

SECOND AMENDMENT
TO CITY MANAGER EMPLOYMENT AGREEMENT

This Second Amendment City Manager Employment Agreement ("Second Amendment") is entered into on the execution date shown in the signature block below, and effective as of the 12th day of September, 2023 (the "Effective Date"), between the City of Fontana (hereinafter referred to as the "City") and Matthew C. Ballantyne (hereinafter referred to as "Employee").

RECITALS

A. Whereas on April 13, 2022, City and Employee entered into that certain City Manager Employment Agreement to retain the services of Employee as City Manager; and

B. Whereas on September 13, 2022, City and Employee entered into a First Amendment to the Agreement (both Agreement and its amendment are collectively referred to hereinafter as "Agreement"); and

C. Whereas, the City and Employee now wish to revise a specified section of the Agreement to modify a provision of the Agreement;

NOW THEREFORE, THE PARTIES HERETO HEREBY AGREE AS FOLLOWS:

1. The first paragraph of Section I of the Agreement, entitled "Employment and Term," is hereby amended, in its entirety, as follows:

I. Employment and Term.

The City hereby employs the Employee as City Manager for the City of Fontana. Unless otherwise extended by mutual agreement of the parties or terminated as provided herein, the term of this Agreement shall commence on April 18, 2022, and end on April 17, 2028, unless sooner terminated or extended by the City Council as set forth in the Agreement. In the event that the City Council determines that the Employee is not to be reemployed upon expiration of this Agreement, he shall be given written notice thereof by the City at least six (6) months in advance of the expiration of the term of this agreement. Should the City fail to give notice at least six (6) months prior to the end date of this Agreement, the Agreement shall be extended on the same terms for an additional period of one (1) year.

2. Continuing Effect of Agreement. Except as amended by this Second Amendment, all other provisions of the Agreement remain in full force and effect. From and after the date of this Agreement, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Second Amendment.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment to City Manager Employment Agreement on the 12th day of September, 2023.

CITY MANAGER

Matthew C. Ballantyne, Employee

CITY OF FONTANA

Acquanetta Warren, Mayor

ATTEST:

Germaine McClellan Key, City Clerk

APPROVED AS TO FORM:

Ruben Duran, City Attorney