

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR CITY MANAGER

This Second Amendment to Employment Agreement for City Manager (“Second Amendment to Agreement”) is made and entered into this 24 day of August 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 17, 2019, EMPLOYER and EMPLOYEE entered the Employment Agreement for City Manager (“Agreement”) governing EMPLOYEE’S employment as Cupertino City Manager.
- B. On February 5, 2020, EMPLOYER and EMPLOYEE entered the First Amendment to Employment Agreement for City Manager.
- B. The PARTIES now wish to amend the Agreement with this Second Amendment to Agreement.

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

- 1. Section 3.01A of the Agreement titled “Compensation” shall be amended to provide that EMPLOYEE shall receive annual base salary of \$275,000 retroactive to June 3, 2020.
- 2. Section 3.02 of the Agreement titled “Deferred Compensation” shall be amended to read, in its entirety: “In addition to the base salary, EMPLOYER shall pay EMPLOYEE a one-time deferred compensation of Fifteen Thousand Dollars (\$15,000) to be paid in bi-weekly installments of Five Hundred Seventy Six Dollars and 92 cents (\$576.92) retroactive to June 3, 2020.
- 3. Section 4.01 of the Agreement titled “Automobile Allowance” shall be amended to provide that EMPLOYER shall provide EMPLOYEE an automobile allowance of three-hundred fifty dollars (\$350) per month retroactive to June 3, 2020.

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 Second 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 Second Amendment to Agreement for City Manager, both in duplicate, the day and year first above written.

ATTEST:

Date: Aug 20, 2020

Deborah L. Feng

EMPLOYEE

CITY OF CUPERTINO

Date: Aug 20, 2020

Steve M. Hill

Mayor

Kirsten Squarcia 8/24/20

City Clerk

APPROVED AS TO FORM:

Heather M. Minner

City Attorney

1273400.2











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Final Audit Report

2020-08-24

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