

CITY OF BELVEDERE

RESOLUTION NO. 2011-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
CONTINUING THE APPOINTMENT OF GEORGE J. RODERICKS
TO THE POSITION OF CITY MANAGER AND AUTHORIZING THE MAYOR
TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY
WITH MR. RODERICKS EFFECTIVE JULY 1, 2011**

WHEREAS, the City Council of the City of Belvedere desires to continue the services of George J. Rodericks to perform the duties of City Manager; and

WHEREAS, the City Council met in Closed Session in June 2011 and discussed the performance of City Manager Rodericks; and

WHEREAS, the City Council directed Mayor Telischak to meet with City Manager Rodericks to discuss the performance evaluation; and

WHEREAS, the City Council directed Mayor Telischak to meet with City Manager Rodericks to discuss his performance and to discuss any changes to the City Manager's employment agreement;

WHEREAS, Mayor Telischak has met with City Manager Rodericks to discuss the City Manager's employment and proposed modifications to his employment agreement; and

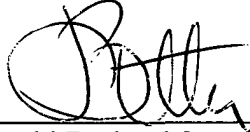
WHEREAS, the City Council considered as an Other Scheduled Item during the regular City Council meeting on July 11, 2011, the continued services of City Manager Rodericks and at that time publicly discussed and considered modifications to the employment agreement and the appropriate compensation to be included therein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere:

1. That the City Council hereby continues the appointment of George J. Rodericks to the position of City Manager effective July 11, 2011.
2. That the City Council adopts the proposed draft modifications to the City Manager's existing employment agreement as attached.
3. That the City Council hereby authorizes the Mayor to execute the finalized employment agreement between the City and George J. Rodericks, with the modifications set forth.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on July 11, 2011, by the following vote:

AYES: Siavash Barmand, Thomas Cromwell, John C. Telischak, and Mayor Gerald Butler
NOES: None
ABSENT: Sandra Donnell

APPROVED: 
Gerald Butler, Mayor

ATTEST: 
Leslie Carpentiers, Deputy City Clerk

ATTACHMENT

CITY OF BELVEDERE
JULY 2011 MODIFICATION OF EMPLOYMENT AGREEMENT

This Modification of Employment Agreement (hereinafter referred to as “July 2011 Modification”) is entered into on this 11th day of July by and between the City of Belvedere (hereinafter referred to as “City”) and George Rodericks (hereinafter referred to as “Rodericks”).

Recitals

- A. On March 14, 2005, City and Rodericks entered into an Employment Agreement (hereinafter referred to as “Agreement”) whereby City agreed to employ Rodericks as City Manager for City pursuant to the terms set forth therein.
- B. In September 2006, City and Rodericks amended said Agreement pursuant to the terms of the “September 2006 Modification.”
- C. The parties desire to amend the terms of the Agreement as set forth below and enter into this July 2011 Modification for that sole purpose. This July 2011 Modification is meant to satisfy Section 25 of the Agreement which requires that any amendment to the Agreement be in writing.
- D. Unless specifically modified below, the terms of the Agreement shall remain the same (except as previously modified by the September 2006 Modification) and be in full force and effect until such time as those terms may be separately modified by written agreement as required by Section 25 of the Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Rodericks do hereby agree to modify the Agreement as follows:

5. SALARY. *The Employee shall receive an annual base salary as set forth in the Annual Salary and Benefits Resolution adopted by the City Council.* Additionally, the Employee shall be entitled to participate in all City benefit programs consistent with other management level employees and shall be eligible for all specific benefits to the City Manager as shall be called out within the Annual Salary and Benefits Resolution. 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 to be desirable and appropriate.

10. HOUSING ASSISTANCE. The City agrees to continue its housing assistance loan to the Employee pursuant to the separately executed written Home Loan Agreement. As an additional incentive to Rodericks to maintain his employment with the City for no less than five years from July 1, 2006 the City and Rodericks entered into an “incentive agreement” such that the City maintained the interest rate on the housing assistance loan at the Local Agency Investment Fund (LAIF) rate as of May 1, 2005 for the duration of the incentive period, through July 1, 2011. If, at the end of the incentive period, Rodericks was still employed by City, City was to waive, and Rodericks would not be responsible for payment of, any increases in the LAIF rate that occurred during the incentive period. At the conclusion of the incentive period, the interest rate on the Rodericks home loan agreement could be mutually established for a successive incentive period or the current incentive period could be extended at the discretion of the City for a successive period of time until Rodericks' termination pursuant to the Agreement.

If there were no successive incentive period and/or the existing incentive period were not extended, the interest rate would be established by mutual agreement of City and Rodericks. *The City and Employee desire to extend the incentive period to a successive incentive period of five years ending July 1, 2016. The effect of termination during the incentive period shall remain as provided in the September 2006 Modification.*

14. RETIREMENT. Rodericks shall be enrolled in the State of California Public Employees' Retirement System (PERS). *Prior to July 1, 2011 the City paid 100% of the employer portion and the employee portion of the PERS pension benefit. Payment of the employee portion represents compensation directly to the employee. Beginning July 1, 2011 the City desires to transfer the employee portion back to an employee responsibility. Because the benefit represents compensation, the City desires to transfer this responsibility back to the employee over a period of years until the full percentage is paid directly by the employee while not affecting the employee compensation. Therefore, beginning July 1, 2011, City shall compensate Employee for the above-described decrease in compensation through a contribution to Employee's ICMA Deferred Compensation Account in the annual amount of \$3,600.* As has been previously agreed and stated, Rodericks shall be entitled to all other benefits consistent with that of other management employees.

CITY OF BELVEDERE

Dated: July 11, 2011

Gerald Butler, Mayor

EMPLOYEE

Dated: July 11, 2011

GEORGE J. RODERICKS, City Manager

ATTEST:

APPROVED AS TO FORM:

LESLIE CARPENTIER, Dep. Clerk

ROBERT F. EPSTEIN, City Attorney