

Published June 14, 2017

## Council takes time to review city manager's contract

By Pippa Fisher



Steve Falk Photo Gint Federas

With City Manager Steve Falk's employment agreement up for renewal, Lafayette City Council members and residents weighed in on the terms of the contract at a recent meeting, resulting in an extension for 120 days, giving enough time to review both performance and the wording of the contract.

Although residents in attendance took the opportunity to raise two areas of concern - performance and the severance package - it became apparent that a couple of the council members also questioned the generosity of the package.

Under current terms Falk has an 18-month severance package, which would add up to \$512,142 including salary and benefits. The city would not have to pay if a termination were due to willful misconduct or felony.

Council Member Cam Burks noted that an 18-month severance package was much higher than typically agreed for other city managers. City Attorney Mala Subramanian explained that 18 months had been arrived at over time, growing incrementally by one month for every year since it was set at six months in 1996 to a maximum of 18 months.

Council Member Ivor Samson agreed with Burks and said that he was concerned with an 18-month severance pay,

"notwithstanding the history behind it."

By comparison, the Walnut Creek city manager has a nine-month severance package, but more typically the length of time is six months, such as is the case for city managers in San Ramon and Moraga.

Falk says that despite the severance controversy, he is still enthusiastic. He provided a long list of accomplishments from his latest three year term, including his work with Police Chief Eric Christensen and the Crime Prevention Commission to implement crime cameras, body-worn cameras and to convene an Implicit Bias workshop for police, and negotiated to acquire and rebuild a new police station.

He pointed to the development of housing in the downtown, the acquisition of \$2 million in grants for improvement of the BART southern station entrance as well as the negotiations to rebuild Fire Station 16 in western Lafayette, among other accomplishments.

However, those residents that attended the recent city council meeting had a list of their own, citing issues that they say have not been handled fairly, in particular the development of a playground in Leigh Creekside Park, the current controversy surrounding the proposed removal of trees by PG&E and an ongoing investigation by the Fair Political Practices Commission into alleged wrong-doing by Lafayette commissioners, among other complaints.

Council Member Mark Mitchell reminded residents that while he respected their comments, residents should direct their anger over these issues instead to the city council. "The city manager implements the policies of the council," he pointed out.

Steve Cortese, a Lafayette resident and principal of the Cortese Investment Company who own La Fiesta Square and Lafayette Mercantile, says that the city manager position is a difficult job. "You balance many different interests and you take heavy fire. I've known several city managers throughout the Bay Area and Steve Falk is the best I've seen. I really think we're lucky."

Cortese continues, "The state of the city is proof of his success. Before Steve became city manager, the downtown was in disrepair and lifeless. He's managed to reposition our downtown in a relatively short time frame. Now we have a vibrant city and a stable financial picture."

However as Burks later commented, this meeting was not about performance. Right now, he said it is about "process and structure," referring to the severance terms and a need for review of legal wording.

The council agreed unanimously to extend the contract as it is for 120 days during which time they will meet

to review Falk's performance and they directed the city attorney to review the contract to make sure it meets current California law before bringing it back at a public meeting towards the end of the summer, at which time the council will hear residents' comments on the subject.

Falk himself commented, "I have completely enjoyed my 27 years here with the city and hope to serve Lafayette for many, many more. If I continue to work hard and do a great job, the matter of severance will never be an issue and the city won't pay a dime."

Reach the reporter at: [pippa@lamorindaweekly.com](mailto:pippa@lamorindaweekly.com)

[back](#)

Copyright © Lamorinda Weekly, Moraga CA