

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 07-23-19

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL 2019 - 175

SPECIAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING and authorizing the Mayor to execute the First Amendment to an
2 Employment Agreement by and between the City of Springfield, Missouri,
3 and Anita J. Cotter, setting out the terms and conditions of her
4 employment as City Clerk; and authorizing payment of salary and benefits
5 to Anita J. Cotter in accordance with the provisions set forth therein.
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7

8 WHEREAS, the City of Springfield, Missouri (the "City") entered into an
9 Employment Agreement ("Agreement") with Anita J. Cotter ("Cotter"), effective
10 December 10, 2018, setting out the terms and conditions of her employment as City
11 Clerk, and City Council pursuant to Article II, Section 2.16(38) of the City Charter
12 exercised its power as enumerated in the City Charter and adopted the Agreement as a
13 final and binding Agreement between the City and Cotter; and
14

15 WHEREAS, the City desires to amend the Agreement by and between the City
16 and Cotter as set forth in the First Amendment to the Agreement (the "First
17 Amendment") and authorize payment of salary and benefits to Cotter in accordance with
18 the provisions set forth in the First Amendment.
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
21 SPRINGFIELD, MISSOURI, as follows:
22

23 Section 1 – The First Amendment to the Agreement attached hereto and
24 incorporated herein as "Exhibit A" is hereby adopted by City Council as a final and
25 binding First Amendment by and between the City and Cotter for a term and duration as
26 set forth within the terms of the Agreement, as now amended, authorizing the payment
27 of salary and benefits to Cotter in accordance with the provisions set forth therein. The
28 Mayor is hereby authorized to execute the First Amendment to the Agreement.
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30 Section 2 – This Ordinance shall be in full force and effect immediately after its
31 adoption by City Council.
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33 Passed at meeting: _____

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Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Rhonda Lewsader*, City Attorney

Approved for Council action: *Jason A. Page*, City Manager

EXPLANATION TO COUNCIL BILL 2019 - 175

FILED: 07-23-19


ORIGINATING DEPARTMENT: Human Resources

PURPOSE: Adopting and authorizing the Mayor to execute the First Amendment to an Employment Agreement by and between the City of Springfield, Missouri, and Anita J. Cotter, setting out the terms and conditions of her employment as City Clerk; and authorizing payment of salary and benefits to Anita J. Cotter in accordance with the provisions set forth therein.

BACKGROUND INFORMATION: City Council appointed Anita Cotter ("Cotter") to serve as City Clerk effective May 17, 2015. The current Employment Agreement is being amended and is attached as "Exhibit A," and sets forth the terms and conditions of employment of Cotter as City Clerk. The Agreement and its First Amendment also authorize the payment of salary and benefits in accordance with the provisions set forth therein. The First Amendment will be effective upon approval by City Council.

Submitted by:

Approved by:


Darla Morrison,
Director of Human Resources


Ken McClure, Mayor

Exhibit A

**FIRST AMENDMENT TO PARAGRAPH 5 – COMPENSATION
OF THE EMPLOYMENT AGREEMENT BETWEEN THE CITY
OF SPRINGFIELD, MISSOURI AND ANITA J. COTTER**

THIS FIRST AMENDMENT to PARAGRAPH 5 of the EMPLOYMENT AGREEMENT between the City of Springfield, Missouri (“the City” or “Employer”) and Anita J. Cotter, City Clerk (“Cotter” or “Employee”), dated December 10, 2018 (the “Agreement”), is entered into by and between the City and Cotter as of the date and year first written below (the “First Amendment”).

WHEREAS, the City and Cotter are parties to a certain Employment Agreement executed and effective as of December 10, 2018 (the “Agreement”); and

WHEREAS, the City and Cotter wish to amend a certain provision of the Agreement as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations hereinafter contained, the parties do hereby agree to amend the Agreement as hereinafter provided:

1. Effective as of the date approved by City Council, Paragraph 5 – Compensation, of the Agreement, is hereby deleted in its entirety and the following is inserted in its place:

PARAGRAPH 5 – COMPENSATION

5. **Compensation.** For all services provided to the City by Employee during Employee’s employment hereunder, Employee shall be paid the following compensation: Beginning August 12, 2019, One Hundred Six Thousand Seven Hundred Eight Dollars (\$106,708.00) annually, payable in equal installments not less often than biweekly (“Base Compensation”). Thereafter, Employee’s annual Base Compensation will be reviewed by City Council in conjunction with the City’s fiscal year and Employee’s performance shall also be evaluated by City Council, and increases in annual Base Compensation, if any, shall be based on Employee’s performance, budgetary guidelines, market comparability, or for other reasons as desired by City Council. In addition, Employee shall receive longevity pay in the annual amount of One Thousand Two Hundred Dollars (\$1,200.00) based on years of service. The compensation provided in this paragraph shall be in addition to the benefits and other remunerations that are set forth in this Agreement.

2. Unless otherwise indicated, all remaining provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date and year first written below.

Date

Anita J. Cotter

"Cotter" or "Employee"

The City of Springfield, Missouri

By: _____
Ken McClure, Mayor

"the City" or "Employer"