

Amendment Two to the Employment Agreement
Between the Hayward Area Recreation and Park District
and James Wheeler, General Manager

This AMENDMENT NO. TWO to the EMPLOYMENT AGREEMENT (“Agreement”), is entered into as of December 5, 2022, by and between the Hayward Area Recreation and Park District, a California special district (“District”), and James Wheeler (“Employee”), an individual.

RECITALS

WHEREAS, District and Employee entered into the Agreement, attached hereto and incorporated herein as Exhibit “A”, for the services of General Manager on or about August 25, 2020; and

WHEREAS, District and Employee entered into Amendment One of the Agreement, attached hereto and incorporated herein as Exhibit “B”, for the services of General Manager on or about June 5, 2022; and

WHEREAS, Section 2(B)(i)(1) of the Agreement provides that District is to pay Employee the monthly amount of \$21,466.00 for the services rendered as General Manager (an adjustment related to the market increases made to employees in the District and creating compaction at the General Manager level); and

WHEREAS, District’s Board of Directors conducted a performance evaluation of the Employee and would like to provide a merit increase; and

WHEREAS, the parties wish to amend the Agreement to increase the compensation of the Employee.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the parties agree:

AGREEMENT

SECTION 1. Section 2(B)(i)(1) of the Agreement, entitled “Salary,” is hereby amended to read as follows:

The District agrees to pay Employee \$17,626.26 monthly. Employee shall be paid at time and in a manner in accordance with the District’s customary payroll practices, including all appropriate payroll deductions.

At the recommendation of the Board of Directors, effective the first full pay period following July 1, 2022, Employee will receive a base monthly salary of \$21,466.00, paid on the District's normal payday.

At the recommendation of the Board of Directors, effective December 1, 2022, Employee will receive a base monthly salary of \$22,539.00, paid on the District's normal payday. In addition, effective December 1, 2022, Employee will receive a one-time payment of \$10,000 less applicable withholdings.

SECTION 2. Except as herein modified, all other provisions of the Employment Agreement, including any exhibits and subsequent amendments thereto, shall remain in full force and effect.

SECTION 3. This Amendment No. Two to the Agreement may be executed in any number of counterparts and by the representatives of the parties in separate counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. Signatures delivered electronically or by facsimile shall be as binding as originals upon the parties.

IN WITNESS WHEREOF, the parties have by their duly authorized representatives executed this Amendment on the date first above written.

Attachment:

EXHIBIT A: Employment Agreement, Amendment One and Amendment Two to the Employment Agreement Between the Hayward Area Recreation and Park District and James Wheeler

Hayward Area Recreation and Park District

Carol Pereira
Carol Pereira, President

12, 9, 2022
Date

James Wheeler

James C Wheeler
James Wheeler, General Manager

12-12-22
Date

Attest

[Signature]

12-12-22

Shaylynn Nelson, Board Clerk

Date

Approved as to Form


Curtis S. Kidder (Dec 15, 2022 16:01 PST)
Curtis S. Kidder, District General Counsel

12-15-22
Date







Employment Agreement Amendment 2 - James Wheeler

Final Audit Report

2022-12-16

Created:	2022-12-13
By:	Shaylynn Nelson (nels@haywardrec.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAVoJHmvdhYvFecaEMRD_2rqK49gf3WEyw

"Employment Agreement Amendment 2 - James Wheeler" History

-  Document created by Shaylynn Nelson (nels@haywardrec.org)
2022-12-13 - 0:18:11 AM GMT
-  Document emailed to curt@cskidderlaw.com for signature
2022-12-13 - 0:18:49 AM GMT
-  Email viewed by curt@cskidderlaw.com
2022-12-15 - 11:53:18 PM GMT
-  Signer curt@cskidderlaw.com entered name at signing as Curtis S Kidder
2022-12-16 - 0:01:35 AM GMT
-  Document e-signed by Curtis S Kidder (curt@cskidderlaw.com)
Signature Date: 2022-12-16 - 0:01:37 AM GMT - Time Source: server
-  Agreement completed.
2022-12-16 - 0:01:37 AM GMT