

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN
THE HAYWARD AREA RECREATION AND PARK DISTRICT
AND GENERAL MANAGER**

THIS SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE HAYWARD AREA RECREATION AND PARK DISTRICT AND GENERAL MANAGER is made this 14th day of May 2018, by and between the Hayward Area Recreation and Park District (hereinafter referred to as "District") and Paul McCreary (hereinafter referred to as "Employee").

RECITALS

WHEREAS, District and Employee entered into the Employment Agreement between the Hayward Area Recreation and Park District and General Manager ("Employment Agreement") as of December 28, 2015, wherein Employee agreed to perform the duties of General Manager for the District on the terms and in the manner set forth therein; and

WHEREAS, in June 2016 the Employee, in recognition of the financial challenges facing the District in fiscal year 2015-2016, offered to reduce the cost of benefits paid to him under the Employment Agreement; and

WHEREAS, on June 13, 2016, District and Employee amended the Employment Agreement to terminate the District's contribution to Employee's Deferred Compensation account as set forth in Paragraph 2(B)(ii)(3) as of July 1, 2016 and to make a technical correction to Paragraph 2(B)(ii)(2); and

WHEREAS, the Board has conducted two annual evaluations of the Employee's performance during his tenure and the General Manager has successfully performed the duties of the position; and

WHEREAS, the District entered a new MOU with the bargaining unit representing Management Employees, and the new MOU includes modifications to salaries and benefits which will be provided to the General Manager.

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

AGREEMENT

The following provisions of the Employment Agreement shall be amended as follows:

1. Paragraph 2(B)(i)(1) entitled "Salary" is amended to read:

Commencing on February 1, 2018, the District agrees to pay Employee \$16,057 monthly. Commencing on July 1, 2018, the District agrees to pay Employee \$16,375 monthly.

2. Paragraph 2(B)(ii)(3) entitled "Deferred Compensation" is amended to read:

District agrees to Employee's participation in a Deferred Compensation Plan. Commencing on February 1, 2018, the District shall contribute an amount on a dollar-for-dollar matching basis to Employee's Deferred Compensation Plan account with a cap of up to 50% of the Internal Revenue Service cap for contributions. Said District contribution shall be subject to all IRS rules for employer contributions to employee deferred compensation plan accounts.

All other terms and conditions of the Employment Agreement shall remain as set and in full force and effect.

IN WITNESS WHEREOF, the District and Employee have executed this Agreement the day and year first above written.

Hayward Area Recreation and Park District

General Manager

By: Carol A. Pereira
Carol A. Pereira
President of the Board of Directors

Paul McCreary
Paul McCreary

Date: 5-14-2018

Date: 5/14/2018

Approved as to form:

By: C/-
District General Counsel

Date: 7-3-19

ATTEST:

By: [Signature]
Clerk of the Board

Date: 5/14/2018