

**EMPLOYMENT AGREEMENT  
SECOND AMENDMENT**

This Second Amended Employment Agreement ("AMENDMENT") amends the Employment Agreement ("AGREEMENT") dated February 24, 2018, and the amendment thereto dated December 17, 2019, by and between the City of Moreno Valley ("CITY") and Mike Lee ("LEE").

This AMENDMENT is entered into on this 1st day of July, 2020, by and between CITY and LEE on the following terms and conditions:

**RECITALS**

A. The CITY, by and through the City Council, desires to continue to employ the services of LEE as the City Manager of the CITY, as provided by Chapter 2.08 of Title 2 of the City of Moreno Valley Municipal Code; and

B. LEE Desires to accept appointment as City Manager in consideration of and subject to the terms and conditions set forth in the terms of this AMENDMENT and the terms and conditions of the AGREEMENT and any prior amendments not superseded by this AMENDMENT.

**OPERATIVE PROVISIONS**

In consideration of the promises and covenants contained herein, the parties agree as follows:

**1. Term.** The term of this AMENDMENT and the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT, shall be for a period of three (3) years, commencing July 1, 2020. Notwithstanding the three (3) year period set forth above, the City Council may, with or without cause, terminate this AMENDMENT and the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT at any time.

**2. Termination.** At the conclusion or termination of the term of this AMENDMENT and the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT, the terms and conditions of this AMENDMENT and the terms and conditions of the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT, shall become void and LEE's employment status shall cease and he shall not be entitled to revert back to his former position as the CITY's Economic Development Director.

**3. Duties.** LEE accepts appointment as City Manager and shall perform all functions, duties and services set forth in this AMENDMENT and in the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT, Chapter 2.08 of Title 2 of the City of Moreno Valley Municipal Code, CITY Ordinances and state law, at the direction and under the supervision of the City Council of CITY.

**3. Annual Leave.** Annual Leave shall be subject to the CITY's Personnel Rules and Regulations as they apply to other Executive Management employees, except that LEE may annually "sell back" to the CITY any part of his accrued Annual Leave, so long as such transaction does not deplete LEE's total accrued Annual Leave below 200 hours. LEE may not accrue in excess of 1,500 hours of Annual Leave.

**4. Performance Evaluation.** The City Council shall periodically review and evaluate LEE's job performance on an annual basis. However, the failure of the City Council to evaluate Lee's job performance annually does not shall not be deemed a breach of this AMENDMENT or the AGREEMENT and any prior amendments thereto not superseded by this AMENDMENT.

5. **Other Remaining Terms.** All other terms and provisions of the AGREEMENT and in any prior amendments thereto, which are not in conflict with the terms and provisions of this AMENDMENT shall remain in full effect during the term of this AMENDMENT.

6. **Acknowledgement.** LEE acknowledges the he has had the opportunity to consult legal counsel in regard to this AMENDMENT, that he has read and understands this AMENDMENT, that he is fully aware of its legal effect, and that he has entered into it freely and voluntarily and based on his own judgment and not on any representations or promises other than those contained in this AMENDMENT.

**IN WITNESS WHEREOF**, the CITY has caused this AMENDMENT to be signed and executed on its behalf by its Mayor and duly attested to by its City Clerk, and LEE has signed and executed this AMENDMENT, on the date set forth below.

**APPROVED:**

Date: 7/16/20

  
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Dr. Yxstian A. Gutierrez, Mayor City of Moreno Valley

**ATTEST:**


  
\_\_\_\_\_  
Pat Jacquez-Nares, CMC & CERA, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Steven B. Quintanilla, Interim City Attorney

**APPROVED:**

Date: 5/11/2020

  
\_\_\_\_\_  
Mike Lee