

CITY OF SIGNAL HILL

FIRST AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

This FIRST AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT (hereinafter referred to as the "FIRST AMENDMENT") is entered into and made effective this 22nd day of August, 2023, by and between the CITY OF SIGNAL HILL, a charter city and municipal corporation (hereinafter referred to as the "CITY") and CARLO TOMAINO, an individual (hereinafter referred to as "EMPLOYEE"). For purposes of this FIRST AMENDMENT, CITY and EMPLOYEE may be collectively referred to as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, EMPLOYEE has been serving as the City Manager for CITY under the City Manager Employment Agreement entered into on December 13, 2023, (hereinafter "EMPLOYMENT AGREEMENT"); and

WHEREAS, pursuant to Sections 2.3 and 5.2 of the EMPLOYMENT AGREEMENT, the City Council conducted a performance evaluation of EMPLOYEE on August 8, 2023; and

WHEREAS, based on that performance evaluation and EMPLOYEE's service to CITY, CITY and EMPLOYEE now desire to amend the EMPLOYMENT AGREEMENT as set forth below while leaving all other terms and conditions of employment the same.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the CITY and EMPLOYEE hereby agree to the amendments of the following provisions of the EMPLOYMENT AGREEMENT as follows:

AGREEMENT

2.0 COMPENSATION AND REIMBURSEMENT

2.1 Base Salary. For the services rendered pursuant to this AGREEMENT, EMPLOYEE's annual base salary shall be Two Hundred Fifty-Five Thousand Dollars (\$255,000) ("Base Salary"), retroactive to July 1, 2023, which shall be paid on a pro-rated basis biweekly at the same time as other employees of the CITY are paid. Such Salary shall be subject to normal and proper withholdings as determined by state and federal law.

2.2 Salary Review. The City Council and EMPLOYEE agree to conduct an annual Salary review concurrently with the annual performance evaluation set forth in Section 5.2 hereof.

2.3 Salary Adjustment. Following the annual performance evaluation set forth in Section 5.2 hereof and the annual Salary review set forth above in Section 2.2, the City Council may increase EMPLOYEE's base salary and benefits package based on the results of those annual reviews. Any adjustments in the base salary and/or benefits following the annual performance evaluation under Section 5.2 and review under Section 2.2 shall be at the sole discretion of the City Council. Employee will be eligible to receive those salary cost-of-living adjustments, which may be granted by the City Council under the terms of a Memorandum of

Understanding with the Signal Hill Employees' Association, upon approval by the City Council. At EMPLOYEE's election, any salary adjustment approved by the City Council as a result of the annual performance evaluation set forth in Section 5.2, as well as any future increases, may be taken as an increase in vacation accrual rather than as a salary increase.

5.0 PERFORMANCE EVALUATIONS

5.2 Annual Evaluation. The City Council shall conduct a formal or informal review and evaluate the performance of EMPLOYEE on an annual basis on or about July 1, to coincide with the timing of reviews provided to other Management employees, using an evaluation form to be approved by City Council. Such performance review and evaluation shall be conducted concurrently with an annual base salary review provided for in Section 2.2 hereof, and in accordance with the purpose noted in Section 5.1 above. Nothing in this provision limits City Council's ability to evaluate EMPLOYEE's performance at any time.

6.0 BENEFITS AND OTHER COMPENSATION

6.6 Contribution Toward Deferred Compensation. CITY shall provide a flat \$15,000 contribution on an annual basis, retroactive to July 1, 2023.

IN WITNESS WHEREOF, the City of Signal Hill has caused this FIRST AMENDMENT to be signed and executed on its behalf by its Mayor, and duly attested by its officers thereunto duly authorized, and EMPLOYEE has signed and executed this AGREEMENT, all in triplicate.

CITY OF SIGNAL HILL

Tina L. Hansen
Mayor

ATTEST:

Daritza Gonzalez
City Clerk

APPROVED AS TO FORM:

Matthew E. Richardson
Best Best & Krieger LLP
City Attorney