

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves Restated Amendment No. 3 to the Employment Agreement for City Manager Services provided as Exhibit A to this Resolution.


PRESTON JORDAN, MAYOR

Attachment:

EXHIBIT A - Restated Amendment No. 3 to the Employment Agreement for City Manager Services

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

3
4 **THIS RESTATED AMENDMENT NO. 3** (“Amendment No. 3”) to the
5 Employment Agreement for City Manager Services (“Agreement”) is entered into effective
6 July 1, 2022 by and between the City Council of the City of Albany, a California municipal
7 corporation organized as a charter city (“Employer”) and Nicole Almaguer (“Employee”).
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9 **WHEREAS**, on January 22, 2018 the City Council adopted Resolution No. 2018-20
10 approving the Agreement; and
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12 **WHEREAS**, on October 21, 2019 the City Council adopted Resolution No. 2019-88
13 approving Amendment No. 1 to the Agreement; and
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15 **WHEREAS**, on December 7, 2020 the City Council adopted Resolution 2020-119
16 approving Amendment No. 2 to the Agreement; and
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18 **WHEREAS**, in accordance with the terms of the Agreement, the City Council
19 conducted an annual performance review of the City Manager on June 21, 2022; and;
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21 **WHEREAS**, on July 5, 2022, the City Council adopted Resolution 2022-79
22 approving Amendment No. 3 to the Agreement to further amend the Agreement to increase
23 the City Manager’s base salary by ten percent (10%) effective July 1, 2022, and to provide
24 for six (6) months’ worth of severance payment for removal without cause; and
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26 **WHEREAS**, Amendment No. 3 did not reflect the accurate salary and compensation
27 of the City Manager and the City Council desires to adopt an Restated Amendment No. 3 to
28 the Agreement to correct and accurately reflect the City Manager’s compensation.
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NOW, THEREFORE, in consideration of the mutual covenants and conditions set
forth in this Restated Amendment No. 3, the parties agree as follows:

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

B. Amendment to Section 3. Section 3: COMPENSATION is amended in full to read as follows:

“SECTION 3: COMPENSATION

Employer agrees to pay Employee for her services rendered pursuant hereto an annual base salary of two hundred thirty-five thousand twenty-one dollars (\$235,021). Employee shall also receive the following from the Management and Confidential Employees Benefits Booklet as approved by the City Council as it may be amended from time to time: an additional five percent (5%) of the base salary as longevity pay for serving ten (10) or more years with the City and as additional two point five percent (2.5%) of base salary plus longevity pay as incentive pay, as provided to other management employees. Employee shall automatically receive any cost of living increases to base salary the management employees may be granted by the Employer during the term of this Agreement. The annual base salary may be further increased by the Employer from time to time by written amendment of this Agreement. The current salary shall be accurately reflected in the Employer’s Salary Schedule. Employee shall receive compensation payable in installments at the same time as other employees of the Employer are paid.”

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



City of Albany

1000 San Pablo Avenue • Albany, California 94706
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RESOLUTION NO. 2022-98

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

The 6th day of September, 2022, by the following votes:

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

NOES: Council Member Gary

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
day of September, 2022.

Anne Hsu
CITY CLERK