



**MEETING OF THE FOWLER CITY COUNCIL
REVISED AGENDA
TUESDAY, MARCH 21, 2023
7:00 P.M.
CITY COUNCIL CHAMBER
128 SOUTH 5TH STREET
FOWLER, CA 93625**

Clerk's note: Some items from this agenda have been moved to a 7:00 p.m. special meeting agenda.

In compliance with the Americans with Disabilities Act, if you need assistance or accommodations to access the City Council Chambers or participate in this meeting, please contact the Clerk at (559) 834-3113 x102. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

City Council meetings are open to the public at the physical address listed above. There are numerous ways to participate in the City Council meetings: you may attend in person, you may appear by telephone as described below, or you may submit written comments via email to avasquez@ci.fowler.ca.us. Please include your name and reference the agenda item you are commenting on, if any. Written comments received that do not specify an agenda item will be marked for the general public comment portion of the agenda. Emails received by 8:00 am on the date of the meeting will be provided to the City Council at the meeting and made part of the record of proceedings but will not be read aloud.

En cumplimiento con la Acta de Americanos con Discapacidades si necesita asistencia o adaptaciones para acceder a las Cámaras del Concejo de la Ciudad o participar en esta reunión, comuníquese con el secretario de la ciudad al (559) 834-3113 x102. También puede ponerse en contacto con el secretario si necesita servicios de traducción. La notificación al menos 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad.

The telephone number and Zoom link listed below will provide access to the meeting via teleconference or video conference.

<https://us06web.zoom.us/j/87041223980?pwd=eXZaeWYydTlwTm5veldmbkk5MjFVdz09>

Telephone Number: (253) 215-8782

Meeting ID: 870 4122 3980

Passcode: 767254

Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press *9

on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself, and asked to identify yourself when providing public comment.

Any writing or document that is a public record and provided to a majority of the City Council regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at www.fowlercity.org.

Resolutions and Ordinances - With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

1. Meeting Called to Order
2. Roll Call
3. General Administration
 - 3-A. City Clerk
 - i. ADOPT Ordinance 2023-03, an Ordinance Amending Title 2, Chapter 1 of the Fowler Municipal Code regarding the City Council, and Title 2, Chapter 2 of the Fowler Municipal Code regarding the Planning Commission and the Recreation Commission
 - ii. APPROVE Resolution No. 2632 setting the regular City Council meeting schedule for calendar year 2023
 - iii. APPROVE Resolution No. 2633 setting the compensation for commissioners
4. City Attorney
 - 4-A. APPROVE Items Pertaining to City Manager Employment Agreement and Salary Classification Schedule
 - i. APPROVE Second Amendment to City Manager Employment Agreement with Wilma Tucker
5. Adjourn

Next Ordinance No. 2023-07
Next Resolution No. 2634

CERTIFICATION: I, Angela Vasquez, Deputy City Clerk of the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on Monday, March 20, 2023.

Angela Vasquez

Angela Vasquez
Deputy City Clerk



CITY COUNCIL OF THE CITY OF FOWLER

ITEM NO: 3-A

REPORT TO THE CITY COUNCIL

March 21, 2023

FROM ANGELA VASQUEZ, Deputy City Clerk

SUBJECT

Actions pertaining to City Council, Planning Commission, and Recreation Commission:

- i) ADOPT Ordinance 2023-03, an Ordinance Amending Title 2, Chapter 1 of the Fowler Municipal Code regarding the City Council, and Title 2, Chapter 2 of the Fowler Municipal Code regarding the Planning Commission and the Recreation Commission.
- ii) APPROVE Resolution No. 2632 setting the regular City Council meeting schedule for calendar year 2023.
- iii) APPROVE Resolution No. 2633 setting compensation for commissioners.

RECOMMENDATION

Staff recommend City Council take the above action.

BACKGROUND

Ordinance 2023-03

Ordinance 2023-03 was introduced by unanimous approval of the City Council on February 21, 2023.

A text amendment to the current sections of the Fowler Municipal Code related to the City Council, the Planning Commission, and the Recreation Commission is recommended for clarity, simplicity, and consistency.

The proposed text amendment includes:

- Changing the starting time of regularly scheduled City Council meetings from 7:00 pm to 6:00 pm, and authorizes the regular City Council meeting dates and times to be set annually by Council Resolution.
- Authorizes Planning Commission and Recreation Commission compensation to be set by Council Resolution.
- Removes unnecessary and no longer applicable text.
- Creating consistency in the appointment processes for the Planning Commission and the Recreation Commission, and authorizes compensation to the commissioners to be set by Council Resolution.

Resolution No. 2629

Consistent with the new Fowler Municipal Code text provided in Ordinance 2023-03, this resolution sets the regular City Council meeting schedule for the remainder of calendar year 2023 beginning with the May 2, 2023 meeting, after the Ordinance has become effective. Key changes to note are that regular meetings will begin at 6:00 p.m. and there will be a regular City Council meeting on Wednesday, July 5, 2023 due to the 4th of July holiday.

Resolution No. 2630

Also consistent with the new Fowler Municipal Code text provided in Ordinance 2023-03, this resolution sets the per meeting compensation for Planning Commissioners. Planning Commissioners were previously paid \$25 per meeting; however Staff could find no evidence of the City Council ever authorizing this payment. Additionally, Staff recommend increasing this per meeting payment to \$50 per meeting to more accurately reflect Commissioners' time commitment. Staff are not providing a recommendation for a stipend to Recreation Commissioners at this time. The change in compensation will begin May 1, 2023, after the Ordinance has become effective.

ENVIRONMENTAL REVIEW

This action does not constitute a "project" pursuant to the California Environmental Quality Act.

FISCAL IMPACT

Staff do not anticipate any fiscal impact due to this ordinance.

CONFLICT OF INTEREST

Staff is not aware of any conflicts of interest.

Attachments

- Ordinance 2023-03
- Resolution No. 2632 and Exhibit A
- Resolution No. 2633 and Attachment A

ORDINANCE 2023-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER AMENDING
TITLE 2, CHAPTER 1 OF THE FOWLER MUNICIPAL CODE REGARDING THE
CITY COUNCIL, AND TITLE 2, CHAPTER 2 OF THE FOWLER MUNICIPAL CODE
REGARDING THE PLANNING COMMISSION, AND THE RECREATION
COMMISSION**

WHEREAS, the roles and responsibilities of the City Council, the Planning Commission, and the Recreation Commission are described in the Fowler Municipal Code; and

WHEREAS, the Municipal Code should be clear, consistent, and easy to understand; and

WHEREAS, the City Council now desires to amend various provisions of the Fowler Municipal Code.

THE CITY COUNCIL OF THE CITY OF FOWLER DOES ORDAIN AS FOLLOWS:

SECTION 1: Title 2, Chapter 1 of the Fowler Municipal Code is hereby amended to read:

Title 2 – Administration

Chapter 1 – City Council

Article 1. – Meetings

2-1.101 - Regular meetings.

- (a) Time—Place. Annually, by Council Resolution, the Council shall set a schedule of regular meetings of the Council. Unless otherwise provided in the applicable annual resolution approved by Council, the Council shall hold regular meetings on the first and the third Tuesdays each month at the hour of 7 6:00 p.m. at City Hall, 128 South Fifth Street, in the City or at such other place within the City of Fowler, as designated by the Council. ~~If by reason of fire, flood, or other emergency, it shall be unsafe to meet in the City Hall, the meetings may be held, for the duration of the~~

~~emergency, at such other place as is designated by the Mayor or, if he should fail to act, by three (3) members of the Council.~~

~~Holidays. When the day for any regular meeting falls on a holiday, Christmas Eve, or New Year's Eve, such meetings shall be held at the same hour and place on the next succeeding day not a holiday or at such other time as designated by the Council.~~

(b) Meetings to be Public. ~~All regular meetings of the Council~~ Meetings shall be open to the public consistent with state law.

SECTION 2: Title 2, Chapter 2 of the Fowler Municipal Code is hereby amended to read:

Title 2 – Administration

Chapter 2 – Commissions and Boards

Article 1. – Planning Commission

2-2.102 - Members—Appointment.

The Planning Commission shall consist of ~~six (6)~~ five (5) members who shall be appointed by the Mayor, subject to the approval ~~consent~~ of the Council. ~~One member of the Council shall be an ex-officio member of the Commission without voting power.~~

2-2.103- Terms of office—Vacancies.

Terms of office. The term of office of the members of the Planning Commission shall be four (4) years. Three terms shall expire on December 31 of even numbered years of scheduled Presidential elections (2024, 2028, etc.), and two terms shall expire on December 31 of even numbered years of California Gubernatorial elections (2026, 2030, etc.).

~~The six (6) members of the Planning Commission, except for the member of the Council acting as an ex officio member of the Commission, shall so classify themselves by lot that their terms of office shall expire as follows: two (2) at the end of the 1975 calendar year, two (2) at the end of the 1976 calendar year, and two (2) at the end of the 1977 calendar year. Vacancies for any unexpired term shall be filled by appointment for the portion of the unexpired term only. New appointments shall be for a full term of four (4) years, except for the member of the Council who shall serve until the end of his term only.~~

2-2.104 - Compensation.

Repealed in its entirety.

~~The members of the Planning Commission shall not receive any compensation for their services.~~

2-2.106 - Officers.

The Planning Commission shall elect from its members a chairman, and vice-chairman, and secretary to serve at the pleasure of the Planning Commission. The chairman and vice-chairman shall be elected at the first meeting of each calendar year and shall serve for one year ~~and until their successors are elected.~~ In the absence of the chairman and vice-chairman, the Planning Commission shall select a presiding officer for the sole purpose of presiding at the meeting at which such selection is made ~~chairman pro tempore.~~

2-2.107 - Meetings.

- (a) The Planning Commission shall meet on the first Thursday of each month at 6:30 p.m. at the City Council Chambers at 128 S. 5th Street unless otherwise provided by City Council or Planning Commission action and notice in accordance with the Ralph M. Brown Act. ~~at least once each month at such times and places as it may~~

~~fix by resolution.~~ Regularly scheduled meetings may be cancelled or adjourned by the Community Development Director when there is no business to be brought before the Planning Commission by posting a notice of cancellation or adjournment in accordance with the Ralph M. Brown Act (Government Code section 54950, et seq.). Special meetings may be called at any time by the chairman or by three (3) members of the Commission upon proper notice provided in accordance with applicable law. ~~Written notice shall be served upon each member of the Commission at least three (3) days prior to the time specified for the proposed meeting. The Commission shall keep a proper record of its actions, findings, and proceedings.~~

- (b) The Community and Economic Development Director, or designee, shall serve as Secretary to the Planning Commission and shall keep a proper record of the Planning Commission's actions, findings, and proceedings.

2-2.109 - Functions.

The functions of the Planning Commission shall be as follows:

- (a) To develop and maintain a General Plan;
- (b) To develop such specific plans as may be necessary or desirable;
- (c) To perform the duties and functions prescribed by applicable provisions of state law and the City's Municipal Code; ~~and To periodically review the Capital Improvement Program of the County or City; and~~
- (d) To perform such other functions as the Council may provide.

2-2.110 - Residency requirements.

All members of the Planning Commission shall be residents within the incorporated limits of the City of Fowler or within the City of Fowler's adopted ~~approved~~ sphere of influence. ~~This requirement shall not apply to those persons who are members of the Planning Commission as of December 2, 2004 and where the member holds office continuously with no break in service.~~

Article 2. – Recreation Commission

2-2.202 - Members—Appointment.

The Recreation Commission shall consist of seven (7) members who shall be appointed by the Mayor, subject to the approval of the Council. The Council may appoint one of its members to serve as liaison between the Commission and the Council. The Councilmember will serve in a nonvoting capacity. ~~All members shall serve without compensation.~~ All members, including a Councilmember liaison, serve at the pleasure of the City Council.

2-2.203 - Terms of office.

The terms of office for the Recreation Commission shall be for two (2) years ~~and shall commence July 1.~~ Four (4) Commissioners shall be appointed in even numbered years and three (3) Commissioners appointed in odd numbered years. ~~Any member whose term expires shall continue to serve until reappointed or until a successor is appointed.~~ ~~Commissioners may be appointed from nonresidents of the City.~~ Terms shall expire on December 31st of the corresponding year.

2-2.204 - Vacancies—Removal.

Repealed in its entirety.

~~(a) — Vacancies. Should a vacancy occur on the Recreation Commission other than by expiration of the term of office, the vacancy shall be filled by appointment for the unexpired portion of the term.~~

~~(b) — Removal. Any member of the Recreation Commission may be removed from office at any time by the appointing authority, subject to the approval of the Council.~~

2-2.205 - Officers.

The Recreation Commission shall elect from its members a chair, vice-chair, and secretary to serve at the pleasure of the Recreation Commission. The officers shall be elected at the first meeting of each calendar year and shall serve for one year. In the absence of an officer, the Recreation Commission shall select a presiding officer for the sole purpose of presiding at the meeting at which such selection is made.

~~The Recreation Commission shall elect a chairman who will preside over the meetings. The chairman shall appoint a vice-chairman and a secretary. The chairman, vice-chairman, and secretary shall serve for a term of one year, commencing January 1 annually.~~

2-2.206 - Meetings.

The Recreation Commission shall hold meetings on the second Tuesday of each month at 6 p.m. Regularly scheduled meetings may be cancelled or adjourned by the City Manager or designee when there is no business to be brought before the Recreation Commission by posting a notice of cancellation or adjournment in accordance with the Ralph M. Brown Act (Government Code section 54950, et seq.). Special meetings may be called at any time by the chairman or by four (4) members of the Commission upon proper notice provided in accordance with applicable law. ~~at least once each month, at a time and place set by resolution, and~~ The Commission shall adopt rules for the conduct of business and shall

instruct the secretary to prepare ~~keep an accurate record of its minutes, resolutions, transactions, and other business. Such records shall be a public record and shall be maintained by in the office of the City Clerk. All meetings shall be open to the public and shall abide by the provisions of the Ralph M. Brown Act. A majority of the Commission shall constitute a quorum for the conduct of business.~~

2-2.207 - Meetings—Absences.

Repealed in its entirety.

~~Absences from four (4) consecutive regular meetings of the Recreation Commission without the formal consent of the Commission shall constitute a retirement of such member, and the vacancy created shall be filled thereafter by the Mayor, subject to the approval of the Council, by an appointment of a successor to fill the unexpired term.~~

Article 3. – Commissioners

2-2.301 Vacancies.

Should a vacancy occur on a commission other than by expiration of the term, the vacancy shall be filled by appointment for the remainder of the term. If that duration is one year or less, the Council may appoint the member for the remainder of the term and the subsequent full term.

2-2.302 Removal.

Members of a commission serve at the pleasure of the City Council. Any member of a commission may be removed from office at any time by a majority vote of the entire membership of the City Council.

2-2.303 Absences.

Absence from four (4) consecutive regular meetings of a commission shall constitute a resignation.

2.2-304 Compensation.

Commissioners shall receive compensation in an amount approved by City Council resolution. Commissioners shall not be deemed to be City employees by virtue of any compensation received from the City.

SECTION 3. The City Council has determined that the Project is exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061, subdivision (b)(3) (Common Sense Exemption).

SECTION 4. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5. The City Clerk is further directed to cause this ordinance or a summary of this ordinance to be published once in a newspaper of general circulation published and circulated within the City of Fowler, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

The foregoing ordinance was introduced at a regular meeting of the City Council held on the 21st day of February 2023, and was adopted at a regular meeting of said Council held on the ____ day of _____ 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Daniel T. Parra, Mayor

Angela Vasquez, Deputy City Clerk

RESOLUTION NO. 2632

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
SETTING A SCHEDULE FOR REGULAR CITY COUNCIL MEETINGS FOR THE
REMAINDER OF 2023**

WHEREAS, Ordinance 2023-02 adopted on March 21, 2023, amended Section 2.1-101 of the Fowler Municipal Code to provide that annually, by Council Resolution, the Council shall set a schedule of regular meetings of the Council; and

WHEREAS, the City Council now desires to set a schedule for regular meetings of the Council for the remainder of 2023 after Ordinance 2023-02 becomes effective.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fowler that the schedule for regular City Council meetings for the remainder of calendar year 2023 beginning on May 2, 2023, are set and approved as provided in **Exhibit A** attached to this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of March 2023, at a regular meeting of the Fowler City Council by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Daniel T. Parra, Mayor

ATTEST:

Angela Vasquez, Deputy City Clerk

EXHIBIT A

**City Council of the City of Fowler
2023 Regular Meeting Schedule (partial)**

Date	Time
Tuesday, May 2, 2023	6:00 p.m.
Tuesday, May 16, 2023	6:00 p.m.
Tuesday, June 6, 2023	6:00 p.m.
Tuesday, June 20, 2023	6:00 p.m.
Wednesday, July 5, 2023	6:00 p.m.
Tuesday, July 18, 2023	6:00 p.m.
Tuesday, August 1, 2023	6:00 p.m.
Tuesday, August 15, 2023	6:00 p.m.
Tuesday, September 5, 2023	6:00 p.m.
Tuesday, September 19, 2023	6:00 p.m.
Tuesday, October 3, 2023	6:00 p.m.
Tuesday, October 17, 2023	6:00 p.m.
Tuesday, November 7, 2023	6:00 p.m.
Tuesday, November 21, 2023	6:00 p.m.
Tuesday, December 5, 2023	6:00 p.m.
Tuesday, December 19, 2023	6:00 p.m.

RESOLUTION NO. 2633

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
SETTING COMPENSATION FOR COMMISSIONERS**

WHEREAS, Ordinance 2023-02 adopted on March 21, 2023, amended Section 2.2-304 of the Fowler Municipal Code provides that compensation for Commissioners shall be set by City Council resolution; and

WHEREAS, the compensation currently paid to Planning Commissioners has not heretofore been codified; and

WHEREAS, the City Council now desires to set compensation for Planning Commissioners and Recreation Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fowler that:

- 1) The compensation authorized to be paid to Planning Commissioners and Recreation Commissioners is hereby set as shown in **Attachment A** of this Resolution.
- 2) Compensation shall be payable on the last day of each calendar month, or as soon thereafter as reasonably possible.
- 3) This compensation shall become effective on May 1, 2023.

PASSED, APPROVED AND ADOPTED this 21st day of March 2023, at a regular meeting of the Fowler City Council by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Daniel T. Parra, Mayor

ATTEST:

Angela Vasquez, Deputy City Clerk

RESOLUTION NO. 2633

ATTACHMENT A

Position	Current Compensation	Compensation beginning May 1, 2023
Planning Commissioner	\$25 per meeting	\$50 per meeting attended (special or regular meetings)
Recreation Commissioner	\$0 per month	\$0 per month



CITY COUNCIL OF THE CITY OF FOWLER

ITEM NO: 4-Ai

REPORT TO THE CITY COUNCIL

March 21, 2023

FROM Scott Cross, City Attorney

SUBJECT

APPROVE Second Amendment to City Manager Employment Agreement with Wilma Tucker.

RECOMMENDATION

For the City Council to approve the requested action.

BACKGROUND

Wilma Tucker has served as City Manager since her selection in February 2021. The terms of her current employment agreement provide that she is eligible to receive an increase in salary and/or benefits following an annual performance evaluation. The annual performance evaluation has been completed, and the City Council is authorized to approve the attached Second Amendment to City Manager Employment Agreement.

The Second Amendment to City Manager Employment Agreement includes the following changes in the compensation and benefits to be paid by the City:

- Monthly Salary of \$16,124 (\$193,488 annually) – a 5% increase from \$15,356/monthly (\$184,272 annually).
- Increased severance payment of salary and benefits to Tucker from six months to nine months if the City Council terminates the Agreement without cause.
- Authorize mileage reimbursement at the approved IRS rate if future City policy allows for employees receiving an auto allowance to also receive mileage reimbursement.
- Increase the maximum accrued vacation leave cap of 320 hours to a maximum of 420 hours applicable to her during her employment with the City. Except for the increased cap for accumulated vacation leave, the accrual rate, use, and cash out of vacation leave shall be subject to the requirements in the City's Employee Benefits Handbook.

The City Manager's salary is set by the terms of the employment agreement. Accordingly, if approved, the new salary will be reflected as Step E on the City Manager classification of the salary classification schedule. If approved, the increased salary will be effective beginning April 1, 2023.

REASONS FOR RECOMMENDATION

The performance evaluation for the City Manager has been completed. She is eligible to receive a salary increase as approved by the City Council and agreed upon in an amendment to her employment agreement.

ENVIRONMENTAL REVIEW

This action does not constitute a "project" pursuant to the California Environmental Quality Act.

FISCAL IMPACT

Approval will result in a 5% increase in salary (\$768/month; \$9,216/year); a potential for Tucker to accrue an additional 100 hours of vacation leave during her employment that would be vested to her (at the new salary the cost to the City of paying an additional 100 hours of vacation leave will be approximately \$9,302); and an additional 3 months of monthly salary and benefits in the form of severance compensation if the City Council terminates the Agreement without cause (at the new salary the cost to the City for the additional 3 months will be approximately \$54,000 total).

CONFLICT OF INTEREST

Staff is not aware of any conflicts of interest.

Attachments

- Second Amendment to City Manager Employment Agreement
- Proposed Updated Salary Classification Schedule

SECOND AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

This Second Amendment to City Manager Employment Agreement (“First Amendment”) is entered into effective March 21, 2023, by and between the City of Fowler, a municipal corporation (“City”) and Wilma Tucker (“Tucker”), with respect to the following Recitals, which are a substantive part of this Second Amendment:

RECITALS

A. City and Tucker (formerly Wilma Quan) entered into a City Manager Employment Agreement on February 16, 2021 (“Agreement”).

B. City and Tucker (formerly Wilma Quan) entered into a First Amendment to the Agreement effective on March 15, 2022 (“First Amendment”).

C. City and Tucker both desire to make further amendments to the Agreement as amended by the First Amendment.

NOW, THEREFORE, in view of the above recitals and in consideration for the mutual promises set forth in the Agreement, City and Tucker agree as follows:

AGREEMENT

1. Section 3 of the Agreement is amended to read as follows:

3. Salary. Beginning April 1, 2023, Tucker shall receive a monthly salary of \$16,124.00 (\$193,488.00 annually), which shall be reflected as the new Step E of the City Manager classification on the City’s adopted salary classification schedule. Tucker shall be eligible to receive an increase in salary and/or benefits on the basis of an annual performance evaluation as approved by the City Council. Tucker shall be entitled to cost of living adjustments as approved for all employee salary classifications of the City. Tucker’s participation in any salary reductions or other cost saving measures during her employment with City shall be completely voluntary at Tucker’s sole discretion. Nothing herein shall be deemed to impair the City’s authority to revise the City Manager classification on the City’s adopted salary classification schedule, but any change affecting Tucker’s salary must be mutually agreed upon by Tucker and the City Council.

2. Section 11.a of the Agreement is amended to read as follows:

a. Termination Without Cause. Tucker is an at will employee serving at the pleasure of the Council. A majority of the City Council may terminate this Agreement at any time (subject to the limitation in Section 13 below) without cause by providing at least thirty (30) days written notice to Tucker. In the event of termination without cause, Tucker shall be entitled to nine (9) months’ severance compensation as follows:

(1) nine (9) months’ salary paid in one lump sum and in the same manner as the customary payout of earned salary; and

(2) a continuation of the health, dental, life, and vision insurance coverages and benefits for Tucker and her eligible dependents described in Section 8 of the Agreement for the applicable length of severance salary time and City shall remit its portion of the applicable payment of premiums for such continuing coverage to the City's insurer or COBRA administrator, as applicable; or, if Tucker has opted out of City paid employee and dependent health benefits at the time written notice of termination is provided to Tucker as provided in subsection a above, then the City shall continue making any applicable health benefits opt out payments and any applicable monthly deferred compensation plan contribution as provided in Section 8 of the Agreement for the applicable length of severance salary time.

3. Section 7 of the Agreement is amended to read as follows:

7. Automobile Allowance. Tucker shall, at her expense, provide an automobile for use in carrying out her duties as City Manager, and in connection therewith. City shall pay Tucker a monthly automobile allowance of Five Hundred Dollars (\$500.00) for her use of a personal vehicle for City business. Tucker shall not be entitled to reimbursement for automobile use or mileage reimbursement for business travel except as may be authorized by future City policy or an amendment to the City's Employee Benefits Handbook approved by City Council. No documentation is required in order to receive this automobile allowance and Tucker shall have the sole discretion regarding the expenditure of this allowance. Tucker shall be solely responsible for all expense to use, maintain, operate, and insure the vehicles and automobiles used by Tucker. This allowance is not considered additional compensation for the purposes of PERS, but shall be taxable according to IRS and Franchise Tax Board regulations.

4. Vacation Leave Cap Increase. Notwithstanding any maximum cap on the accrual of vacation leave in the Agreement, any City policy, or the City's Employee Benefits Handbook, Tucker shall be entitled to accrue vacation leave up to a maximum of 420 hours during her employment with the City. No additional vacation leave shall accrue beyond 420 hours until the total accumulated vacation leave balance falls below the maximum. Except for the increased cap for accumulated vacation leave, the accrual rate, use, and cash out of vacation leave shall be subject to the requirements in the City's Employee Benefits Handbook.

5. Except as amended in this Second Amendment all other provisions of the Agreement, as amended by the First Amendment, shall continue in full force and effect.

CITY OF FOWLER

CITY MANAGER

By: _____
Daniel T. Parra, Mayor

By: _____
Wilma Tucker

APPROVED AS TO FORM

Scott G. Cross, City Attorney

SALARY CLASSIFICATIONS & CORRESPONDING STEP PER POSITION

FISCAL YEAR 2022-2023

After Classification & Compensation Study

Effective 04/1/2023

Rev 04/1/2023

FULL TIME POSITION/CLASSIFICATION TITLE	MONTHLY PAY					
	STEP A	STEP B	STEP C	STEP D	STEP E	
CITY MANAGER					16,124	*
ASSISTANT CITY MANAGER	9,702	10,188	10,697	11,232	11,793	
CITY CLERK	5,777	6,066	6,369	6,687	7,022	
DEPUTY CITY CLERK/HUMAN RESOURCE OFFICER	5,233	5,495	5,770	6,058	6,361	
ACCOUNTANT	4,403	4,623	4,854	5,097	5,351	Y
ACCOUNTING ASSISTANT	3,274	3,437	3,609	3,790	3,979	
ACCOUNTING TECHNICIAN	3,613	3,794	3,984	4,183	4,392	
ADMINISTRATIVE ASSISTANT	3,613	3,794	3,984	4,183	4,392	
BUILDING INSPECTOR I	3,613	3,794	3,984	4,183	4,392	
BUILDING INSPECTOR II	4,191	4,400	4,620	4,851	5,094	
BUILDING OFFICIAL	5,636	5,918	6,213	6,524	6,850	AA
CODE ENFORCEMENT OFFICER I	3,116	3,272	3,435	3,607	3,787	
CODE ENFORCEMENT OFFICER II	3,613	3,794	3,984	4,183	4,392	
PLANNING & CODE ENFORCEMENT TECHNICIAN I	3,525	3,702	3,887	4,081	4,285	
COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR	7,963	8,361	8,779	9,218	9,679	
FINANCE DIRECTOR	8,576	9,004	9,454	9,927	10,424	
FIRE CHIEF	8,366	8,785	9,224	9,685	10,169	
MAINTENANCE ASSISTANT	2,966	3,114	3,270	3,433	3,605	
MAINTENANCE WORKER	3,439	3,611	3,792	3,981	4,181	
SENIOR MAINTENANCE WORKER	3,796	3,986	4,186	4,395	4,615	Y
PERMIT TECHNICIAN	3,525	3,702	3,887	4,081	4,285	
POLICE CHIEF					12,000	*
POLICE CORPORAL	5,364	5,632	5,914	6,210	6,520	
POLICE LIEUTENANT	6,867	7,210	7,570	7,949	8,346	
POLICE OFFICER	4,626	4,857	5,100	5,355	5,622	AA, AA
POLICE OFFICER + 2% POST	4,719	4,954	5,202	5,462	5,734	
POLICE OFFICER + 5% POST	4,857	5,100	5,355	5,623	5,903	
POLICE SERGEANT	5,921	6,217	6,528	6,854	7,197	
POLICE SERGEANT + 2% POST	6,039	6,341	6,659	6,991	7,341	
POLICE SERGEANT + 5% POST	6,217	6,528	6,854	7,197	7,557	AA
PUBLIC WORKS DIRECTOR	7,963	8,361	8,779	9,218	9,679	
PUBLIC WORKS SUPERVISOR	5,636	5,918	6,213	6,524	6,850	
RECORDS AND PROPERTY TECHNICIAN I	2,893	3,038	3,190	3,349	3,517	Y
RECORDS AND PROPERTY TECHNICIAN II	3,355	3,523	3,699	3,884	4,079	
RECREATION AND SENIOR CENTER SUPERVISOR	5,106	5,361	5,629	5,911	6,206	
WATER OPERATOR IN TRAINING	2,893	3,038	3,190	3,349	3,517	Z
WATER OPERATOR I	3,355	3,523	3,699	3,884	4,079	
WATER OPERATOR II	3,704	3,889	4,083	4,288	4,502	Y,Y

*Negotiated by Council approved agreement

AA indicates employee received a market adjustment towards reaching Step A of the classification

Y indicates employee with a grandfathered salary above Step E

Z indicates employee placed in this classification at a salary above Step E until minimum qualifications are met for Water Operator II