



## ADMINISTRATIVE SERVICES DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: November 21, 2023

#### Subject

First Amendment to Employment Agreement for the City Manager

#### Recommended Action

Adopt Resolution No. 23-XXX approving the First Amendment to Employment Agreement with the City Manager for the City of Cupertino and authorize the Mayor to execute the Agreement.

#### Reasons for Recommendation

On November 7, 2023 the City Council approved the first amendment to the Employment contract of the City Manager. The recommendation included language to adopt a resolution approving the amendment, however the Resolution was not attached. This item is being presented again with the Resolution attached for approval.

On October 30, 2023, the City Council conducted a performance evaluation with City Manager Pamela Wu. As a result, the parties agreed that the City Council will conduct an annual evaluation and performance and salary review of City Manager Wu in or around August of each year beginning in 2024. The performance review will be conducted in accordance with the purpose noted in Section 5.1 of the Employment Agreement and will be facilitated by a third-party facilitator who is mutually acceptable to the City Council and City Manager Wu. The performance review will be based on specific criteria developed by the City Council after consultation with City Manager Wu and the facilitator. Such criteria may be modified as the City Council may from time to time determine, in consultation with the City Manager Wu and the facilitator. All other terms of the amended Agreement shall remain the same.

There is no additional revision to the approved Amendment that was considered by City Council on November 7, 2023.

#### Sustainability Impact

There is no sustainability impact resulting from the recommended action in this report.

Fiscal Impact

There is no sustainability impact resulting from the recommended action in this report.

California Environmental Quality Act (CEQA)

Not applicable.

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Prepared by: Vanessa Guerra, Human Resources Manager

Reviewed by: Christopher D. Jensen, City Attorney

Approved for Submission by: Matt Morley, Assistant City Manager

Attachments:

A – First Amendment to City Manager Employment Agreement

B – Draft Resolution