

EMPLOYMENT AGREEMENT—DIRECTOR OF PUBLIC WORKS/ CITY ENGINEER  
CITY OF SEBASTOPOL

This Agreement (“Agreement”) is entered into on December 3, 2024, by and between the CITY OF SEBASTOPOL, a municipal corporation (“City”), and MARK RINCON-IBARRA (“Director” together with the City “the Parties”).

1. EMPLOYMENT.

City Manager, by its City Council, hereby employs Director to serve as Sebastopol’s Director of Public Works/ City Engineer which is an “at will” position excluded from the classified service. Director understands and agrees that he has no constitutionally protected property or other interest in his employment as Sebastopol Director of Public Works/ City Engineer. Director understands and agrees that he serves at the pleasure of the City Manager and may be terminated or asked to resign at any time, with or without cause.

2. TERM/TERMINATION/SEVERANCE.

A. The term of this Agreement shall begin on January 13, 2025, and shall remain in effect for three years unless terminated pursuant to this Agreement. The term of this agreement may be extended thereafter by mutual written agreement.

B. Resignation. Director may terminate his employment by delivering to the City Manager a written resignation which will become effective sixty days (60) following delivery of the resignation unless waived by the City Manager. From the date upon which Director resigns until the actual date upon which the resignation becomes effective, Director shall continue to devote his full time, attention, and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner.

C. Mutual Agreement. The Parties may mutually agree to terminate the employment of Director. Upon agreement to terminate the employment of the Director and until the effective date of the termination of this Agreement, Director shall continue to devote his full time, attention, and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner.

D. Termination without cause & Severance. Termination of Director’s employment without cause may be affected by the City Manager giving thirty (30) days’ prior written notice to Director. Upon such termination, Director shall be entitled to additional salary equal to that which would accrue during thirty (30) calendar days following the Director’s termination date plus the cash equivalent of all accumulated vacation as of the day of termination. Director’s acceptance of said severance pay shall constitute a final settlement and satisfaction of all claims of Director against the City arising out of his employment.

E. Termination with cause. The City Manager may terminate Director’s employment for cause at any time by giving notice of termination and an opportunity to respond to the allegations prior to termination. Cause includes, but is not limited to: unauthorized absence; conviction of a felony

or of any criminal act involving moral turpitude; hostile and discourteous treatment of employees; mismanagement of City funds; conduct which brings discredit to the City; disorderly conduct; incapacity due to mental or physical disability to the extent permitted by law; willful concealment or misrepresentation of material facts in applying for or securing employment; willful disregard of a lawful order from a duly constituted authority; willful disregard of a City policy and/or laws regarding the confidentiality of records; using, being in possession of, or being under the influence of or abuse of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents during working hours or reporting to work under such conditions; negligence or willful damage to public property or waste or theft of public supplies or equipment; repeated refusal to comply with a proper directives of the City Manager; falsification of any records; making material dishonest work-related statement to other employees at work or committing perjury; willful carelessness or violation of safety rules and regulations which jeopardize the safety of others and/or which could result in bodily injury to others or damage to City property; and sexual or other unlawful harassment of or unlawful discrimination against another employee or applicant for employment, or volunteer or intern.

### 3. DUTIES.

The City employs Director to provide any and all work necessary to act as Director of Public Works/ City Engineer as set forth in the Director of Public Works/ City Engineer job classification specification attached and incorporated herein as Exhibit A, which may be amended by Council action from time to time. Director shall be a department head of the City and be responsible to the City Manager for the proper administration of all affairs and day-to-day activities of the staff and operations of the Public Works and Engineering Department.

### 4. COMPENSATION.

During his term of employment, Director's base annual salary shall be \$202,464. This amount is subject to authorized or required deductions and withholdings and is paid on the City's regular paydays every two weeks. Director is an exempt employee under applicable wage and hour law and his base salary shall be compensation for all hours worked.

The City shall also provide to Director a cellular telephone and laptop at City expense which shall remain the property of the City.

### 5. BENEFITS

Director shall receive the following benefits:

- CalPERS Retirement Plan Membership: CalPERS determines a member's retirement level. PEPRA employees pay 50% of the normal cost of retirement, the employee share in 2024 is 7.68% and in 2025 is 7.87%.
- Health Insurance: City-paid Kaiser HMO with the option for Director to pay the difference and enroll in Anthem Blue Cross Health Plan instead. If Director provides proof of other health coverage and chooses not to enroll in health care through the City of Sebastopol, Director will be eligible for 20% of the plan Director qualifies for as an in-lieu payment.
- Dental and Vision Coverage: The City will provide dental and vision insurance for

Director and his eligible dependents, without premium cost to Employee.

- Sick Leave: Director will accrue sick leave as laid out in the City's Personnel Rules which currently provide 120 hours per year or 10 hours a month (4.6154 hours a pay period).
- Vacation: Director will be eligible to accrue vacation hours in accordance with the rules, caps, and maximums described in the City's Personnel Rules, initially the accrual will be 10 working hours per month. During the first six months of employment, Director will accrue vacation hours, however, Director may not access or use accrued vacation. Further, vacation accruals will not be reflected on Director's paystub during the first six months of employment.
- Administrative Leave: In fiscal year ("FY") 2025, Director will be granted 50 hours of Administrative Leave. Beginning in FY 2026, Director will be granted a total of 100 hours Administrative Leave with pay during each fiscal year (50 hours accrued on July 1st and 50 hours accrued on January 1st.) Director may use this time to take paid leave from work. In the first full pay period of June of each fiscal year, the City will pay out the balance in your Administrative Leave accrual bank or 40 hours, whichever is smaller. Any balance left in the bank will not carry over from year to year.
- The City observes 15 holidays. A list of holidays can be found in the attached City Personnel Rules.
- The Council values professional development and it will be considered as the budget allows.

## 6. EVALUATION.

Director shall receive initial performance evaluations at six months and twelve months from the City Manager, and an annual evaluation every twelve months thereafter. Copies of such performance evaluations shall be placed in the Director's personnel file. Performance evaluations must include objectives and goals for the coming evaluation period.

## 7. PROFESSIONAL MEETINGS.

Director is expected to represent the City at appropriate professional local and state meetings and conferences approved by the City Manager at no cost to Director.

## 8. REIMBURSEMENT OF EXPENSES.

Director shall comply with City's Purchasing Ordinance with respect to legitimate expenses incurred in the course and scope of their employment, and the City will pay for or reimburse as appropriate actual and necessary expenses incurred by Director while acting in the course and scope of their employment, in compliance with the City's policies, and as approved by the City Manager. Expenses regarding membership in professional organizations shall be permitted as an expense if budgeted and authorized in advance by the City Manager.

9. INDEMNIFICATION.

City agrees to indemnify, defend, and hold harmless Director against any and all claims and legal actions against Director pursuant to Government Code Section 825.

10. ENTIRE AGREEMENT.

The Parties agree that this Agreement contains all the agreements of the Parties and cannot be amended or modified except by written amendment or agreement. This Agreement may be amended at any time by the mutual consent of the parties by written amendment.

11. NOTICES.

Any notices pursuant to this Agreement shall be sent by regular mail addressed as follows:

- A. City: Don Schwartz, 7120 Bodega Avenue, Sebastopol, CA 95472.
- B. Director: Mark Rincon-Ibarra, 180 Healdsburg Ave. Unit A  
Cloverdale, CA, 95425

12. INTERPRETATION OF AGREEMENT AND FORUM.

This Agreement shall be construed and interpreted in accordance with the laws of California. In the event of any dispute arising from this Agreement, the forum for judicial review shall be the Superior Court, Sonoma County.

13. SEVERABILITY.

If any provision or portion of this Agreement is held invalid by a court of competent jurisdiction, the remainder shall be deemed severable and shall not be affected and shall remain in full force and effect insofar as possible.

14. SURVIVAL.

Many sections of this Agreement are intended by their terms to survive termination of Director, including but not limited to sections regarding separation or termination of Director. Such sections shall survive termination of employment and termination of this Agreement.

15. AMENDMENTS.

This Agreement may be amended from time to time by mutual agreement of the Parties. Any amendments are to be negotiated, reduced to writing, and adopted by the City Council.


16. CONFLICT OF INTEREST.

Director shall not engage in any business or transaction or have a financial or other personal interest or association, direct or indirect, which is in conflict with the proper discharge of official duties or would tend to impair independent judgment or action in the performance of official duties. Director shall also be subject to conflict-of-interest provisions of the Political Reform Act of 1974 and Government Code section 1090 as applicable to Director's employment.

17. EXECUTION.

In witness whereof, the parties have executed this Agreement as of the day and year first above written.

CITY MANAGER

Signed by:  
  
4EB87FD724BC48B...


Don Schwartz

DIRECTOR OF PUBLIC WORKS/  
CITY ENGINEER

DocuSigned by:  
  
7042DF5697514C9...

Mark Rincon-Ibarra

Approved as to form:

Signed by:  
  
06BDB79D572A4EB...

Alex Mog, City Attorney

## City of Sebastopol Job Description

<b>Job Title:</b>	Director of Public Works/Director of Public Works/City Engineer
<b>Division:</b>	Engineering
<b>Department:</b>	Public Works
<b>Location:</b>	Corporation Yard
<b>Shift:</b>	As Assigned
<b>Reports To:</b>	City Manager
<b>Prepared By:</b>	Human Resources Advisor
<b>Approved By:</b>	City Council
<b>Approved Date:</b>	8/XX/2024
<b>FLSA Status:</b>	Exempt

### **DEFINITION**

Under administrative direction to plan, organize, direct, and review the full range of activities and operations of the Department of Public Works, including engineering design, public works construction and inspection, repair and maintenance of City infrastructure and streets, and transportation programs; to serve as, or supervise the City Engineer; and to coordinate assigned activities with other departments and outside agencies. The Director of Public Works reflects a demonstrative cultural competency working with all community members regardless of cultural differences or circumstances, including race, ethnicity, religion, language, gender identity, age, marital and familial status, sexual orientation, diverse physical and learning abilities, socioeconomic status, and other identities. This position provides highly responsible and complex professional and administrative consultation to the City Manager and may serve as the City Manager or Assistant City Manager in either manager's absence or as assigned. Performs related duties as assigned.

### **SUPERVISION RECEIVED AND EXERCISED**

This classification is "at will," serving at the pleasure of and receiving administrative direction from the City Manager. This role's duties allow for a broad scope of independent decision-making within legal, policy, and regulatory guidelines.

This classification exercises general direction and supervision over professional, technical, and administrative support staff.

### **CLASS CHARACTERISTICS**

This classification is at the department director level in the City of Sebastopol. This classification is responsible for overseeing, directing, and engaging in all activities of the Department of Public Works, including serving as or supervising the City's Engineer, directing and developing personnel, serving as or providing staff support to various boards, committees, and commissions, and serving as a liaison to the community. The incumbent is responsible for achieving the Department's planning and operational goals and objectives while advancing the City's broader goals and objectives within established policy guidelines. Additionally, this position acts on behalf of the City Manager in various administrative, coordinative, analytical, and liaison capacities.

Director of Public Works is distinguished from Director of Public Works / City Engineer by the latter's requirement to be Registered as a Professional Civil Engineer with the State of California and the responsibility to serve as City Engineer whereas the Director of Public Works will oversee a Professional Engineer or Consultant providing City Engineer services.

This classification is distinguished from the Public Works Superintendent in that it is a department head responsible for overseeing all public works activities, including engineering, and the latter focuses on the day-to-day activities of maintenance and operations.

### **EXAMPLES OF ESSENTIAL FUNCTIONS (Illustrative Only)**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Assumes full management responsibility and directs all public works department programs, services, and activities, including engineering design, public works construction and inspection, repair, and maintenance of City infrastructure, water and wastewater systems, public pools and playgrounds, streets, and transportation programs.
- Direct, manage, administer, oversee, plan, and review the work of multiple divisions in the Public Works Department, including engineering design, public works construction and inspection, contract maintenance, repair services, garbage franchise services, maintenance of City streets, storm and sanitary sewers, water distribution and wastewater collection infrastructure, stormwater and runoff mitigation, landscaped areas, facilities, equipment, public pools and playground equipment, and bicycle and pedestrian infrastructure.
- Oversees and manages the City's Capital Improvement Program and the Annual Capital Improvement Plan in conjunction with other assigned City departments (such as the Planning Department for Parks and Housing projects).
- Approves public works improvement projects for construction upon technical preparation by a licensed civil engineer or technical review by the City Engineer.
- Directs and participates in developing and administrating the Public Works and Department budget; forecasts additional funds needed for staffing, equipment, materials, and supplies; monitors and approves expenditures; implements mid-year adjustments.
- Selects, trains, motivates, and evaluates personnel; provides or coordinates staff training; conducts performance evaluations; implements discipline procedures; maintains discipline and high standards necessary for the efficient and professional operation of the Department.
- Fosters an environment that embraces diversity, integrity, trust, and respect.
- Develops, directs, and implements department goals, objectives, and work standards for the Department; recommends the development and revision of and administers policies and procedures.
- Prepares, establishes, presents as assigned, and implements appropriate department budget, service, and staffing levels.
- Interprets, implements, directs, coordinates, enforces, recommends changes for, and reviews amendments to related ordinances, codes, and resolutions related to the maintenance of City assets and infrastructure.
- Works closely with the City Engineer in reviewing private development projects and preparing project conditions of approval.
- Conducts research and analysis of engineering principals and best practices; asset and infrastructure maintenance and installation; serves as or oversees the services of the City Engineer.
- May serve as City Manager or Assistant City Manager in either manager's absence, as assigned.
- Coordinates department activities with those of other departments and outside agencies and organizations; provides staff assistance to the City Manager and City Council; prepares and presents accurate, informative, and compelling staff reports and other necessary correspondence.
- Receives, coordinates, investigates, maintains records for, and resolves questions and complaints about right of way, encroachment, water and sewer infrastructure and services, public pools and playgrounds, and other department functions.
- Manages efficiency and effectiveness of service delivery methods and procedures; assesses and monitors the distribution of work, support systems, and internal reporting relationships;

assesses, evaluates, and identifies opportunities for improvement; directs the implementation of change.

- Analyzes fees and participates in and/or oversees water and wastewater fee studies and hearings.
- Oversees professional service agreements and public contracts, including requests for proposal development, advertising, distribution, selection, award administration, public contract law hiring and reporting requirements, the work performance of consultants and contractors, contract compliance, and project completion audits.
- Conducts various departmental and technical organizational and operational studies and investigations, prepares technical and administrative reports, and recommends appropriate modifications to programs, policies, and procedures.
- Represents the Department at and participates in professional group meetings; provides technical assistance as necessary; stays abreast of new trends and innovations related to the assignment area.
- Monitors laws, regulations, and technology changes that may affect City or departmental operations; implements policy and procedural changes as required.
- Interprets and communicates departmental programs, policies, and activities; negotiates and resolves significant and controversial issues.
- Performs other duties as assigned.

#### Public Works Director / City Engineer

*In addition to the above duties, is also responsible to*

- Serve as the City Engineer, planning for City public and capital improvement projects, assists the Public Works Director in overseeing project budgets, performs technical observation of project personnel or contractors, presenting construction progress reports, and assuring compliance with all federal, state, and local laws, codes, and ordinances.
- Stamp and affixing their seal to plans and specifications for City public improvement projects, if the City Engineer is the Engineer of Record.
- Manage environmental aspects of city capital improvement and other public projects
- Design or oversee the design of roads, bridges, and other infrastructure projects.
- Provide engineering guidance, approval of exemptions, and revisions to City Standards for public improvements.
- Perform development review of private development projects' improvement plans, Final Map, Parcel Map, Lot line Adjustments, Record of Surveys and other related land surveying documents.
- May sign Final Maps, parcel maps, Lot Line Adjustments, Record of Surveys and other related land surveying documents if a licensed Land Surveyor.

#### QUALIFICATIONS

##### **Knowledge of:**

- Principles and practices of public facility construction, maintenance, engineering, and transportation infrastructure in a municipal setting.
- Principles and practices of governmental administration and organizational management, planning, goal setting, oversight, project management, implementation, and contract administration.
- Principles and practices of leadership, motivation, team building, and conflict resolution.
- Pertinent local, state, and federal laws, rules, and regulations.



- Organizational and management practices as applied to the analysis and evaluation of programs.
- Principles and practices of organization, administration, and personnel management.
- Principles and practices of public agency budget preparation and administration.
- Theories, principles, laws, and regulations relating to public contracting and right-of-way.
- Administrative and supervisory principles and practices, including goal setting, program development, implementation, evaluation, and supervision of staff.
- Principles and practices of planning, engineering, construction, installation, and maintenance for public facilities and equipment, water and wastewater collection systems and pump stations, and public pools and playgrounds.
- Processes for efficient operation of facilities, streets, roads, water delivery, and wastewater collection processes.
- Organizational and management practices as applied to the analysis and evaluation of projects, programs, policies, procedures, and operational needs.
- Principles and techniques of conducting site planning, grading, engineering review, runoff and pollution prevention, land use, and other analytical studies, evaluating alternatives, and making sound recommendations.
- Applicable Federal, State, and local laws, rules, regulations, ordinances, and organizational policies and procedures relevant to the assigned area of responsibility.
- Technical, legal, financial, and public relations problems associated with the management of public works and engineering programs.

**Ability to:**

- Plan, direct, organize, direct, coordinate, and control the work of field, professional, technical, and administrative support personnel and the administration and operations of the Public Works Department; delegate authority and responsibility.
- Analyze budget and technical reports; interpret and evaluate staff reports and related documents; know and interpret laws, regulations, codes, and procedures; observe performance and evaluate staff; problem-solve department-related issues; and explain and interpret policy.
- Sit at desk and in meetings for long periods; intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use the telephone; write or use a keyboard to communicate through written means; and lift or carry the weight of 10 pounds or less.
- Prepare and administer large and complex budgets; allocate limited resources cost-effectively.
- Assess and recommend revisions for, interpret, implement, and apply city and department policies, procedures, rules, and regulations; develop department policies and procedures.
- Supervise, mentor, develop, evaluate, and hold assigned personnel accountable; manage projects, programs, and consultants promptly and effectively.
- Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations supporting goals.
- Establish and maintain effective working relationships and work with all individuals and groups tactfully and effectively regardless of cultural differences or circumstances, including race, ethnicity, religion, language, gender identity, age, marital and familial status, sexual orientation, diverse physical and learning abilities, socioeconomic status, and other identities.
- Develop and implement goals, objectives, policies, procedures, work standards, and internal controls for the Department and assigned program areas.
- Provide administrative and professional leadership and direction for the Department and the City.

- Interpret, apply, explain, and ensure compliance with applicable Federal, State, and local laws, rules, regulations, policies, and procedures.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Conduct effective negotiations and effectively represent the City and the Department in stakeholder meetings.
- Effectively and persuasively convey thoughts and ideas.
- Discern and interpret governmental regulations related to public works and engineering programs and activities.
- Develop and inspire staff to meet department and city objectives and benchmarks in an often changing and challenging environment.
- Explain complex ideas in easily understood terms patiently and effectively.
- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Conduct complex research projects, evaluate alternatives, and make sound recommendations.
- Gain cooperation through discussion, persuasion, and influence.
- Use English effectively and communicate clearly and concisely, orally and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish and maintain a variety of filing, record-keeping, and tracking systems.
- Operate modern office equipment, including computer equipment and specialized software applications and programs.

**Education and Experience:**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Education: Equivalent to graduation from an accredited four-year college or university with major coursework in civil, electrical, mechanical, hydrology, systems control engineering, or a related field.

Experience: Five (5) years of professional experience in asset and infrastructure management, public project and facilities maintenance management, engineering, or utilities management, and administrative and leadership experience in public works, including two (2) years of supervisory experience.

**Licenses and Certifications:**

- A certificate of registration in one or more areas issued by the State of California is desired: Engineer-in-Training, Water Distribution/Water Treatment, Wastewater Collections, Storm Water Pollution Control.
- The ability to convey oneself between multiple geographic locations daily and timely is required or possession of, or the ability to obtain a valid California Driver's License by the time of appointment.

**For Public Works Director / City Engineer – The following is required**

- A certificate of registration as a Professional Civil Engineer issued by the State of California

**PHYSICAL DEMANDS**

Positions in this classification primarily work in an office environment using standard office equipment with moderate noise levels, controlled temperature, and no direct exposure to hazardous physical substances. Positions in the classification may interact with difficult or challenging staff and public and private representatives in interpreting and enforcing City policies and procedures. Incumbents must possess the mobility to inspect City construction and work sites, operate a motor

vehicle, and visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person before groups and over the telephone. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Access, use, and apply mechanical and operational equipment. Positions in this classification often bend, stoop, kneel, reach, push, and pull items during work. Employees must be able to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

**ENVIRONMENTAL ELEMENTS**

Positions in the classification must possess the mobility to work in a standard office setting and use standard office equipment, including a computer, to inspect City project/development field sites, including traversing uneven terrain, climbing ladders, stairs, and other temporary or construction access points, and to visit various City and meeting sites; vision sufficient to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This position is primarily in a sedentary office environment, although standing and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. While performing the duties of this job, the employee occasionally works near moving mechanical parts, in high, precarious places, and in outside weather conditions and riparian environments and is occasionally exposed to wet and humid conditions, hot and cold temperatures, mechanical and electrical hazards, confined space hazards, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration. The noise level in the work environment is usually moderate.