RESOLUTION NO. 3025-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AMENDING THE TOWN MANAGER EMPLOYMENT AGREEMENT TO PROVIDE THAT THE TOWN MANAGER SHALL AUTOMATICALY RECEIVE WAGE INCREASES THAT ARE PROVIDED TO THE TOWN'S EXECUTIVE MANAGEMENT EMPLOYEES

WHEREAS, on November 7, 2012, the Town entered into an Employment Agreement with the Town Manager; and

WHEREAS, as was the case with the former Town Manager, the agreement provides that the Town Manager's salary shall be automatically adjusted to reflect any cost of living salary adjustments that are provided to the Town's Executive Management employees; and

WHEREAS, on June 19, 2013 the Town Council approved a Memoranda of Understanding with the Town of Windsor Employees Group and adopted a resolution with the Unrepresented Executive Management and Confidential Employees; and

WHEREAS, the Memoranda and resolution do not include a cost of living salary adjustment, but do provide for a two percent annual wage increase, effective July 1, 2013 through June 30, 2015; and

WHEREAS, providing the approved two percent wage increase to the Town Manager effective July 1, 2013 through June 30, 2015, would be in keeping with the intent of the Employment Agreement to provide the Town Manager with the same salary increases available to the Town's Executive Management employees; and

WHEREAS, the proposed amendment substitutes the term "wage increases" for the term "cost of living salary adjustments."

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor does hereby amend the Town Manager Employment Agreement and authorize its execution by the Mayor, in a form that substantially conforms to Exhibit A, attached, subject to any minor, non-material modifications as may be approved by the Town Attorney, on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 17th day of July 2013, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, OKREPKIE, AND MAYOR GOBLE**
NOES: **COUNCILMEMBER SALMON**
ABSTAIN: **NONE**
ABSENT: **NONE**

ROBIN GOBLE, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit A

AMENDMENT TO TOWN MANAGER EMPLOYMENT AGREEMENT

This Amendment ("Amendment") to Town Manager Employment Agreement ("Agreement") is executed as of July 29, 2013 by and between the TOWN OF WINDSOR ("Employer" or "Town"), acting for itself and on behalf of the Town of Windsor Water District and the Windsor Redevelopment Successor Agency, and Linda Kelly ("Employee"). Employer and Employee are referred to collectively herein as the "Parties."

RECITALS

A. On November 7, 2012, the Parties entered into that certain Town Manager Employment Agreement, which is incorporated herein by this reference as if fully set forth herein.

B. Section 5 B. of the Agreement provides that "Employer shall automatically adjust the Employee's salary to reflect any cost of living salary adjustments that are provided to the Town's executive management employees, provided, however, that pursuant to Government Code Section 3511.2, any automatic increase shall not exceed the cost of living adjustment calculated by the California Department of Industrial Relations."

C. On June 19, 2013, pursuant to Resolution No. 3018-13, the Town Council of the Town of Windsor ("Council") approved a Memorandum of Understanding between the Town and the Town of Windsor Management Employees Group ("MEG") providing that as of July 1, 2013 through June 30, 2015 (the "Applicable Period"), each member would receive a two percent (2%) annual wage increase.

D. Also on June 19, 2013, pursuant to Resolution No. 3019-13, the Council established benefits for Unrepresented Executive Management and Confidential Employees, including an annual two percent (2%) wage increase for the Applicable Period, that mirror the MEG Memorandum of Understanding.

E. The Parties desire to amend the Agreement to provide for the same annual wage increase to Employee, effective as of July 1, 2013.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. The above recitals are incorporated herein as if fully set forth.

2. Section 5B. of the Agreement is hereby amended to delete the words "cost of living salary adjustments" and to substitute therefor the words "wage increases."

3. This amendment shall take effect as of July 1, 2013.

4. Except as so amended, all of the other terms, conditions and covenants of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Town Manager Employment Agreement as of the date first written above.

Robin Goble, Mayor

Linda Kelly, Town Manager

ATTEST:

Maria De La O, Town Clerk

7-29-13
Date

Approved as to Form:

Robin Paige Donoghue, Town Attorney

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