

RESOLUTION NO. R2017-29

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, RELATING TO THE PERFORMANCE EVALUATION OF THE CITY ATTORNEY; RECEIVING THE CITY ATTORNEY' S PERFORMANCE EVALUATION REPORT; AND, IN CONSIDERATION OF THE CITY ATTORNEY' S EXEMPLARY PERFORMANCE DURING THE CONTRACT YEARS FROM, MAY 29, 2014, THROUGH MARCH 21, 2017, GRANTING A COST OF LIVING ADJUSTMENT ("COLA") OF THREE (3%) PERCENT, EFFECTIVE ON MAY 29, 2017, EXTENDING THE CITY ATTORNEY'S CONTRACT OF EMPLOYMENT, DATED MAY 29, 2014, FOR AN ADDITIONAL THREE (3) YEAR TERM, COMMENCING UPON THE EXPIRATION OF SAID CONTRACT; FURTHER AMENDING THE CITY ATTORNEY'S EMPLOYMENT CONTRACT PURSUANT TO TERM SHEET ATTACHED HERETO.

WHEREAS, City Attorney Jose Smith's contract was approved by the City Commission on April 22, 2014, and his term started on May 29, 2014; and

WHEREAS, the Employment Contract provides for an evaluation of the City Attorney, at which time the City Commission shall review the annual salary and/or other benefits of the City Attorney, and make adjustments in such amounts and to such extent as the City Commission may determine that it is desirable to do so; and

WHEREAS, the Employment Contract further provides that the City Attorney "may be entitled to receive Cost of Living ("COLA") increase annually" and the "Employee's salary and/or benefits may be enhanced at the City Council's (Commission) discretion"; and

WHEREAS, the Mayor and members of the City Commission have reviewed the Performance Evaluation Report submitted by the City Attorney; and

WHEREAS, on March 21, 2017 during a Commission Conference session, the Mayor and City Commission convened to review and evaluate the performance of the City Attorney in accordance with the Employment Contract; and

WHEREAS, in consideration and recognition of the City Attorney's exemplary performance and achievements for the Contract years respectively, 2014, 2015, 2016 until present, the Mayor and City Commission hereby deem that it is in the best interest of the City to approve the foregoing adjustments to the City Attorney's salary and benefits, and other aspects of the Employment Contract, all as further set forth below.

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NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Miami Beach, Florida:

Having received and reviewed the Performance Evaluation Report submitted by the City Attorney, and following a duly noticed Commission Conference session on March 21, 2017, and in consideration and recognition of the City Attorney's exemplary performance during said Contract years, the Mayor and City Commission hereby approve the following:

Section 1. The City Attorney will be granted a three (3%) percent Cost of Living Adjustment ("COLA"), effective as of May 29, 2017.

Section 2. The initial term of the Employment Contract thereof, is hereby extended for an additional term of three (3) years, which term will commence on May 29, 2017 and end on May 28, 2020 unless extended; and all other necessary adjustments to the Employment Contract are made to reflect said change.

Section 3. Mr. Smith' s engagement as City Attorney shall continue under and pursuant to the terms and conditions of the Employment Contract pursuant to the term sheet attached hereto as approved pursuant and as further amended by this Resolution, and the attached term sheet until the same is modified, amended, or terminated by action of the Mayor and City Commission.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **21th day of March, 2017.**

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM & LANGUAGE
& FOR EXECUTION:

JOSE SMITH
CITY ATTORNEY

Sponsored by: Mayor & City Commission