

RESOLUTION NO. 23-120

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
APPROVING THE FIRST AMENDMENT TO EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF CUPERTINO AND PAMELA WU, CITY MANAGER,
AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT**

WHEREAS, the City Council desires to conduct an annual evaluation and performance and salary review of the City Manager in or around August of each year beginning in 2024 with all other terms and conditions of the Agreement remaining unchanged and in full force and effect.



WHEREAS, the terms, conditions and provisions of the First Amendment to Employment Agreement have been reviewed and approved by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the aforementioned First Amendment to Employment Agreement and authorizes the Mayor to execute said agreement on behalf of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21st day of November 2023 by the following vote:

Members of the City Council

AYES: Wei, Mohan, Chao, Fruen, Moore
NOES: None
ABSENT: None
ABSTAIN: None

SIGNED:  Hung Wei, Mayor City of Cupertino	<u>12/5/23</u> Date
ATTEST:  Kirsten Squarcia, City Clerk	<u>12/5/23</u> Date

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER

This First Amendment to Employment Agreement (the “Agreement”) is by and between the CITY OF CUPERTINO, STATE OF CALIFORNIA, A Municipal Corporation, by and through its City Council (“EMPLOYER”), and Pamela Wu (“EMPLOYEE” and, together with EMPLOYER, the “PARTIES”).

RECITALS

- A. The PARTIES entered into the Agreement on August 29, 2022.
- B. EMPLOYER is a Municipal Corporation of the State of California.
- C. The City Council of the City of Cupertino, in accordance with the provisions of its Municipal Code, desires to continue to employ the services of EMPLOYEE as City Manager.
- D. EMPLOYEE desires to continue employment as Cupertino City Manager.
- E. It is the desire of both EMPLOYER and EMPLOYEE to set forth the terms and conditions of said employment.
- F. The PARTIES now wish to amend the Agreement with this First Amendment to Agreement.

AGREEMENT

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

ARTICLE I: TERM OF EMPLOYMENT

- 1. Section 5.2 of the Agreement is hereby revised as follows:

5.2 Performance Evaluations. The City Council will conduct an annual evaluation and performance and salary review of EMPLOYEE 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 above and will be facilitated by a third party facilitator who is mutually acceptable to the City Council and EMPLOYEE. The performance review will be based on specific criteria developed by the City Council after consultation with EMPLOYEE and the facilitator. Such criteria may be modified as the City Council may from time to time determine, in consultation with

the EMPLOYEE and the facilitator.

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


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

CITY OF CUPERTINO

Date: Dec 1, 2023

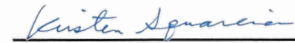
Date: Dec 5, 2023

Pamela Wu
"EMPLOYEE"


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk

Christopher D. Jensen
Christopher D. Jensen (Dec 1, 2023 10:13 PST)
City Attorney










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Final Audit Report

2023-12-01

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