

SECOND AMENDMENT TO
EMPLOYMENT AGREEMENT

This Second Amendment to Employment Agreement ("Second Amendment") is entered into on this 9th day of November, 2015 ("Effective Date"), by and between the City of Belvedere (the "City") and Mary Neilan ("Employee" or "Neilan"; collectively, the "Parties").

This Second Amendment is subject to approval at a regular meeting of the City in open session pursuant to AB 1344 requirements.

RECITALS

A. The Parties entered into an Employment Agreement dated January 14, 2013, whereby Neilan was employed by the City in the position of City Manager; and the Parties entered into a First Amendment to the Employment Agreement approved by the City Council September 8, 2014; retroactively effective to July 1, 2014 (collectively the "Employment Agreement"); and

B. The Parties desire to amend and modify the Employment Agreement retroactively effective as of July 1, 2015 to: 1) provide an annual salary of increase of 1%; and 2) provide a monthly car allowance of \$400.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties agree as follows as of the Effective Date stated above:

1. Salary. Section 4 of the Employment Agreement is hereby deleted and replaced with the following language:

SALARY. Employee shall receive an annual base salary of \$186,345.00 (One Hundred and Eighty Six Thousand, Three Hundred and Forty Five Dollars and No Cents), or \$15,528.75 (Fifteen Thousand, Five Hundred and Twenty Eight Dollars and Seventy Five Cents) per month, which shall be paid on the same pay warrant schedule other salaried employees of the City are paid and Employee shall be entitled to participate in all City benefit programs consistent with other management level employees. In addition, Employee shall be entitled to deferred compensation of \$350 per month in addition to the deferred compensation of \$150 per month that is available in Paragraph 12 of City Resolution Number 2012-15 for a total of \$500 per month of deferred compensation per month. The Employee's salary and other benefits shall be reviewed by the City Council in conjunction with an annual performance evaluation and may be adjusted to such extent as the City Council may determine desirable and appropriate to do, and subject to the requirements of AB 1344 regarding contracts for public employees.

2. Car Allowance. Existing Section 5 of the Employment Agreement is renumbered to Section 6, with the remaining Sections of the Employment Agreement renumbered consecutively, and a new Section 5 is included with the following language:

CAR ALLOWANCE. The City agrees to provide Employee a car allowance in the form of a \$400.00 (Four Hundred Dollars and No Cents) gross payment once per month, subject to tax and withholding.

All other terms and conditions of the Employment Agreement not expressly amended herein remain in full force and effect and are hereby ratified and reaffirmed by the Parties.

CITY OF BELVEDERE

Dated: 11/9/15

Claire McAuliffe
CLAIRE MCAULIFFE, Mayor

EMPLOYEE

Dated: 11/10/15

Maryneelan
MARY G. NEILAN

ATTEST:

Alison Foulis
CITY CLERK

APPROVED AS TO FORM:

Robert F. Epstein
ROBERT F. EPSTEIN, City Attorney