

**City of Garden Grove**  
**INTER-DEPARTMENT MEMORANDUM**

To: Matthew J. Fertal  
Dept: City Manager  
Subject: APPROVAL OF AMENDMENT TO EMPLOYMENT AGREEMENT WITH MATTHEW J. FERTAL FOR SERVICE AS CITY MANAGER

From: John D.R. Clark  
Dept: Human Resources  
Date: November 13, 2012

OBJECTIVE

To request City Council approval of an amendment to the employment agreement with City Manager Matthew J. Fertal, and authorize the Mayor to execute the agreement.

BACKGROUND/DISCUSSION

The City Council has employed Matthew J. Fertal as City Manager since April 13, 2004. The current contract expired on May 6, 2012 (not counting the rollover extension). The attached contract amendment provides for a term of four years, again automatically extended in one year increments unless either side gives notice to the other, and extends the termination provision by three months in the event of City Council-initiated termination.

No other changes to the contract are proposed.

FISCAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Approve the attachment, entitled "Second Amendment: City Manager Employment Agreement," to the City's employment contract with Matthew J. Fertal; and
- Authorize the Mayor to execute the amendment on behalf of the City.

  
JOHN D.R. CLARK  
Human Resources Director

  
Recommended for Approval  
Matthew Fertal  
City Manager

Attachment: Second Amendment: City Manager Employment Agreement

**Second Amendment**  
**City Manager Employment Agreement**

Recitals:

**WHEREAS**, the City Council of the City of Garden Grove and Matthew J. Fertal did enter into a City Manager Employment Agreement on April 13<sup>th</sup>, 2004, which agreement was amended effective June 1, 2006; and

**WHEREAS**, the City Council of the City of Garden Grove and Matthew J. Fertal entered into the First Amendment to City Manager Employment Agreement on May 13, 2008; and

**WHEREAS**, the City Council continues to be well satisfied with Matthew J. Fertal's service as City Manager; and

**WHEREAS**, the City Council would like to again amend its contract with Matthew J. Fertal to insure continued service;

**NOW, THEREFORE**, The City of Garden Grove and Matthew J. Fertal do hereby agree to the following amendments to the City Manager Employment Agreement:

1. Amend Section 1.02 to read as follows:

*The term of this agreement shall be four (4) years, beginning on November 1, 2012 and terminating on October 31, 2016. The agreement shall thereafter be renewed automatically for succeeding one (1) year terms, unless in any particular rollover succeeding one year term either party gives notice to the other at least sixty (60) days prior to the expiration of said one (1) year term of its intention not to renew.*

2. Amend Section 7.03 to read as follows:

*Notwithstanding any provision of this Agreement, if CITY terminates this Agreement or any extension of this Agreement, it shall pay EMPLOYEE an amount equal to twelve (12) months' salary at the then-current rate of compensation, except as otherwise limited pursuant California Government Code § 53260.*

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**AGREED TO** by the undersigned:

*For the CITY:*

*For the EMPLOYEE:*

\_\_\_\_\_  
William Dalton, MAYOR

\_\_\_\_\_  
Matthew J. Fertal, CITY  
MANAGER


*Attest:*

*Witness:*

\_\_\_\_\_  
Kathleen Bailor, CITY CLERK

\_\_\_\_\_  
John D.R. Clark, HUMAN  
RESOURCES DIRECTOR

*Approved as to form:*

  
\_\_\_\_\_  
Thomas F. Nixon, CITY ATTORNEY