

YSLETA INDEPENDENT SCHOOL DISTRICT

FIFTH AMENDMENT TO SUPERINTENDENT'S EMPLOYMENT CONTRACT

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Fifth Amendment to Superintendents Employment Contract is made and entered into by and between the Board of Trustees (the "Board") of the YSLETA INDEPENDENT SCHOOL DISTRICT (the " District") and GUADALUPE XAVIER DE LA TORRE (the " Superintendent"), for the purpose of amending the Superintendent' s Employment Contract, dated March 6, 2014, as previously amended by a First Amendment dated effective April 16, 2014, a Second Amendment dated effective July I , 2015, a Third Amendment dated effective July 1, 2016, and a Fourth Amendment dated effective July 1, 2017 (the "Contract"), in accordance with the action taken by the Board at a board meeting held on January 24, 2018.

NOW, THEREFORE, the Board and the Superintendent, for and in consideration of the terms stated in the Contract herein, hereby agree to amend the Superintendent's Employment Contract as follows:

1.1 Term: Effective July 1, 2018, the term of the Superintendent's Employment Contract is extended to and including June 30, 2023. Section 1.1 of said Contract is amended accordingly, effective July 1, 2018.

5.4 Annuity Benefit: Section 5.4 of the Contract is amended so that "(excluding catch-up contributions)" is replaced with "(including catch-up contributions)" both places that it appears, effective upon execution hereof, to read as follows:

5.4 Annuity Benefit: As long as the Superintendent is employed by the District and this provision is in effect, the District shall establish for the Superintendent qualified annuities or other investment accounts that meet the requirements of Sections 401 (a), 403(b), and 457 of the Internal Revenue Code of 1986, as amended (the "Code") (collectively, the "Annuities"). The Annuities shall be established as employer-paid with non-discretionary

contributions made by the District and the Superintendent shall have no right to receive such contributions in cash. The Annuities shall be established under written plan documents ("Annuity Plans"), as approved by the Board, that meet the requirements of the Code, and such documents are hereby incorporated herein by reference. The Annuities shall be mutually acceptable to the Superintendent and to the Board. The funds invested in the Annuities shall be invested as determined solely by the Superintendent in accordance with the provisions of the Annuity Plans, and all the contributions hereunder shall be freely transferable by the Superintendent in the event the Superintendent is no longer employed by the District, subject to the requirements of the Annuity Plans and the Code. For calendar year 2018, the District shall contribute on or before December 31, 2018 amounts equal to the yearly maximum contribution (including catch-up contributions) which the District is allowed to contribute to each of the Annuities under Section 403(b) and Section 457 of the Code. For calendar years 2019, 2020, and 2021 the District shall contribute on or before December 31 of each year amounts equal to the yearly maximum contribution (including catch-up contributions) which the District is allowed to contribute to each of the Annuities under Section 403(b) and Section 457 of the Code and shall also contribute to an Annuity under Section 401(a) of the Code an amount equal to 10% of the Salary as described in Section 5.1 hereof. All such contributions shall be for and on behalf of the Superintendent without causing any portion of the contributions to be included in the Superintendent's taxable income for the year in which the contributions are made. The Superintendent shall vest in the Annuities immediately upon the date the District makes its contributions under the terms and conditions of this Section.

IN WITNESS THEREOF, the parties hereto have executed this Fifth Amendment in duplicate.

DATED as indicated herein below to be effective as stated herinabove.

BOARD OF TRUSTEES
YSLETA INDEPENDENT SCHOOL DISTRICT

By: Connie Woodruff
Connie Woodruff
Board President
Date signed: 1/24/18

G. Xavier De La Torre
G. Xavier De La Torre
Superintendent
Date signed: 1/24/18

ATTEST: Mike Rosales
Mike Rosales, Board Secretary