

November 24, 2020 Amendment to Employment Agreement Between Santa Clara Valley Water District and Stanly Yamamoto

This November 24, 2020 Amendment to the Employment Agreement between Santa Clara Valley Water District and Stanly Yamamoto (Amendment) is entered into effective November 24, 2020.

RECITALS

- A. The Santa Clara Valley Water District (District) and District Counsel Stanly Yamamoto (Employee) entered into an original employment agreement on February 1, 2010 (Original Agreement), establishing his annual salary in the amount of \$215,000.
- B. The Original Agreement has been amended from time to time to increase Employee's annual compensation.
- C. Employee has agreed to postpone his preferred retirement date until May 3, 2021 to accommodate the request of the District.
- D. In consideration for Employee's agreement to remain employed until May 3, 2021 and to waive his right to terminate the Original Agreement upon 60 days' notice, District agreed to immediately award Employee an additional 400 hours of vacation.

NOW THEREFORE, in consideration of the mutual obligations in the Original Agreement and all amendments thereto, the parties agree as follows:

1. Section 8.1 of the Original Agreement is modified to read in its entirety as follows:

8.1. Employee has agreed to postpone his planned retirement until May 3, 2021 (Retirement Date) and District hereby confirms and accepts Employee's retirement to be effective on said date. Employee shall not be required to provide any further notice of retirement to District. In consideration for the award of additional vacation hours set forth in Section 5.4 above, Employee agrees that he shall not terminate this Agreement prior to the Retirement Date. Should District initiate a termination of this Agreement prior to the Retirement Date, such termination shall not negatively impact Employee's right to receive retiree health benefits from the District or otherwise divest him of the right to such benefits.

2. New Section 5.4 is added to the Original Agreement to read in its entirety as follows:

5.4. Additional Vacation Hours. In consideration for Employee's agreement to postpone his retirement until the Retirement Date, as set forth in section 8.1 below, District hereby awards Employee with an additional four hundred (400) hours of vacation to vest immediately upon the execution date of this November 24, 2020 Amendment to Employment Agreement. With respect to

vacation hours, the provisions of this Amendment shall control over the terms of Exhibit-A (Santa Clara Valley Water District – Unclassified Employee Benefits).

3. New Section 5.5 is added to the Original Agreement to read in its entirety as follows:

5.5 General Release. In further consideration for the four hundred vacation hours, Employee shall execute a General Release covering the term of his employment with the District for all potential claims and damages *excluding any claims or actions regarding the retiree health benefit.*

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the day and year first written above.

By: _____
Stanly Yamamoto
District Counsel

Attest:

By: _____
Nai Hsueh
Chair of the Board
Santa Clara Valley Water District

By: _____
Michele L. King, CMC
Clerk of the Board