



City of Albany

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

RESOLUTION NO. 2019-88

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

The 21st day of October, 2019, by the following votes:

AYES: Council Members Maass, McQuaid, Pilch and Mayor Nason

NOES: None

ABSENT: Council Member Barnes

ABSTAINED: none

RECUSED: none

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

22nd day of October, 2019.

Eileen Harrington
DEPUTY CITY CLERK

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

3
4 **THIS AMENDMENT NO. 1** (“Amendment No. 1”) to the Employment Agreement
5 for City Manager Services (“Agreement”) is entered into effective October 21, 2019 by and
6 between the City Council of the City of Albany, a California municipal corporation
7 organized as a charter city (“Employer”) and Nicole Almaguer (“Employee”).
8

9 **WHEREAS**, on January 22, 2018 the City Council adopted Resolution No. 2018-20
10 approving an employment agreement with Nicole Almaguer for City Manager Services;
11 and
12

13 **WHEREAS**, in accordance with the terms of the Agreement, the City Council
14 conducted an annual performance review of the City Manager on September 16, 2019 and
15 October 7, 2019; and
16

17 **WHEREAS**, per the Employment Agreement, Section 3: COMPENSATION, the
18 annual base salary may be further increased by the Employer from time to time by written
19 amendment.
20

21 **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set
22 forth in this Amendment No. 1, the parties agree as follows:
23

- 24 **A. Amendment No. 1 to Agreement.** This Amendment No. 1 makes certain specific
25 changes to the Agreement. Except for the provisions expressly modified in this
26 Amendment No. 1, the remaining terms and conditions of the Agreement remain in
27 full force and effect. The following provision of the Agreement is hereby
28 amended, as follows:
29

SECTION 3: COMPENSATION

1
2 Employer agrees to pay Employee for her services rendered pursuant hereto
3 an annual base salary of two hundred one thousand three hundred eighty-
4 seven dollars (\$201,387), payable in installments at the same time as other
5 employees of the Employer are paid. Employee shall receive an additional
6 five percent (5%) of the base salary as longevity pay, as provided to other
7 management employees who have served ten (10) or more years with the
8 City, bringing her total annual salary to two hundred eleven thousand four
9 hundred fifty-seven dollars (\$211,457).

10 Employee shall automatically receive any cost of living increases the
11 management employees may be granted by the Employer during the term
12 of this Agreement. The annual base salary may be further increased by the
13 Employer from time to time by written amendment of this Agreement. The
14 current salary shall be accurately reflected in the Employer's Salary
15 Schedule.

16 **IN WITNESS WHEREOF**, the parties have executed this Amendment No. 1 as of
17 the day and year written above.

18 **CITY OF ALBANY**

EMPLOYEE

19 By: 
20 ROCHELLE NASON, MAYOR

By: 
NICOLE ALMAGUER, CITY MANAGER

21 **APPROVED AS TO FORM:**

22 By: 
23 CRAIG ABADIE, CITY ATTORNEY

24 **ATTEST:**

25 By: 
26 ANNE HSU, CITY CLERK

27 Date: 10/21/19
28
29