly established, and as they may be amended by the City. The Employee will also be eligible for annual Cost of Living Adjustment (“COLA”) and “step” merit increases to salary based on performance reviews at the discretion of the City Manager, as provided to all other City employees.

2. Section 4(C) entitled “By the City, Without Cause” is hereby amended to raise Employee’s severance for termination *without cause* to six months of salary, as follows:

C. *By the City, Without Cause.* At any time, and without prior notice, the City may terminate the Employee’s employment for any reason, with or without cause. In the event the City exercises its right under this provision to terminate employment without cause, the City shall pay Employee all compensation due to include vacation and sick leave (as such may be paid out pursuant to City policies and practices) and owing through the last day actually worked, plus six months of the Employee’s salary as of the time of the termination *or* pursuant to the requirements of Government Code § 53260, an amount equivalent to the remainder of the term of this Agreement, whichever is less. The payment of such severance benefit shall be conditioned upon Employee executing a general release agreement containing a general release of all claims Employee may have against the City at the time of any such termination, in such form as may be reasonably required by Employer’s attorney. Such severance benefit shall not be payable unless and until Employee executes such a general release and until expiration of all waiver and rescission rights as provided by law at the time of such termination. Failure by the Employee to satisfy his termination obligations pursuant to Section 4(E) shall nullify the City’s obligation to provide severance payment pursuant to this Section. If Employee is convicted of a crime involving an abuse of his office or position, whether before or after release from employment, Employee shall fully reimburse the City for any severance pay, paid leave salary disbursed pending an investigation, or legal criminal defense funds relevant to the crime paid for by the City.

[SIGNATURES ON FOLLOWING PAGE]

The City and the Employee have duly executed this First Amendment to the Employment Agreement as of the date first written and shall be effective December 14, 2019.

**CITY OF CALEXICO**

**EMPLOYEE**

By: \_\_\_\_\_  
David B.Dale.  
City Manager

\_\_\_\_\_  
Gonzalo Gerardo