



## Legislation Details (With Text)

**File #:** ID 19-283      **Version:** 1      **Name:**  
**Type:** City Council Item      **Status:** Passed  
**File created:** 5/13/2019      **In control:** City Council  
**On agenda:** 5/20/2019      **Final action:** 5/20/2019  
**Title:** City Manager's Employment Agreement

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. McNees. City Manager Agr. (Rev. Yellow Highlighted 5.13.pdf, 2. McNees. City Manager Agr. (Final Proposed 5.14.pdf

Date	Ver.	Action By	Action	Result
5/20/2019	1	City Council	approved	Pass

Agenda Item: 8(B)1	Prepared By: Laura Litzan, City Clerk
Business: Discussion	Department: Executive

**Subject:**

City Manager's Employment Agreement

### BACKGROUND:

At the May 7, 2019 Special-Called meeting, City Council voted unanimously to direct the Council Chair and the City Attorney to negotiate a contract with Mr. Michael McNees.

Attached for review is the **City Manager Proposed Agreement** redlined to reflect the changes made from the City Council's Manager Form Agreement that Council approved in July 2017 (The redlined agreement is the first attachment). Also attached, as the second document is a clean version of the proposed Agreement with Mr. McNees.

In the attached redlined document, the changes are highlighted in **yellow** and can be found at:

- Section 1. Duties
  - Subparagraph C. - The City Manager may, with Council's prior approval teach or undertake professional consulting during off-duty hours.
  - Subparagraph D. - if the City Manager is incapacitated or otherwise unable to designate an Acting City Manager, Council may.
- Section 2. Term of Agreement
  - Subparagraph A.-Contract Term begins as of July 1, 2019.
- Section 3. Salary --      \$185,000.00.

- Section 5. Termination by City
  - Subparagraph B. - Termination without cause anytime during the first two years, 10 weeks' severance. Anytime thereafter 20 weeks.  
Termination within the first year of employment the City to pay the remaining first year of the Lease Rent, in an amount not to exceed \$10,000.
  - Subparagraph C. - Termination for misconduct of ICMA Code of Ethics to be determined by ICMA. If ICMA should fail or refuse to issue an ethics opinion within 30 days of the written request by the City, City Council may proceed, in its absolute discretion.
  - Subparagraph D. - Upon termination City Manager shall receive any unused personal leave up to the maximum of 500 hours.
  - Subparagraph E. - Mr. McNees requested that the last sentence in this Subparagraph be deleted. This sentence specifies that Severance Payment shall constitute liquidated damages and is the maximum amount of the City's financial liability to the City Manager. At the direction of Chair Brechnitz, this sentence has not been deleted.
  
- Section 6. Termination by City Manager
  - Subparagraphs A and B.-Added that the limitations may be modified if "approved by City Council".
  
- Section 7. Automobile Allowance
  - Subparagraph A. -- \$400 per month allowance for Manager's private vehicle or full access to City vehicle.
  
- Section 9. Professional Development - Manager may participate in International and Florida City/County Management Associations.
  
- Section 11. Leave Benefits
  - Subparagraph A. - Manager starts employment with 5 personal leave days. Similar to other City employees Manager will accrue personal leave days, 20 leave days in the first year, increasing to 22 in the third year and reaching 28 personal leave days, thereafter. Maximum accumulation is 500 hours.
  
- Section 12. Health Insurance - Identifies current link to Employee Benefit Information.
  
- Section 13. Retirement
  - Subparagraph A. -- Similar to general City employees City to make annual matching contribution not to exceed 6 ½% of the Manager's then current annual salary.
  - Subparagraph B. - Deleted that City's contribution is contingent upon availability of funds each fiscal year.
  
- Section 14. Relocation -- City to pay actual relocation expenses up to a maximum of \$15,000, conditioned upon the Manager submitting evidence of any such expenditures.

**FUNDING SOURCE / FISCAL IMPACT:** Executive Budget.

**RECOMMENDATION:** Discussion / approval of an agreement.

**POTENTIAL MOTION:** “I move to approve the City Manager’s Employment Agreement. with Mr. Michael McNees.”