



REPORT TO CITY COUNCIL

Approved by: Hilda Cantú Montoy

Hilda Cantú Montoy, City Attorney

Council Meeting of: March 18, 2020

Agenda Number: D-6

SUBJECT:

Consideration of Adopting a Resolution Approving a Second Amendment to the City Manager At-Will Employment Agreement Extending the Term of the Agreement through December 3, 2024

RECOMMENDATION:

This report has been prepared at the direction of the City Council (Council), therefore there is no staff recommendation provided. Council is asked to consider and determine whether to approve the Resolution approving a Second Amendment to the City Manager At-Will Employment Agreement.

Pursuant to Government Code § 54953 (c) (3), prior to taking action on this item, the Council must publicly announce a summary of the action being considered.

Announcement - *If approved, the proposed amendment to the City Manager's Employment Agreement will extend the Agreement by three years to December 3, 2024.*

SUMMARY:

The Council conducted the City Manager's performance evaluation. The parties wish to extend the At-Will Employment Agreement by three years.

DISCUSSION:

On November 7, 2018, the City and City Manager entered a three year employment agreement that was effective December 3, 2018. That agreement was amended on April 3, 2019 to remove the City Manager's automobile allowance from the fringe benefit package. The Council has conducted a performance evaluation of the City Manager and is highly pleased with his performance. The Council and Employee desire to extend the Agreement by an additional three (3) years. The extension of the Agreement is embodied in this proposed Second Amendment to the City Manager At-Will Employment Agreement. If approved, the term of the Agreement will be modified from December 3, 2021 to December 3, 2024.

FINANCIAL IMPACT:

This amendment does not increase any compensation or benefits.

ALTERNATIVES:

If the Council does not take action on the resolution, existing agreement terms will continue.

ATTACHMENTS:

1. Resolution approving Second Amendment to the City Manager At-Will Employment Agreement.
 - a. Exhibit A: Second Amendment to City Manager At-Will Employment Agreement.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING A
SECOND AMENDMENT TO THE CITY MANAGER AT-WILL EMPLOYMENT
AGREEMENT EXTENDING THE TERM OF THE AGREEMENT

WHEREAS, on November 7, 2018, the City and City Manager entered a three year At -Will Employment Agreement (“Agreement”) effective December 3, 2019; and

WHEREAS, a First Amendment to the Agreement was entered into on April 3, 2019; and

WHEREAS, the City Council has conducted a performance evaluation of the City Manager and is highly pleased with his performance; and

WHEREAS, the City Council and City Manager desire to extend the agreement by an additional three (3) years.

NOW, THEREFORE, the Council of the City of Madera hereby resolves, finds, and orders as follows:

1. The above recitals are true and correct.
2. The City Council approves the Second Amendment to City Manager At-Will Employment Agreement attached hereto as Exhibit A.
3. The Mayor is authorized to execute the Second Amendment to City Manager At-Will Employment Agreement.
4. This resolution is effective immediately upon adoption.

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**SECOND AMENDMENT TO
CITY MANAGER AT-WILL EMPLOYMENT AGREEMENT**

This Second Amendment to City Manager At-Will Employment Agreement (“Second Amendment”) is entered into by and between the City of Madera, State of California, a municipal corporation (“Employer” or “City”), and Arnolando Rodriguez (“Employee”) as follows:

RECITALS

- A. City and Employee entered into an At-Will Employment Agreement (“Agreement”) effective November 7, 2018, and a First Amendment thereto on April 3, 2019.
- B. The City Council has conducted a performance evaluation of Employee and is highly pleased with Employee’s performance.
- C. The City and Employee desire to extend the Agreement by an additional three (3) years.

AGREEMENT

In consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. Subsection A of Section 1 of the Agreement titled “Term” is amended to read as follows:

- A. The term of this Agreement shall be extended three (3) years from December 3, 2021, thereby extending this Agreement to December 3, 2024. The Employer will provide written notice to the Employee on or before September 4, 2024, of its intent to offer to extend, renew, or otherwise not renew this contract for an additional term. If the Employer chooses to extend the Agreement, the Employer will inform the Employee of the newly proposed term at the time of its offer to renew. The Employee must respond to an offer to extend or renew the Agreement within 45 days of the offered extension or renewal.

SECTION 2. Except as amended by this Second Amendment, all terms and conditions of the Agreement and First Amendment shall continue in full force and effect.

SECTION 3. This Second Amendment to City Manager At-Will Employment Agreement shall be effective March 19, 2020.

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IN WITNESS WHEREOF, the City of Madera has caused this Second Amendment to At-Will Employment Agreement to be signed and executed on its behalf by the Mayor of the City of Madera and duly attested by its City Clerk, and Arnoldo Rodriguez has signed and executed this Second Amendment to At-Will Employment Agreement.

EMPLOYEE

CITY OF MADERA

Arnoldo Rodriguez

Andrew J. Medellin, Mayor

Date: _____

Date: _____

ATTEST

APPROVED AS TO LEGAL FORM

Alicia Gonzales, City Clerk

Hilda Cantú Montoy, City Attorney