

RESOLUTION NO. 97-34

RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF EL PASO DE ROBLES RELEASING RICHARD RAMIREZ  
FROM HIS EMPLOYMENT WITH THE CITY

**WHEREAS**, RICHARD RAMIREZ ("Ramirez") has served as the City Manager for the City of El Paso de Robles ("City"), pursuant to an Employment Agreement between the City and Ramirez dated November 25, 1991; and

**WHEREAS**, the City Council and Ramirez have come to an agreement regarding Ramirez' separation from City employment; and

**WHEREAS**, the City Council finds the agreement to be in the best interest of the City;

**NOW THEREFORE BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES THAT:**

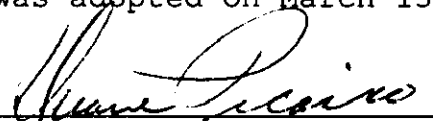
Section 1. The Agreement attached hereto as Exhibit "A" is approved.

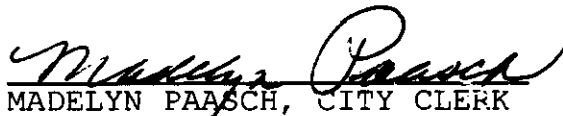
Section 2. The Mayor of the City is instructed to sign the Agreement on behalf of the City.

On motion of council member Iversen, and seconded by council member Baron, and on the following roll call vote, to wit:

AYES: Iversen, Baron, Swanson, Picanco  
NOES: Macklin  
ABSTAIN:  
ABSENT:

The foregoing Resolution was adopted on March 13, 1997.

  
MAYOR DUANE J. PICANCO  
CITY OF EL PASO DE ROBLES

  
MADELYN PAASCH, CITY CLERK

## SEPARATION AGREEMENT

THIS AGREEMENT is entered into this 13<sup>th</sup> day of March, 1997, by and between the City of El Paso de Robles, a municipal corporation (the "City"), and Richard J. Ramirez ("Ramirez"), who agree as follows:

WHEREAS, Ramirez has served as the City Manager for the City pursuant to an employment agreement between the City and Ramirez dated November 25, 1991; and

WHEREAS, the City Council has requested that Ramirez tender his resignation and Ramirez has agreed to tender his resignation as City Manager of the City; and

WHEREAS, City and Ramirez have discussed the terms of this Agreement:

NOW THEREFORE, , the City and Ramirez agree as follows:

Section 1. Acceptance of Resignation. Subject to the terms and conditions of this Agreement, the City hereby accepts the resignation of Ramirez as City Manager of the City.

Section 2. Effective Date: Ramirez' resignation shall be effective as of March 17, 1997. From and after the date of this Agreement and until March 17, 1997, Ramirez shall be on paid leave.

Section 3. Severance Benefits. City shall pay to Ramirez the sum of Forty-Three Thousand Two Dollars (\$43,002) as severance pay (this amount is the equivalent of six (6) months salary), plus accrued pay for vacation, sick leave and administrative leave. This payment shall be made in a lump sum no later than 5 p.m. on March 17, 1997. The City shall deduct from this payment normal tax and other withholdings and deductions.

Section 4. COBRA Benefits. Ramirez shall be entitled to COBRA benefits as provided by law.

Section 5. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California. The state courts of California shall have exclusive jurisdiction over any judicial proceeding relating to any dispute arising out of the interpretation, performance or breach of this Agreement.

Section 6. Voluntary Execution of Agreement. Ramirez represents that he has carefully read this Agreement and that he knows and understands its contents. Ramirez has had the opportunity to receive independent legal advice from the attorneys of his choosing with respect to this Agreement. Ramirez acknowledges that he has freely and voluntarily executed this Agreement, without fraud, duress,

or undue influence, with a full understanding of the legal and binding effect of this Agreement.

Section 7. Entire Agreement. This Agreement constitutes the entire agreement between City and Ramirez. No other promise or inducement has been offered for this Agreement. Any amendments to this Agreement must be in writing, signed by duly authorized representatives of both City and Ramirez, and must state that the parties intend to amend the Agreement.

Executed on March 13, 1997, at Paso Robles, California.

City of El Paso de Robles

  
Duane Picanco, Mayor

  
Madelyn Paasch, City Clerk

"CITY"

  
Richard J. Ramirez

"RAMIREZ"