

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**RESOLUTION NO. 2020-119**

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING  
AMENDMENT NO. 2 TO THE EMPLOYMENT AGREEMENT  
FOR CITY MANAGER SERVICES**

**WHEREAS**, on January 22, 2018 the City Council adopted Resolution No. 2018-20 approving an employment agreement with Nicole Almaguer for City Manager Services (“Agreement”); and

**WHEREAS**, on October 21, 2019 the City Council adopted Resolution No. 2019-88 approving Amendment No. 1 to the Agreement.

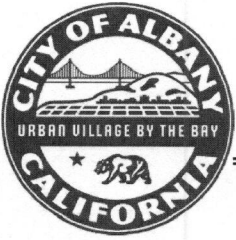
**WHEREAS**, in accordance with the terms of the Agreement, the City Council conducted an annual performance review of the City Manager on November 2, 2020 and November 16, 2020; and

**WHEREAS**, the City Council desires to further amend the Agreement to provide for additional administrative leave.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby approves Amendment No. 2 to the Employment Agreement for City Manager Services provided as Exhibit A to this Resolution.

  
\_\_\_\_\_  
NICK PILCH, MAYOR

EXHIBIT A: Amendment No. 2 to the Employment Agreement for City Manager Services



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

## RESOLUTION NO. 2020-119

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF  
ALBANY, The 7th day of December, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  
8th day of December, 2020.

Anne Hsu  
CITY CLERK

1                                   **AMENDMENT NO. 2 TO EMPLOYMENT AGREEMENT**  
2                                   **FOR CITY MANAGER SERVICES**

3  
4           **THIS AMENDMENT NO. 2** (“Amendment No. 2”) to the Employment Agreement  
5 for City Manager Services (“Agreement”) is entered into effective December 7, 2020 by and  
6 between the City Council of the City of Albany, a California municipal corporation  
7 organized as a charter city (“Employer”) and Nicole Almaguer (“Employee”).  
8

9           **WHEREAS**, on January 22, 2018 the City Council adopted Resolution No. 2018-20  
10 approving an employment agreement with Nicole Almaguer for City Manager Services;  
11 and  
12

13           **WHEREAS**, on October 21, 2019 the City Council adopted Resolution No. 2019-88  
14 approving Amendment No. 1 to the Agreement; and  
15

16           **WHEREAS**, in accordance with the terms of the Agreement, the City Council  
17 conducted an annual performance review of the City Manager on November 2, 2020 and  
18 November 16, 2020; and  
19

20           **WHEREAS**, the City Council desires to further amend the Agreement to provide for  
21 additional administrative leave.  
22

23           **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set  
24 forth in this Amendment No. 2, the parties agree as follows:  
25

26           **A. Amendment No. 2 to Agreement.** This Amendment No. 2 makes certain specific  
27 changes to the Agreement. Except for the provisions expressly modified in this  
28 Amendment No. 2, the remaining terms and conditions of the Agreement as  
29 otherwise amended remain in full force and effect. Section 4: BENEFITS,  
subsection A is amended in full to read as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**“SECTION 4: BENEFITS**

A. Except as otherwise provided in this Agreement, Employee is to be provided the same retirement, medical, dental, vacation, sick leave, holiday, long-term disability and other benefits which are offered to other management employees as more fully described in the Management and Confidential Employees Benefits Booklet (“Benefits Booklet”), which may be amended from time to time by the Employer. In addition to the amount of administrative leave for which Employee is eligible pursuant to the Benefits Booklet, Employee shall also receive 80 additional hours of administrative leave at the beginning of each calendar year, subject to all other conditions provided regarding administrative leave as set forth in the Benefits Booklet.”

**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 2 as of the day and year written above.

**CITY OF ALBANY**

**EMPLOYEE**

By:   
NICK PILCH, MAYOR

By:   
NICOLE ALMAGUER, CITY MANAGER

**APPROVED AS TO FORM:**

By:   
MALA SUBRAMANIAN, CITY ATTORNEY

**ATTEST:**

By:   
ANNE HSU, CITY CLERK

Date: 12/9/2020