



City of Emeryville

CALIFORNIA

Management of Emeryville Services Authority AGREEMENT OF INTERIM APPOINTMENT

FIRST AMENDMENT

THIS FIRST AMENDMENT TO THE AGREEMENT OF INTERIM APPOINTMENT ("Amendment") is effective as of _____ by and between **THE MANAGEMENT OF EMERYVILLE SERVICES AUTHORITY, ("MESA")** and **ANDREA VISVESHWARA** ("Employee"), individually referred to as a "Party" and collectively as the "Parties".

WITNESSETH THAT

WHEREAS, the MESA and Employee entered into an Agreement of Interim Appointment effective April 24, 2021 ("Contract") for the purpose of retaining the services of Employee to provide the services of city attorney; and

WHEREAS, the MESA and Employee desire to amend the Contract; and

WHEREAS, the public interest will be served by this Amendment.

NOW, THEREFORE, the Parties hereto do mutually agree as follows:

1. AMENDMENT

The Parties desire to extend the termination date. Section 2 of the Contract is hereby amended to extend the termination date to **JANUARY 31, 2022**.

2. CONTINUING EFFECT OF CONTRACT

Except as amended by this Amendment, all other provisions of the Contract remain in full force and effect and shall govern the actions of the Parties under this Amendment. From and after the date of this Amendment, whenever the term "Contract" appears in the Contract, it shall mean the Contract as amended by this Amendment.

3. ADEQUATE CONSIDERATION

The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

FOR CITY USE ONLY

Contract No.		Resolution No.	
--------------	--	----------------	--

4. SEVERABILITY

If any portion of this Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

5. WAIVER

The MESA's failure to enforce any provision of this Amendment or the waiver in a particular instance shall not be construed as a general waiver of any future breach or default.

SIGNATURES ON FOLLOWING PAGE

**6. SIGNATURE PAGE TO AGREEMENT OF INTERIM APPOINTMENT
FIRST AMENDMENT**

IN WITNESS WHEREOF the Management of Emeryville Services Authority and the Employee have executed this Contract, which shall become effective as of the date first written above.

Dated:

**MANAGEMENT OF EMERYVILLE SERVICES
AUTHORITY**

Dianne Martinez, Chair

Dated:

INTERIM CITY ATTORNEY

Andrea Visveshwara

(Signature)