

## **SIXTH AMENDMENT TO CITY ADMINISTRATOR**

### **AT-WILL EMPLOYMENT AGREEMENT**

This Sixth Amendment to City Administrator At-Will Employment Agreement ("Fifth Amendment") is made and entered into between the City of Carmel-by-the-Sea, California, a municipal corporation ("City") and Richard ("Chip") Lyons Rerig, an individual ("City Administrator"). The City and the City Administrator are sometimes individually referred to as a "Party" and collectively as "Parties." This Sixth Amendment shall be effective on October 1, 2022.

WHEREAS, the Parties entered into an Employment Agreement ("Employment Agreement") on February 2, 2016.

WHEREAS, pursuant to Section 7A of the Employment Agreement, City Administrator received a base salary that, at the time of the Employment Agreement, was \$190,000.00.

WHEREAS, the current base salary of the City Administrator based upon Resolution No. 2022-115 and the Fifth Amendment to the Employment Agreement is \$216,650.

WHEREAS, pursuant to the Employment Agreement, the City Council of the City of Carmel-by-the-Sea ("City Council") grants salary increases to City Administrator in its discretion.

WHEREAS, the Parties now desire to amend the Employment Agreement as follows:

NOW, THEREFORE, in consideration of the promises herein, the Parties agree as follows:

1. Term: Pursuant to Section 4 of the Employment Agreement, City Administrator's Term shall continue until March 1, 2029 or the date of earlier termination in accordance with the provisions in the Employment Agreement.
2. Salary Increase: The City Council hereby approves a salary increase for the City Administrator to \$231,815 effective October 1, 2022.
3. Government Code Provisions
  - a. Pursuant to Government Code section 53260, in the event City provides City Administrator with a cash settlement related to termination of the Employment Agreement, the cash settlement shall not exceed the lesser of (1) an amount equal to the monthly salary of Employee multiplied by 18 or (2) an amount equal to the monthly salary of City Administrator multiplied by the number of months left on the unexpired term of the Employment Agreement.
  - b. Pursuant to Government Code sections 53243 and 53243.3, in the event City provides paid leave salary to City Administrator pending an investigation into City Administrator, the City Administrator shall fully reimburse City for any paid leave salary if City Administrator is convicted of a crime involving an abuse of his office or position.
  - c. Pursuant to Government Code sections 53243.1 and 53243.3, in the event the City provides funds for City Administrator's legal criminal defense, the City Administrator shall

fully reimburse City for any such funds if City Administrator is convicted of a crime involving an abuse of his office or position.

d. Pursuant to Government Code sections 53243.2 and 53243.3, in the event LAFCO provides City Administrator with a cash settlement related to City Administrator's termination, City Administrator shall fully reimburse City for any such cash settlement if City Administrator is convicted of a crime involving an abuse of his office or position.

e. Pursuant to Government Code section 53243.4, an "abuse of office or position" means (a) an abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority, or (b) a crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

4. Except as specifically modified and amended in this Sixth Amendment, the Employment Agreement and its prior amendments remain in full force and effect and binding upon the Parties.

**IN WITNESS WHEREOF**, the Parties have executed this Sixth Amendment.

**CITY OF CARMEL-BY THE SEA**

A Municipal Corporation

By: \_\_\_\_\_

Dave Potter, Mayor

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

ATTEST:

By: \_\_\_\_\_

Chip L. Rerig, City Administrator

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

By: \_\_\_\_\_

Nova Romero, MMC, City Clerk

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

APPROVED AS TO FORM:

By: \_\_\_\_\_

Brian Pierik, City Attorney

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