

**RESOLUTION NO. 2017-033**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK  
APPROVING THE SECOND AMENDMENT TO THE EMPLOYMENT AGREEMENT  
BETWEEN THE CITY OF ROHNERT PARK AND DON SCHWARTZ FOR  
ASSISTANT CITY MANAGER SERVICES**

**WHEREAS**, on April 30, 2014, the City entered into an Employment Agreement with Don Schwartz ("Employment Agreement") to retain his services as the Assistant City Manager;

**WHEREAS**, the City and Don Schwartz desire to amend the Employment Agreement to modify the terms and conditions of Don Schwartz's employment as Assistant City Manager to extend the term of the agreement to April 29, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Rohnert Park hereby approves the Second Amendment to the Employment Agreement between the City of Rohnert Park and Don Schwartz for Assistant City Manager Services in substantially the same form attached hereto as Exhibit "A," which is incorporated herein by this reference.

**BE IT FURTHER RESOLVED** that the City Manager is authorized and directed to execute same for and on behalf of the City of Rohnert Park.

**DULY AND REGULARLY ADOPTED** by the City Council of the City of Rohnert Park this 28<sup>th</sup> day of March, 2017.

**CITY OF ROHNERT PARK**

  
Jake Mackenzie, Mayor

**ATTEST:**

  
Caitlin Saldanha, Deputy City Clerk

Attachment: Exhibit A

AHANOTU: Aye BELFORTE: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**SECOND AMENDMENT TO  
EMPLOYMENT AGREEMENT**

**Between**

**CITY OF ROHNERT PARK AND DON SCHWARTZ**

**1. PARTIES AND EFFECTIVE DATE**

The parties to this Second Amendment to Employment Agreement ("Second Amendment") are the City of Rohnert Park ("City") and Don Schwartz ("Employee"). The effective date of this Second Amendment shall be March 28, 2017.

**2. PURPOSE**

The Employment Agreement between City and Don Schwartz dated April 30, 2014 ("Original Agreement"), as amended by the First Amendment to Employment Agreement dated October 14, 2014 ("First Amendment"), expires on April 29, 2017, and both parties hereby desire to amend the Employment Agreement as set forth below. The Original Agreement as amended by the First Amendment shall be known as the "Employment Agreement."

**3. AMENDMENT**

A. Section 2 of the Employment Agreement is hereby modified to read in its entirety as follows:

**2. TERM.**

The term of this Agreement shall be from the 30<sup>th</sup> day of April, 2014 through the 29<sup>th</sup> day of April, 2021, or until terminated by either party in accordance with the provisions set forth in Paragraph 3 or by the event of the death or permanent disability of Employee.

**4. GENERAL PROVISIONS**

A. This Second Amendment consists of pages 1 through 2 inclusive, which constitute the entire understanding and agreement of the parties and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the terms discussed in this Second Amendment.

B. Except as specifically modified herein, all remaining terms and obligations set forth in the Employment Agreement between the City of Rohnert Park and Employee shall remain in full force and effect.

CITY OF ROHNERT PARK

By: \_\_\_\_\_  
Darrin Jenkins,  
City Manager

Dated: \_\_\_\_\_

Per Reso. No. 2017-\_\_ adopted \_\_\_\_.

EMPLOYEE

By: \_\_\_\_\_  
Don Schwartz

Dated: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
City Attorney

Attest:

By: \_\_\_\_\_  
City Clerk