

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, APPROVING AN EIGHTH ADDENDUM TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

WHEREAS, the City entered into an employment agreement with City Manager Jack Griffin on April 24, 2012, (Employment Agreement) which provides for an initial term of two (2) years commencing on June 4, 2012, and expiring on June 3, 2014, with a possible extension of one (1) additional year; and

WHEREAS, on June 25, 2013, the City Council extended the initial two (2) year term for an additional two years, which extended the initial term of the Employment Agreement to June 3, 2015;

WHEREAS, the City Council approved addendum number 2 on July 10, 2014 which extended the base term of his Employment Agreement for an additional two (2) years, which extended the base term of such Employment Agreement to June 3, 2017; and

WHEREAS, the City Council approved addendum number 3 on June 9, 2015 which extended the base term of his Employment Agreement for an additional one (1) year, which extended the base term of such Employment Agreement to June 3, 2018. Addendum number 3 also provided that Griffin would be provided with a 5% merit increase that would be paid as a contribution to Griffin's deferred compensation account (457); and

WHEREAS, the City Council approved addendum number 4 on June 14, 2016 which extended the base term of his Employment Agreement for an additional one (1) year, which extended the base term of such Employment Agreement to June 3, 2019. Addendum number 4 also provided that Griffin would be provided with a 6% merit increase; and

WHEREAS, the City Council approved addendum number 5 on June 13, 2017 which extended the base term of his Employment Agreement for an additional two (2) years, which extended the base term of such Employment Agreement to June 3, 2021. Addendum number 5 also provided Griffin with a provided with a 6% merit increase; and

WHEREAS, the City Council approved addendum number 6 on June 11, 2019 which extended the base term of his Employment Agreement for an additional one (1) year, which extended the base term of such Employment Agreement to June 3, 2022. Addendum number 6 also provided Griffin with a 6% merit increase equally split between a base pay increase and contribution to Griffin's deferred compensation account.

WHEREAS, the City Council approved addendum number 7 on September 8, 2020 which extended the base term of his Employment for an additional two (2) years of such Employment Agreement to June 3, 2024. Addendum number 7 also provided Griffin with an additional 40 hours of vacation time and amended Section 7 of the Employment Agreement increasing the term of severance

in the event of termination without cause from nine (9) calendar months to twelve (12) calendar months.

WHEREAS, the City Council evaluated the performance of the City Manager and desires to extend the base term of his Employment Agreement for an additional one (1) year, which would extend the base term of such Employment Agreement to June 3, 2025; and

WHEREAS, the potential one (1) year extension remains and would, if triggered, extend the Employment Agreement until June 3, 2026; and

WHEREAS, the City Council agrees in accordance with Section 3.3.1 of the Agreement to provide a merit raise of 4.985% which takes Griffin's salary to the maximum level for the position as approved by City Council on June 8, 2021; and

WHEREAS, in recognition of Griffin's willingness to forego the previously agreed to City contribution to his deferred compensation account (457 Plan) in 2020 due to the anticipated negative impacts of the COVID-19 pandemic, the City will contribute the maximum amount permitted by IRS regulations to Griffin's 457 Plan in calendar year 2021 and any remaining 2020 losses would be added to the normal contribution in calendar year 2022. For 2021, the City contribution will be \$37,530.74 and for 2022, approximately 26,082.37

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, RESOLVES AS FOLLOWS:

SECTION 1. The above-described recitals are true and correct.

SECTION 2. The City Council hereby approves the 5th Addendum to the City Manager Employment Agreement.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, and ADOPTED by the City Council of the City of San Marcos this 13th day of July, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos