

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 03-30-21

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL 2021 - 088

SPECIAL ORDINANCE _____

AN ORDINANCE

1 ADOPTING and authorizing the Mayor to execute the Second 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.
6
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, a First Amendment to the Agreement was authorized by City Council
16 in Special Ordinance 27217 adopted on August 12, 2019; and
17

18 WHEREAS, the City desires to amend the Agreement by and between the City
19 and Cotter as set forth in the Second Amendment to the Agreement (the "Second
20 Amendment") and authorize payment of salary and benefits to Cotter in accordance with
21 the provisions set forth in the Second Amendment.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 SPRINGFIELD, MISSOURI, as follows:
25

26 Section 1 – The Second Amendment to the Agreement attached hereto and
27 incorporated herein as "Exhibit A" is hereby adopted by City Council as a final and
28 binding Second Amendment by and between the City and Cotter for a term and duration
29 as set forth within the terms of the Agreement, as now amended, authorizing the
30 payment of salary and benefits to Cotter in accordance with the provisions set forth
31 therein. The Mayor is hereby authorized to execute the Second Amendment to the
32 Agreement.
33

34 Section 2 – This Ordinance shall be in full force and effect immediately after its
35 adoption by City Council.

36
37 Passed at meeting: _____

38
39 _____
40 Mayor

41
42 Attest: _____, City Clerk

43
44
45 Filed as Ordinance: _____

46
47
48 Approved as to form: Rhonda Lewsader, City Attorney

49
50 Approved for Council action: Jason A. Hays, City Manager

EXPLANATION TO COUNCIL BILL 2021 - 088

FILED: 03-30-21

ORIGINATING DEPARTMENT: Human Resources Department

PURPOSE: Adopting and authorizing the Mayor to execute the Second 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 with the Second Amendment attached as "Exhibit A," which sets forth the terms and conditions of employment of Cotter as City Clerk. The Agreement and Second Amendment also authorize the payment of salary and benefits in accordance with the provisions set forth therein. The Second Amendment will be effective upon approval by the City Council.

Submitted by:



Darla Morrison, Director of Human Resources

Approved by:



Ken McClure, Mayor

Exhibit A

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

THIS SECOND 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 “Second 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 April 19, 2021, One Hundred Eleven Thousand Six Hundred Seventeen Dollars (\$111,617.00) 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 Second 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"