

## SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

This Second Amendment to Employment Agreement is made June 17, 2021 between the City of Brisbane, a Municipal Corporation ("City") and Clayton L. Holstine ("Employee").

### RECITALS

- A. City and Employee entered into an Employment Agreement on July 18, 2019 by which City employed Employee as the City Manager of the City, setting forth the salary and other benefits provided to the Employee by the City.
- B. The Employment Agreement was first amended in November 2020 concerning the terms and conditions of an equity loan that the City has provided to Employee for his personal residence in Brisbane.
- C. Under the Employment Agreement, Employee is provided 80 hours of administrative leave each August but that provision applies only through August 2021.
- D. Under the Employment Agreement, the term is to end on December 30, 2021, but the City and Employee have agreed that it is in the interests of the City and the community for Employee to remain employed as City Manager through December 2022.
- E. The Employment Agreement needs to be amended to extend the term of employment until December 31, 2022 and to provide 80 hours of administrative leave in August 2022.

NOW, THEREFORE, in consideration of the following, the parties agree as follows:

1. Subsection a) of Section 3 of the Employment Agreement is amended as follows:

#### **"3. Term.**

- a) The term of this Agreement shall commence on July 18, 2019 and end on December 31, 2022, subject to the termination provisions of Section 12.
- b) No change.
- c) No change."

2. Section 6 of the Employment Agreement is amended as follows:

#### **"6. Vacation and Leave Time**

Employee shall be entitled to the same vacation, holidays, longevity and sick leave as provided to full time department heads of the City of Brisbane, in accordance with the Memorandum of Understanding as negotiated from time to time between such department heads and the City. For the purpose of accounting, for sick leave and vacation, these hours will be merged into one bank of time called personal leave. In addition, the Employee shall be entitled annually to 80 hours of administrative leave that shall be credited in August 2019, August 2020, August 2021, and August 2022, provided, however, that Employee must use such administrative leave in the fiscal year in which it is credited or such leave is lost."

3. In all other respects, the terms and conditions of the Employment Agreement, as first amended, shall continue in full force and effect.

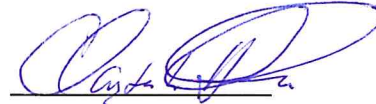
IN WITNESS WHEREOF, the City of Brisbane has caused this Second Amendment to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk, and Employee has signed and executed this Second Amendment the day and year first written above.

CITY OF BRISBANE

EMPLOYEE



Karen Cunningham, Mayor



Clayton L. Holstine

**Attest:**



Ingrid Padilla, City Clerk

**Approved as to form:**



Thomas McMorrow, City Attorney