

**SECOND AMENDMENT TO
EMPLOYMENT CONTRACT WITH SEAN RABÉ**

This Second Amendment is made and entered into by and between the Town of Colma, a municipal corporation and general law city ("Employer"), and Sean Rabé ("Employee"), who are sometimes individually referred to as a "Party" and collectively as "Parties" in this First Amendment. For reference purposes, this Second Amendment is dated March 23, 2016.

1. Recitals. This Second Amendment is made with reference to the following facts:

- (a) On December 11, 2013, Employer and Employee entered into an Employment Contract ("Contract") for Employee to serve as City Manager.
- (b) On February 11, 2015, Employer and Employee entered into a First Amendment to the Contract in order to increase base salary and to address a majority change on the City Council.
- (c) The Employer and the Employee now seek to further amend the Contract to address the severance provision.
- (d) Employer and Employee now desire to enter into this Second Amendment to address the severance provision as provided herein.

NOW, THEREFORE, BASED ON THE MUTUAL PROMISES AND CONSIDERATION CONTAINED IN THIS SECOND AMENDMENT AND THE CONTRACT, THE PARTIES HEREBY AGREE AS FOLLOWS:

2. Subsection (c) of Section 8, "Severance Pay" of the Contract is hereby modified as follows:

- (c) *Severance Pay.* If the City Council terminates Employee's employment without cause, the Town shall pay Employee, on the effective date of termination, a lump sum cash payment equal to the Employee's base salary for twelve months, and shall pay COBRA premiums for medical and dental insurance for twelve months or until Employee becomes re-employed, whichever occurs first. The base salary shall be determined without regard to the value of any benefits provided to Employee.

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Execution. In Witness thereof, the parties hereto have signed this Second Amendment on the respective dates shown below and this Second Amendment, along with the First Amendment and the Contract constitutes the entire Agreement between the Parties.

Dated 4/13/16



Sean Rabé, Employee

Dated: 4/13/16

TOWN OF COLMA (Employer)

By 

Diana Colvin, Mayor