

1 EXHIBIT A: Amendment No. 3 to the Employment Agreement for City Manager Services

2 **AMENDMENT NO. 3 TO EMPLOYMENT AGREEMENT**
3 **FOR CITY MANAGER SERVICES**

4
5 **THIS AMENDMENT NO. 3** (“Amendment No. 3”) to the Employment Agreement
6 for City Manager Services (“Agreement”) is entered into effective June 21, 2022 by and
7 between the City Council of the City of Albany, a California municipal corporation
8 organized as a charter city (“Employer”) and Nicole Almaguer (“Employee”).

9
10 **WHEREAS**, on January 22, 2018 the City Council adopted Resolution No. 2018-20
11 approving the Agreement; and

12
13 **WHEREAS**, on October 21, 2019 the City Council adopted Resolution No. 201988
14 approving Amendment No. 1 to the Agreement; and

15
16 **WHEREAS**, on December 7, 2020 the City Council adopted Resolution No. 2020-
17 119 approving Amendment No. 2 to the Agreement.

18
19 **WHEREAS**, in accordance with the terms of the Agreement, the City Council
20 conducted an annual performance review of the City Manager on May 23, 2022; and; and

21
22 **WHEREAS**, the City Council desires to further amend the Agreement to provide for
23 a ten percent (10%) total increase in the City Manager’s salary effective July 1, 2022, and
24 six (6) months’ worth of severance payment for removal without cause.

25
26 **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set
27 forth in this Amendment No. 3, the parties agree as follows:

1 **A. Amendment No. 3 to Agreement.** This Amendment No. 3 makes certain specific
2 changes to the Agreement. Except for the provisions expressly modified in this
3 Amendment No. 3, the remaining terms and conditions of the Agreement as otherwise
4 amended remain in full force and effect.

5
6 **B. Amendment to Section 3.** Section 3: COMPENSATION is amended in full to read
7 as follows:

8 **“SECTION 3: COMPENSATION**

9
10 Employer agrees to pay Employee for her services rendered pursuant hereto an
11 annual base salary of two hundred twenty-three thousand eight hundred twenty-eight
12 dollars (\$223,828), payable in installments at the same time as other employees of the
13 Employer are paid. Employee shall receive an additional five percent (5%) of the base
14 salary as longevity pay, as provided to other management employees who have served
15 ten (10) or more years with the City, bringing her total annual salary to two hundred
16 thirty-five thousand and twenty dollars (\$235,020). Employee shall automatically receive
17 any cost of living increases the management employees may be granted by the Employer
18 during the term of this Agreement. The annual base salary may be further increased by the
19 Employer from time to time by written amendment of this Agreement. The current
20 salary shall be accurately reflected in the Employer’s Salary Schedule.”

21 **C. Amendment to Section 4.** A new subsection D. is hereby added to Section 5:
22 TERMINATION, to read as follows:

23 **“SECTION 5: TERMINATION**

24
25 ...

26 D. If Employer terminates this Agreement without cause, the Employer agrees to give
27 Employee an additional ninety (90) days severance payment in addition to the
28 ninety (90) days severance payment articulated in Section 5.A. above for a total of
29 six (6) months’ severance payment.”

1 ”

2
3
4
5 **IN WITNESS WHEREOF**, the parties have executed this Amendment No. 3
6 as of the day and year written above.

7
8 **CITY OF ALBANY**

EMPLOYEE

9
10 By: 
 PRESTON JORDAN, MAYOR

 By: 
 NICOLE ALMAGUER, CITY MANAGER

11
12 **APPROVED AS TO FORM:**

13
14 By: 
 MALA SUBRAMANIAN, CITY ATTORNEY

15
16
17 **ATTEST:**

18
19 By: 
 ANNE HSU, CITY CLERK

20
21 Date: 7/6/2022



City of Albany

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RESOLUTION NO. 2022-79

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of July, 2022, by the following votes:

AYES: Council Members McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: Gary

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 6th
day of July, 2022.

Anne Hsu
CITY CLERK