

## NINTH AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

This Ninth Amendment ("Amendment") to City Manager Employment Agreement ("Agreement") is entered into this 14<sup>th</sup> day of May, 2019 by and between the City of Oakley, a municipal corporation ("City"), and Bryan H. Montgomery ("Employee").

The parties agree as follows:

1. Effective immediately, and retroactive to July 1, 2018, Employee's monthly salary shall be \$19,955.38/month.
2. Beginning on July 1, 2019, and on every July 1 from the date of this Amendment, Employee's salary shall be adjusted by the Consumer Price Index for all Urban Consumers ("CPI-U"), San Francisco Area, as published by the United States Bureau of Labor Statistics. In determining the adjustment required by this Amendment, the CPI-U shall be based on the change in percentage from April of the preceding year to April of the current calendar year.
3. Section 9 of the Agreement is amended to provide that Employee shall not be terminated without cause within 90 days after the effective date one or more new members of the City Council takes office following any election. Nothing in this Amendment shall preclude the City Council from terminating Employee with cause during this 90-day period. For purpose of this Amendment, the appointment of any councilmember(s) for purpose of filling a vacancy in any City Council position shall not constitute an election.
4. Section 10 of the Agreement is amended to provide that Employee shall receive nine months' severance if he is terminated without cause between the 91<sup>st</sup> and 180<sup>th</sup> day of the effective date one or more new members of the City Council takes office following an election. On and after the 181<sup>st</sup> date from the effective date the new councilmember(s) take office, Employee's entitlement to severance shall revert to the six months provided in the Agreement.
5. Section 12 of the Agreement is amended to provide that performance evaluations of Employee shall be conducted not less than once per fiscal year and shall be completed not later than April 30 of each such year.
6. The City Council will consider a modification to the policy regarding the application of accrued sick leave by employees with more than 10 consecutive years of employment with the City, for the conversion of all an employee's accrued sick leave toward service time under CalPERS; however, the cash-out of any accrued sick leave would not exceed 500 hours.

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7. All of the unamended portions of the Agreement and its previous shall remain in force and effect.

CITY:

EMPLOYEE:

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Claire Alaura, Mayor

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Bryan H. Montgomery, City Manager

Approved as to Form:

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Derek P. Cole, City Attorney