



**STAFF REPORT
TOWN COUNCIL MEETING OF NOVEMBER 13, 2018**

To: Honorable Mayor and Members of the Town Council

From: Jeffrey Mitchell, Town Attorney

Subject: Amendment to Town Manager's contract

Date: November 7, 2018

RECOMMENDATION:

Adopt Resolution 18-__ approving an amendment to the Town Manager's employment agreement concerning terminations without cause 30 days before and 90 days after Town Council elections.

DISCUSSION:

Sean Rabe was hired as Town Manager in June 2017. Under the terms of Mr. Rabe's contract, the Town Council has the authority to terminate his contract at any time, with or without cause. The Town Council recently completed an annual review of Mr. Rabe's performance, and directed that an item be placed on the November agenda to consider an amendment to his contract. The amendment would provide that the Town Council could not terminate Mr. Rabe's contract "without cause" within the period beginning 30 days prior to a Town Council election and ending 90 days following an election. The Town Council retains the discretion to terminate "for cause" at any time.

CEQA:

Not applicable.

FINANCIAL IMPLICATIONS:

None.

ATTACHMENT:

- A Resolution
- B Amendment No. 1 to Employment Agreement

TOWN OF LOOMIS

RESOLUTION 18-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS APPROVING
AMENDMENT NO. 1 TO THE TOWN MANAGER'S EMPLOYMENT AGREEMENT**

WHEREAS, the Town of Loomis currently employs Sean Rabe as Town Manager pursuant to the terms of an Employment Agreement dated June 14, 2017 (the "Agreement"); and

WHEREAS, Section 6 of the Agreement describes the circumstances under which the Town Council can terminate Mr. Rabe's employment; and

WHEREAS, the Town Council, having recently completed its annual review of Mr. Rabe's performance, desires to amend his employment agreement to limit the Town Council's ability to terminate Mr. Rabe, without cause, during the period beginning 30 days prior to an election for Town Council and ending 90 days following an election.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Loomis that:

- 1. Amendment No. 1 to the Employment Agreement with Sean Rabe is hereby adopted, effective immediately upon execution by both parties.

PASSED AND ADOPTED this 13th day of November, 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

Attest:

Town Clerk

**Amendment No. 1
to the Employment Agreement
between the Town of Loomis and Sean Rabe
Dated June 14, 2017**

This Amendment No. 1 to the Employment between the **Town of Loomis** ("Town") and Sean Rabe ("Employee") which was entered into on June 14, 2017, is made and entered into this _____ day of _____, 2018 (the "Effective Date").

RECITALS

WHEREAS, the Town and Employee entered into the June 14, 2017 Employment Agreement ("Agreement"), to employ Employee as Town Manager; and

WHEREAS, the Town and Employee now desire to approve an amendment to the Agreement to modify certain terms of employment, effective as of the Effective Date.

NOW, THEREFORE, IT IS MUTUALLY AGREED by parties hereto to amend said Agreement as follows:

I. Amendment. Section 6.2.2 of the Agreement is hereby added to read as follows:

"Section 6.2.2. Termination Without Cause.

Employee's employment shall not be terminated during the 30-day period preceding or the 90-day period following any election for seats on the City Council, except For Cause."

II. Remaining Terms Unaffected:

Except as expressly provided herein, nothing in this Amendment No. 1 shall be deemed to waive or modify any of the other provisions of the Agreement. In the event of any conflict between this Amendment No. 1 and the Agreement, the terms of this Amendment shall control.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as the date herein set forth.

Town of Loomis

Employee

By: _____
Rhonda Morillas, Mayor

By: _____
Sean Rabe

Approved as to form:

By: _____
Jeffrey Mitchell, Town Attorney

Attest:

By: _____
Crickett Strock, Town Clerk