

RESOLUTION NO. 2021 - 56

A Resolution approving the Second Amendment to Employment Agreement between City Manager Jeffrey Towery and the City of McMinnville.

RECITALS:

Whereas, the City of McMinnville ("City") entered into an Employment Agreement ("Agreement") with City Manager Jeffrey Towery ("City Manager") on February 14, 2017; and

Whereas, the City and City Manager executed an amendment to the Agreement on June 26, 2018 ("First Amendment"); and

Whereas, the parties seek to address the implications of Senate Bill (SB) 1049 (2019), which now allows most retirees who are members of the Public Employees Retirement System (PERS) to retire and continue working full-time for a PERS-participating employer until December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. A second amendment to the Employment Agreement, attached hereto and incorporated by reference herein as Exhibit 1, is hereby approved. The Mayor is authorized to sign the Second Amendment on the City's behalf.
2. This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 26th day of October, 2021 by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth


Nays: _____

Approved this 26th day of October 2021.




MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder

Exhibits:

- Exhibit 1: Second Amendment to Employment Agreement - Jeffrey Towery, City Manager

CITY OF McMinnville
SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

This Second Amendment to Employment Agreement (“Second Amendment”) is effective the 27 day of October 2021 (“Effective Date”), by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (“City”), and **Jeffrey Towery** (“City Manager”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into an Employment Agreement (“Agreement”) with City Manager on February 14, 2017; and

WHEREAS, the City and City Manager executed an amendment to the Agreement on June 26, 2018 (“First Amendment”); and

WHEREAS, the parties seek to address the implications of Senate Bill (SB) 1049 (2019), which now allows most retirees who are members of the Public Employees Retirement System (PERS) to retire and continue working full-time for a PERS-participating employer until December 31, 2024.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

The Agreement is amended as follows:

SECTION VI. SALARY, BENEFITS, AND MOVING EXPENSES.

Subsection G of Section VI of the Agreement is hereby amended to add the following phrase to the end of the last sentence of Subsection G:

“...including, but not limited to, benefits and policies implementing Senate Bill (SB) 1049 (2019).”

SECTION VII. RETIREMENT, DEFERRED COMPENSATION, AND INSURANCE.

Subsection A of Section VII of the Agreement is hereby amended to add the following sentence at the end of Subsection A:

“If the City Manager elects to retire and continue to work after retirement, as allowed under Senate Bill (SB) 1049 (2019), the City will make such contributions consistent with the requirements of SB 1049.”

[Remainder of Page Intentionally Left Blank]

All of the other terms and conditions of the Agreement and the First Amendment shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Agreement and the First Amendment shall apply to this Second Amendment.

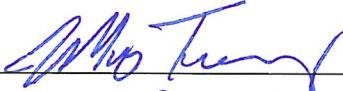
The City Manager and the City hereby agree to all provisions of this Second Amendment.


CITY MANAGER:

CITY:

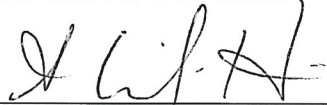
JEFFREY TOWERY

CITY OF McMINNVILLE

By: 
Print Name: Jeffrey Towery

By: 
Print Name: Scott A. Hill
As Its: Mayor

APPROVED AS TO FORM:


Amanda R. Guile-Hinman, City Attorney
City of McMinnville, Oregon