



Meeting Date: April 22, 2026

**TOWN OF MORAGA**

**STAFF REPORT**

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**To: Honorable Mayor and Councilmembers**

**From: Ad Hoc Town Manager Performance Review Committee: Vice Mayor Brian Dolan and Councilmember Lisa Maglio**

**Subject: Consideration of Adoption of Resolution Approving Third Amendment to Town Manager Employment Agreement Between the Town of Moraga and Scott Mitnick**

**RECOMMENDATION**

Adopt a resolution to approve the third amendment to the employment agreement between the Town of Moraga and Town Manager Scott Mitnick.

**BACKGROUND**

On March 8, 2023, the Moraga Town Council unanimously appointed Scott Mitnick to serve as Moraga Town Manager and approved an Employment Agreement between the Town of Moraga and Scott Mitnick, which was amended by a First Amendment effective April 10, 2024, and a Second Amendment effective April 10, 2025, (collectively referred to as "Employment Agreement").

On March 5, March 25, and April 8, 2026, Town Council and Town Manager participated in a closed session performance evaluation which included a comprehensive overview of Mr. Mitnick's employment as Moraga Town Manager over the past year.

**DISCUSSION**

Following the April 8, 2026 performance review, Town Council conducted labor negotiations with its labor negotiator, Town Attorney Michelle Kenyon. During those deliberations, Town Council appointed an Ad Hoc Town Manager Performance Review Committee to negotiate the terms of any amendments to the Employment Agreement. The Ad Hoc committee met with the Town Manager and came to agreement on modifications to the Employment Agreement and authorized the Town Attorney to prepare an amendment to the Town Manager's employment agreement. At the direction of the Ad Hoc committee, the Town Attorney prepared a Third Amendment to Town Manager Employment Agreement which contains the

agreed upon adjustments to the Employment Agreement.

Pursuant to California Government Code section 54953(d)(3)(A), the following reflects the agreed to compensation and benefit adjustments:

**1. Provide a 1.5% merit salary adjustment (retroactive to April 10, 2026).**

(Employment Agreement Section 6.a. Salary).

Effective April 10, 2026, the Town Manager's salary will be adjusted by 1.5% from \$314,572 to \$319,268.

**2. 3% Deferred Compensation Adjustment.**

(Employment Agreement Section 6.e. Deferred Compensation).

Effective April 10, 2026, the Town shall contribute 10% of the Town Manager's salary into the Town's existing deferred compensation plan and/or other similar plan (457b Plan or 401a Plan) which will increase the Town's total contribution from 7.0% to 10%.

The Ad Hoc Committee recommends these proposed adjustments to the Town Manager's contract because they reflect Town Council's overall assessment of Mr. Mitnick's performance over the past year. Mr. Mitnick has worked tirelessly to adhere to the Town Mission Statement, and the Town Council's Five Broad Goals and Top Ten Priorities for the organization. He consistently treated all Councilmembers ethically and fairly. He sustained a positive culture throughout the organization, ensured that the Town remained on solid financial footing, and made progress on the land use and economic development fronts.

In addition, Mr. Mitnick maintained strong and effective working relationships with many community partners, including Saint Mary's College, Moraga Orinda Fire District, Moraga School District, Acalanes High School District, Moraga Chamber of Commerce, Moraga Citizens Network, Moraga County Club, and local businesses, including the Bruzzone family and US Realty Partners. He also ensured fair and equitable code compliance investigations which balanced the requests of local residents and the land use rights of property owners and businesses. He consistently treated local neighborhoods and residents with respect and dignity at all times.

Internally, Mr. Mitnick remained a consistent advocate for the employees of the organization. He has built a strong and stable high functioning Executive Team (Department Heads). The morale among the overall Town workforce is as positive and upbeat as it has been in years. The employee turnover rate has dropped, and he has created a culture which is attracting employees from other Bay Area public and private organizations.

Moreover, the Town continues to benefit by having an administrative leader with a broad array and depth of experience and knowledge over many years. This alone, has been a tremendous benefit to the organization. The total compensation is reflective of Scott's many years of experience and the salaries of city or town managers in comparable communities.

For these reasons, and others, the Ad Hoc Committee encourages Town Council to support our recommendation. We look forward to working with Mr. Mitnick and the employees of our

Town as they implement our goals and priorities for FY 2026-27 and beyond.

## **FISCAL IMPACT**

The proposed amendments to Town Manager's Employment Agreement will result in a net cost increase to the FY 2025-26 General Fund Budget (April 10, 2026 through June 30, 2026) of approximately \$3,600 (reflecting a \$393 monthly salary increase plus associated benefit impacts).

The fiscal impact to the FY 2026-27 General Fund Budget (July 1, 2026 through June 30, 2027) will be approximately \$14,700 (reflecting a \$393 monthly salary increase plus associated benefit impacts).

Sufficient funds were included in the adopted FY 2025-26 and FY 2026-27 General Fund Budgets to cover the proposed adjustments for both fiscal years. As a result, budget amendments are not needed for either fiscal year.

## **CEQA COMPLIANCE**

Approval of the proposed Third Amendment to the Town Manager's Employment Agreement is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

## **ALTERNATIVES**

1. Modify provisions contained in the proposed Third Amendment to the Town Manager Employment Agreement and approve the Third Amendment.
2. Take no action on proposed Third Amendment in which case the Town Manager's current contract will remain in place.

## **NEXT STEPS**

If Town Council approves the proposed resolution, the Town Manager's compensation will be adjusted per the terms of the amended employment agreement. No further action will be needed by Town Council.

## **ATTACHMENTS**

[Attachment A - Draft Resolution - 3rd Amendment to TM Agreement](#)  
[Attachment B - Third Amendment to TM Agreement](#)