

RESOLUTION NO. 2025-9501

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, APPROVING ADDENDUM #2 TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

WHEREAS, the City of San Marcos (City) entered into an employment agreement with City Manager Michelle Bender on September 13, 2023 (Employment Agreement) which provided for an initial term of four (4) years commencing on September 15, 2023, and expiring on September 14, 2027; and

WHEREAS, the City Council approved Addendum #1 to the Employment Agreement on November 26, 2024 (Addendum #1), which provided a merit increase of six percent (6%), an annual deferred contribution amount benefit of \$30,000.00, a one percent (1%) base salary contribution to the City's Retiree Health Savings (RHS) Plan, and an extension of the base term of the Employment Agreement to September 14, 2029; and

WHEREAS ; the City Council has evaluated the performance of the City Manager and desires to extend the base term of the Employment Agreement to September 14, 2030, and to provide an additional three percent (3%) base salary contribution to the City's Retiree Health Savings (RHS) Plan, for a total contribution of four percent (4%) of base salary.

NOW, THEREFORE, the City Council of the City of San Marcos, California, does hereby resolve and order as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference into this Resolution.

Section 2. The City Council hereby approves Addendum #2 to the City Manager Employment Agreement, attached hereto and incorporated by reference.

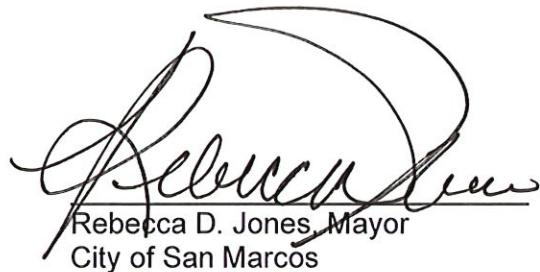
Section 3. This Resolution shall take effect immediately upon its adoption, with the effective date of the increased contribution to the City's Retiree Health Savings (RHS) Plan to be September 15, 2025.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting held on this 14th day of October 2025, by the following roll call vote:

AYES: COUNCILMEMBERS: LEBLANG, MUSGROVE, NUÑEZ, SANNELLA, JONES

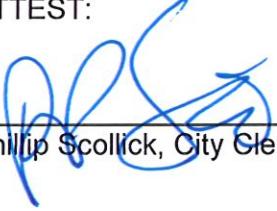
NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE



Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:



Philip Scollick, City Clerk

ATTACHMENTS:

Addendum #2 to City Manager's Employment Agreement

ADDENDUM #2 TO CITY MANAGER EMPLOYMENT AGREEMENT

This Addendum #2 to City Manager Employment Agreement ("Addendum #2") is entered into this _____ day of October, 2025, by and between the City of San Marcos, a chartered municipal corporation ("City"), and Michelle Bender, an individual ("Bender"), with respect to that certain City Manager Employment Agreement dated the 15th of September, 2023 ("Agreement"), as amended by that certain Addendum #1 to City Manager Employment Agreement dated the 26th of November, 2024 ("Addendum #1"). City and Bender may hereafter be referred to individually as "Party" and collectively as the "Parties."

NOW, THEREFORE, the Parties agree as follows:

1. The terms and definitions used herein are those set forth in the Agreement.
2. The Parties hereby agree to a further one (1) year extension of the initial contract term as set forth in Section 1 of the Agreement. As the initial Agreement term was four (4) years, which term was extended by Addendum #1 for an additional two (2) years, this Addendum #2 operates to extend the initial term to seven (7) years. The initial term will now expire September 14, 2030, provided the Agreement, as further amended by this Addendum #2, is not terminated by either Party under Section 6 of the Agreement.
3. The Parties hereby further agree that in addition to the one percent (1%) base salary contribution to the City's Retiree Health Savings (RHS) account as the group selection of the City Manager group previously approved by way of Addendum #1 to the Agreement, the CITY will add an additional three percent (3%) base salary contribution per pay period, for a total contribution of four percent (4%) per pay period, effective as of September 15, 2025.
4. The Agreement, Addendum #1, and this Addendum #2 collectively contain the entire agreement between the Parties with respect to the subject matter hereof, and they supersede all prior or contemporaneous agreements in connection with the subject matter. No amendment or modification of the Agreement, Addendum #1, and/or Addendum #2, shall be binding unless memorialized in writing and executed by the Parties hereto. Except as expressly modified herein the terms and provisions of the Agreement and Addendum #1 remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Addendum to be entered into as of the date first set forth above.

CITY:

THE CITY OF SAN MARCOS, a
chartered municipal corporation

By:

Rebecca D. Jones, Mayor

BENDER:

MICHELLE BENDER, an individual

By:

MB
Michelle Bender