

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: September 4, 2023

SUBJECT: Amendment No. 4 to the Employment Agreement for City Manager Services

REPORT BY: Mala Subramanian, City Attorney

SUMMARY

This report details the proposed Amendment No. 4 to the Employment Agreement for City Manager Services.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2023-64, approving Amendment No. 4 to the Employment Agreement for City Manager Services.

BACKGROUND/DISCUSSION

On January 22, 2018, the City Council adopted [Resolution No. 2018-20](#) approving an employment agreement with Nicole Almaguer for City Manager Services (“Agreement”). On October 21, 2019, the City Council adopted [Resolution No. 2019-88](#) approving Amendment No. 1 to the Agreement to increase the compensation. On December 7, 2020, the City Council adopted [Resolution No. 2020-119](#) approving Amendment No. 2 to the Agreement to provide for additional administrative leave. On September 6, 2022, the City Council adopted [Resolution No. 2022-98](#) to execute the Restated Amendment No. 3 to the Employment Agreement for the City Manager, effective July 1, 2022 to provide for an increase in base salary and 6 months’ severance pay upon removal without cause.

In accordance with the terms of the Agreement, the City Council conducted an annual performance review of the City Manager on June 22, 2023 and July 17, 2023 and requested a fourth amendment to the Agreement to increase the City Manager’s base salary to \$ 266,279 effective July 1, 2023.

Attachment:

1. Resolution No. 2023-64 with Amendment No. 4 to the Employment Agreement

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RESOLUTION NO. 2023-64

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING
AMENDMENT NO. 4 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; and

WHEREAS, on December 7, 2020 the City Council adopted Resolution No. 2020-119 approving Amendment No. 2 to the Agreement; and

WHEREAS, on September 6, 2022, the City Council adopted Resolution No. 2022-98 approving Restated Amendment No. 3 to the Agreement; and

WHEREAS, in accordance with the terms of the Agreement, the City Council conducted an annual performance review of the City Manager on June 22, 2023 and July 17, 2023 and desires to further amend the Agreement to provide for an increase to the base salary.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves Amendment No. 4 to the Employment Agreement for City Manager Services provided as Exhibit A to this Resolution.

AARON TIEDEMANN, MAYOR

Attachment:
EXHIBIT A - Amendment No. 4 to the Employment Agreement for City Manager Services

1
2 **AMENDMENT NO. 4 TO EMPLOYMENT AGREEMENT**
3 **FOR CITY MANAGER SERVICES**

4
5 **THIS AMENDMENT NO. 4** (“Amendment No. 4”) to the Employment Agreement
6 for City Manager Services (“Agreement”) is entered into effective July 1, 2023 by and
7 between the City Council of the City of Albany, a California municipal corporation organized
8 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. 2019-88
14 approving Amendment No. 1 to the Agreement; and

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

18
19 **WHEREAS**, on September 6, 2022, the City Council adopted Resolution 2022-79
20 approving Restated Amendment No. 3 to the Agreement; and

21
22 **WHEREAS**, in accordance with the terms of the Agreement, the City Council
23 conducted an annual performance review of the City Manager on June 22, 2023 and July 17,
24 2023 and desires to further amend the Agreement to increase base salary.

25
26 **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set
27 forth in this Amendment No. 4, the parties agree as follows:
28
29

1 **A. Amendment No. 4 to Agreement.** This Amendment No. 4 makes certain specific
2 changes to the Agreement. Except for the provisions expressly modified in this
3 Amendment No. 4, 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
7 read 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 sixty-six thousand two hundred seventy-nine dollars
12 (\$266,279). Employee shall also receive the following from the Management and
13 Confidential Employees Benefits Booklet as approved by the City Council as it may be
14 amended from time to time: an additional five percent (5%) of the base salary as longevity
15 pay for serving ten (10) or more years with the City and as additional two point five percent
16 (2.5%) of base salary plus longevity pay as incentive pay, as provided to other management
17 employees. Employee shall automatically receive any cost of living increases to base salary
18 the management employees may be granted by the Employer during the term of this
19 Agreement. The annual base salary may be further increased by the Employer from time to
20 time by written amendment of this Agreement. The current salary shall be accurately
21 reflected in the Employer’s Salary Schedule. Employee shall receive compensation payable
22 in installments at the same time as other employees of the Employer are paid.”

23
24 **IN WITNESS WHEREOF**, the parties have executed this Amendment No. 4 as of the day
25 and year written above.

26 **CITY OF ALBANY**

EMPLOYEE

27
28 By: _____
29 AARON TIEDEMANN, MAYOR

By: _____
NICOLE ALMAGUER, CITY MANAGER

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APPROVED AS TO FORM:

By: _____
MALA SUBRAMANIAN, CITY ATTORNEY

ATTEST:

By: _____
ANNE HSU, CITY CLERK

Date: _____