

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER

This First Amendment to Employment Agreement for City Manager (“First Amendment to Agreement”) is made and entered into this \_\_\_\_ day of January 2020, by and between the CITY OF CUPERTINO, STATE OF CALIFORNIA, a Municipal Corporation, by and through its City Council (“EMPLOYER”), and Deborah L. Feng (“EMPLOYEE” and, together with EMPLOYER, the “PARTIES”).

RECITALS:

- A. On April 8, 2019, EMPLOYER and EMPLOYEE entered the Employment Agreement for City Manager (“Agreement”) governing EMPLOYEE’S employment as Cupertino City Manager.
- B. The PARTIES now wish to amend the Agreement with this First Amendment to Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the PARTIES agree as follows:

- 1. Section 2.03 of the Agreement titled “Performance Evaluation Procedures” shall be amended to provide that EMPLOYEE shall be reviewed and evaluated next in July 2020.
- 2. Section 3.01 of the Agreement titled “Compensation” shall be amended to provide that EMPLOYER shall pay EMPLOYEE a one-time performance bonus of Nineteen Thousand Dollars (\$19,000).
- 3. Section 4.02 of the Agreement titled “Vacation and Sick Leave” shall be amended to provide that EMPLOYEE’s vacation shall be advanced such that EMPLOYEE shall be deemed to have accrued three (3) weeks’ (120 hours) vacation as of January 21, 2020, which shall be 100% of the vacation EMPLOYEE is eligible to accrue during the first year of employment under Section 4.02 of the Agreement. On the one-year anniversary of EMPLOYEE’s employment (June 3, 2020), EMPLOYEE shall begin to accrue three (3) weeks’ vacation for the second year of employment in the normal course in accordance with Section 4.02 of the Agreement.

4. All other terms and conditions of the Agreement shall be unchanged and in full force and effect.

IN WITNESS WHEREOF, EMPLOYER has caused this First Amendment to Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this First Amendment to Agreement for City Manager, both in duplicate, the day and year first above written.

ATTEST:

CITY OF CUPERTINO

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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