

**FIRST MODIFICATION OF EMPLOYMENT AGREEMENT
BETWEEN DIANA BURGER AND CITY ATTORNEY'S OFFICE**

This First Modification of Employment Agreement (attached as Exhibit A) ("First Modification") is entered into as of June 20, 2017, by and between the CITY ATTORNEY'S OFFICE OF SANTA MONICA (CAO) and DIANA T. BURGER (Employee), and is made with reference to the following:

RECITALS

- A. The CAO and the Employee agree that given the City-wide efforts to eliminate bonus pay and to roll-in certain additional compensation into base salary, it is appropriate to do so in this case.
- B. Most City employees, including both staff and attorneys in the CAO, previously agreed to eliminate bonuses and rolled into each employee's base salary an additional 3.8% of compensation.
- C. On June 24, 2011, the CAO and Employee entered into an Employment Agreement for the position of the CAO Office Administrator ("Original Agreement").
- D. The CAO and Employee desire to modify the Original Agreement to eliminate annual performance bonuses and roll into the base salary an additional 3.8% of compensation.

NOW, THEREFORE, CAO and Employee agree as follows:

1. Employee is eligible for a final performance bonus for the period of June 20, 2016, to June 20, 2017. Afterwards, all references to an annual performance bonus will be eliminated from the Employment Agreement, and henceforth, employee will no longer be eligible for any performance bonus.

2. Commencing on June 20, 2017, Employee's salary schedule, currently denoted as Office Administrator (Class Code 2360), shall be adjusted to include a 3.8% salary increase at every step. Accordingly, the highest salary step shall increase from \$149,988.00 to \$155,688.00.

3. Except as expressly modified herein, all other terms and conditions of the Original Agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, this First Modification was entered on the date first written above.

DATED: June 7, 2017

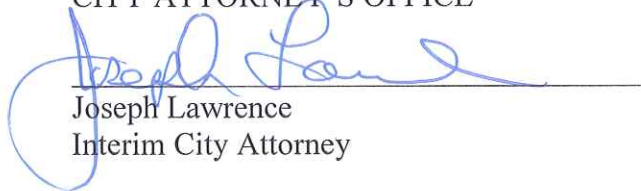
EMPLOYEE



Diana T. Burger

DATED: June 7, 2017

CITY ATTORNEY'S OFFICE



Joseph Lawrence
Interim City Attorney