

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Approving and Authorizing the Mayor to)
Execute the Fourth Amendment to)
Employment Agreement between Town)
of Moraga and Cynthia Battenberg)

Resolution No. 43- 2022

WHEREAS, the Town of Moraga and Cynthia Battenberg ("Town Manager") entered into an Employment Agreement, effective as of March 12, 2018, which was approved by Town Council on February 14, 2018 by Resolution 10-2018 ("Employment Agreement"), to provide for the employment of Manager as Town Manager of Town; and

WHEREAS, on May 23, 2018 the Town Council approved Resolution 40-2018, which authorized the execution of the First Amendment to the Employment Agreement with an effective date of March 12, 2018 to eliminate Town's payment of a portion of Town Manager's required CalPERS contributions, and to increase Town Manager's salary by 4.58%; and

WHEREAS, on May 22, 2019, the Town Council approved Resolution 43-2019, which authorized the execution of the Second Amendment to the Employment Agreement with an effective date of March 12, 2019 which increased Town Manager's annual salary by 8.5%, to reflect an annual salary of \$229,176 and other minor amendments; and

WHEREAS, on May 26, 2021, the Town Council approved Resolution 25-2021, which authorized the execution of the Third Amendment to the Employment Agreement with an effective date of March 12, 2021 to amend section 6.a (Compensation and Benefits) of the Employment Agreement to increase the Town Manager's salary by 3%, effective as of March 12, 2021, for a total salary of \$247,983 and specifying that the Town Manager also continued to receive the same cost of living adjustment that is provided to department directors and all other benefits identified in the Employment Agreement; and

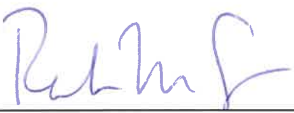
WHEREAS, the Town Council now desires to enter into a Fourth Amendment to the Employment Agreement to increase the Town Manager's annual salary by 4%.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Moraga hereby approves this Fourth Amendment to the Employment Agreement between the Town and Cynthia Battenberg; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Fourth Amendment to the Employment Agreement, in the form attached hereto as Exhibit A, with minor revisions that may be approved by the Town Attorney, and to execute any other necessary documents to effectuate the purpose of this Resolution.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on May 11, 2022 by the following vote:

- AYES:** Mayor Sos, Vice Mayor Woehleke, Councilmembers McCluer and Onoda
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Councilmember Makker



Renata M. Sos, Mayor

Attest:



Marty C. McInturf, Town Clerk

**FOURTH AMENDMENT TO
EMPLOYMENT AGREEMENT**

between

TOWN OF MORAGA AND CYNTHIA BATTENBERG

(Effective March 12, 2022)

1. PARTIES AND EFFECTIVE DATE.

The parties to this Fourth Amendment to Employment Agreement ("Fourth Amendment") are the Town of Moraga ("TOWN") and Cynthia Battenberg ("MANAGER"), and the effective date of this Fourth Amendment shall be March 12, 2022 ("Effective Date"). TOWN and MANAGER shall be collectively referred to as "parties."

2. PURPOSE.

The parties have previously entered into an Employment Agreement between TOWN and MANAGER ("Employment Agreement") effective beginning March 12, 2018. The parties subsequently entered into a First Amendment to the Employment Agreement on May 23, 2018, with an effective date of March 12, 2018 ("First Amendment"),

The parties entered into a Second Amendment to the Employment Agreement, effective on March 12, 2019. The parties entered into a Third Amendment to the Employment Agreement, effective March 12, 2021.

The parties now wish to further amend the Employment Agreement to modify MANAGER'S terms of employment as follows:

3. AMENDMENTS.

A. Section 6.a of the Employment Agreement is hereby modified to read in its entirety as follows:


6. COMPENSATION AND BENEFITS.

a. Salary. TOWN agrees to pay MANAGER for her services rendered pursuant hereto as Town Manager the annual sum of Two Hundred Sixty-Four Thousand Three Hundred Forty Eight Dollars (\$264,348) plus any cost of living adjustments that are provided to all existing department heads after the Effective Date, which shall be payable as of January 1st of each successive year that the adjustment is provided to department heads. This annual salary shall be payable in installments at the same time as other employees of the TOWN are paid.

B. Except as specifically modified herein, all remaining terms and obligations set forth in the Employment Agreement between the TOWN and MANAGER shall remain in full force and effect.

C. This Fourth Amendment shall be effective as of March 12, 2022, regardless of when executed by the Parties.

TOWN OF MORAGA

By: 
Renata Sos, Mayor

Dated: 5/16/2022

TOWN MANAGER:

By: 
Cynthia Battenberg

Dated: 5.17.22

APPROVED AS TO FORM:


Michelle Marchetta Kenyon,
Town Attorney