

COTTONWOOD HEIGHTS

RESOLUTION No. 2021-38

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

WHEREAS, on 4 May 2004, the citizens of the area of Salt Lake County known as Cottonwood Heights voted to incorporate such area as a municipality operating under the council-manager form of government described in the "Optional Forms of Municipal Government Act" under then current UTAH CODE ANN. §10-3-1201 *et seq.* (the "*Act*"); and

WHEREAS, the city of Cottonwood Heights (the "*City*") was incorporated effective 14 January 2005; and

WHEREAS, in May 2008, the Act was repealed except for municipalities, like the City, then operating under the council-manager form of government, as provided in UTAH CODE ANN. §10-3b-103(6);

WHEREAS, on 25 September 2018, the City's city council (the "*Council*") unanimously selected **B. Tim Tingey** ("*Mr. Tingey*") as the City's manager, based solely on his abilities, integrity, prior experience relating to the duties of office (including, without limitation, abilities in public administration and executive leadership) and managerial capabilities; and

WHEREAS, Mr. Tingey's appointment as the City's manager was formalized pursuant to an employment agreement (the "*Agreement*") with Mr. Tingey dated 15 October 2018; and

WHEREAS, because the Agreement will terminate by its own terms on 14 October 2021, the parties desire to amend the Agreement to extend its term and to make other changes and, to that end, have prepared a proposed amendment (the "*Amendment*") incorporating those changes to the Agreement; and

WHEREAS, on 3 August 2021, the Council met in regular session to consider, among other things, approving the City's entry into the Amendment; and

WHEREAS, the Council has reviewed the form of the Amendment, a photocopy of which is annexed hereto as an exhibit; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City's residents to approve the City's entry into the Amendment as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights that the Amendment is hereby approved, and that the City's mayor and recorder are authorized and directed to execute and deliver the Amendment on behalf of the City.

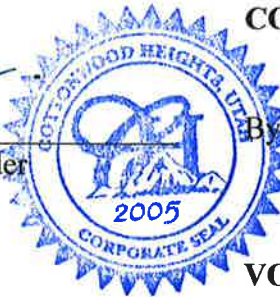
This Resolution, assigned no. 2021-38, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 3rd day of August 2021.

ATTEST:

By: _____

Paula Melgar, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By: _____

Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson

Yea ☒ Nay ☐

Douglas Petersen

Yea ☒ Nay ☐

J. Scott Bracken

Yea ☒ Nay ☐

Tali C. Bruce

Yea ☐ Nay ☐

Christine Watson Mikell

Yea ☒ Nay ☐

DEPOSITED in the office of the City Recorder this 3rd day of August 2021.

RECORDED this 9 day of August 2021.

First Amendment to Employment Agreement

THIS FIRST AMENDMENT TO EMPLOYMENT AGREEMENT (this "*Amendment*") is made 3 August 2021, to be effective 15 October 2021, by **COTTONWOOD HEIGHTS**, a Utah municipality whose address is 2277 East Bengal Blvd., Cottonwood Heights, UT 84121 ("*City*"), and **B. TIM TINGEY**, an individual whose address is 5788 South Waldenridge, Murray, UT 84123 ("*Manager*").

RECITALS:

A. City is a municipality organized under the "council-manager" optional form of government described in UTAH CODE ANN. §10-3b-103(6).

B. In a city organized under the "council-manager" optional form of government, the city's governing body (the "*Council*") is required to appoint a municipal manager to act as City's chief executive officer with the powers and duties specified by statute and by city ordinance, including, without limitation, those specified in Chapter 2.40, COTTONWOOD HEIGHTS CODE OF ORDINANCES.

C. On 25 September 2018, the parties entered into an "Employment Agreement" (the "*Agreement*") whereunder Manager became City's municipal manager for the period of 15 October 2018 through 14 October 2021, subject to extension by subsequent formal agreement.

D. The parties now desire to extend the term of the Agreement, and to make other changes to the Agreement, as specified in this Amendment.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises, the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. **Defined Terms.** Unless otherwise defined in this Amendment, all capitalized "terms of art" in this Amendment shall have the same meanings and definitions as in the Agreement.

Section 2. **Amendment to Section 2.** In the first sentence of section 2 of the Agreement, the date 14 October 2021 (i.e., the end of Manager's term of employment under the Agreement) is hereby changed to 14 October 2024.

Section 3. **Amendment to Section 6.** Section 6 of the Agreement is hereby amended as follows:

(a) **Automatic COLA Increases.** Manager's Base Salary shall be increased annually with a "cost of living allowance" (a "*COLA*") of the same percentage of Manager's Base Salary as the percentage COLA increase then applied to the base salaries of City's other employees. Manager's COLA increases shall occur simultaneously with the COLA increases of City's other employees.

(b) Merit Increases. Manager's Base Salary shall be further increased effective each October 15th through merit increases of up to 5% of Manager's Base Salary, based on the Council's determination of Manager's overall performance and of Manager's achievement of the goals set by the Council for Manager during the preceding fiscal year.

Section 3. No Other Modifications. Except as specifically amended in this Amendment, the terms of the Agreement shall remain unmodified and in full force and effect between the parties.

DATED effective the date first above written.

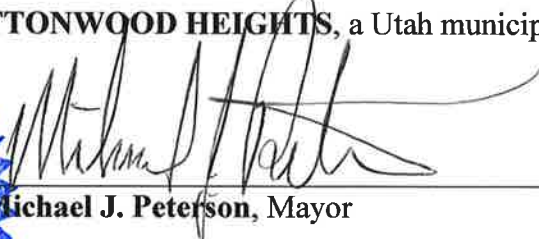
CITY:

ATTEST:

COTTONWOOD HEIGHTS, a Utah municipality

By: 
Paula Melgar, Recorder



By: 
Michael J. Peterson, Mayor

MANAGER:


B. TIM TINGEY