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RESOLUTION NO. 2024-67

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING
AMENDMENT NO. 5 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, on September 4, 2023, the City Council adopted Resolution No. 2023-64 approving Amendment No. 4 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 July 1, 2024 and desires to further amend the Agreement to provide for an increase to the base salary and provide for a 4/5ths vote of the Council to terminate the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves Amendment No. 5 to the Employment Agreement for City Manager Services provided as Exhibit A to this Resolution.



JOHN MIKI, MAYOR

Attachment:
Exhibit A – Amendment No. 5 to the Employment Agreement for City Manager Services

1 **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set
2 forth in this Amendment No. 5, the parties agree as follows:

3
4 **A. Amendment No. 5 to Agreement.** This Amendment No. 5 makes certain specific
5 changes to the Agreement. Except for the provisions expressly modified in this
6 Amendment No. 5, the remaining terms and conditions of the Agreement as otherwise
7 amended remain in full force and effect.

8
9 **B. Amendment to Section 3.** Section 3: COMPENSATION is amended in full to
10 read as follows:

11 **“SECTION 3: COMPENSATION**

12
13 Employer agrees to pay Employee for her services rendered pursuant hereto an
14 annual base salary of two hundred ninety thousand seven hundred twenty-three dollars
15 (\$290,723). Employee shall also receive the following from the Management and
16 Confidential Employees Benefits Booklet as approved by the City Council as it may be
17 amended from time to time: an additional five percent (5%) of the base salary as longevity
18 pay for serving ten (10) or more years with the City and as additional two point five percent
19 (2.5%) of base salary plus longevity pay as incentive pay, as provided to other management
20 employees. Employee shall automatically receive any cost of living increases to base salary
21 the management employees may be granted by the Employer during the term of this
22 Agreement. The annual base salary may be further increased by the Employer from time to
23 time by written amendment of this Agreement. The current salary shall be accurately
24 reflected in the Employer’s Salary Schedule. Employee shall receive compensation
25 payable in installments at the same time as other employees of the Employer are paid.”

26
27 **C. Amendment to Section 5A.** Section 5A.: Termination is amended in full to read
28 as follows:

29

1 "A. Employee is an at-will employee appointed by and serving at the pleasure of
2 Employer, acting through its City Council; and this Agreement may be terminated by
3 Employer at any time, with or without cause by a 4/5ths vote of the City Council. Pursuant to
4 Albany Municipal Code Section 2-3.1, if Employer terminates this Agreement for any reason,
5 Employee shall be entitled to receive a severance payment equal to ninety (90) days salary
6 following receipt of a written notice of termination, in addition to payment for accrued vacation
7 as required by law."

8
9 **IN WITNESS WHEREOF**, the parties have executed this Amendment No. 5 as of
10 the day and year written above.

11
12 **CITY OF ALBANY**

EMPLOYEE

13
14 By: 
15 JOHN MIKI, MAYOR

By: 
16 NICOLE ALMAGUER, CITY MANAGER

17 **APPROVED AS TO FORM:**

18
19 By: 
20 MALA SUBRAMANIAN, CITY ATTORNEY

21
22 **ATTEST:**

23
24 By: 
25 ANNE HSU, CITY CLERK

26
27 Date: 7/15/2024

28
29



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2024-67

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

The 15th day of July, 2024, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, Tiedemann and

Mayor Miki

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

16th day of July, 2024.

Anne Hsu
CITY CLERK

*Albany is committed to providing a healthy, safe, and accessible city,
and strives to lift every voice in our community.*