

COTTONWOOD HEIGHTS

RESOLUTION No. 2023-27

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT

WHEREAS, on 4 May 2004, the citizens of the area of Salt Lake County known as Cottonwood Heights voted to incorporate such area as a municipality operating under the council-manager form of government described in the "Optional Forms of Municipal Government Act" under then current UTAH CODE ANN. §10-3-1201 *et seq.* (the "*Act*"); and

WHEREAS, the city of Cottonwood Heights (the "*City*") was incorporated effective 14 January 2005; and

WHEREAS, on 25 September 2018, the City's city council (the "*Council*") unanimously selected **B. Tim Tingey** ("*Mr. Tingey*") as the City's manager, based solely on his abilities, integrity, prior experience relating to the duties of office (including, without limitation, abilities in public administration and executive leadership) and managerial capabilities; and

WHEREAS, Mr. Tingey's appointment as the City's manager was formalized pursuant to an employment agreement (as previously amended, the "*Agreement*") with Mr. Tingey dated 15 October 2018; and

WHEREAS, on 3 August 2021 the Council approved an amendment to the Agreement extending its term and making other changes; and

WHEREAS, on 16 May 2023 the Council met in regular session to consider, among other things, approving a second amendment (the "*Amendment*") to the Agreement to authorize Mr. Tingey (who holds a doctorate in political science/public administration) to teach a single class in the University of Utah's masters of public administration program for up to three (rather than the current authorization of up to two) semesters per year; and

WHEREAS, the Council has reviewed the form of the Amendment, a photocopy of which is annexed hereto as an exhibit; and


WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City's residents to approve the City's entry into the Amendment as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights that the Amendment is hereby approved, and that the City's mayor and recorder are authorized and directed to execute and deliver the Amendment on behalf of the City.

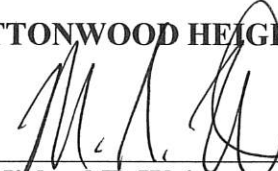
This Resolution, assigned no. 2023-27, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 16th day of May 2023.

ATTEST:

By: 
Paula Melgar, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Michael T. Weichers, Mayor

VOTING:

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
<u>Matt Holton</u>	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 16th day of May 2023.

RECORDED this 17 day of May 2023.

Second Amendment to Employment Agreement

THIS SECOND AMENDMENT TO EMPLOYMENT AGREEMENT (this “*Amendment*”) is made 16 May 2023 by **COTTONWOOD HEIGHTS**, a Utah municipality whose address is 2277 East Bengal Blvd., Cottonwood Heights, UT 84121 (“*City*”), and **B. TIM TINGEY**, an individual whose address is 5788 South Waldenridge, Murray, UT 84123 (“*Manager*”).

RECITALS:

A. City is a municipality organized under the “council-manager” optional form of government described in UTAH CODE ANN. §10-3b-103(6).

B. In a city organized under the “council-manager” optional form of government, the city’s governing body is required to appoint a municipal manager to act as City’s chief executive officer with the powers and duties specified by statute and by city ordinance, including, without limitation, those specified in Chapter 2.40, COTTONWOOD HEIGHTS CODE OF ORDINANCES.

C. On 25 September 2018, the parties entered into an “Employment Agreement” (as previously amended, the “*Agreement*”) whereunder Manager became City’s municipal manager. The parties subsequently amended the Agreement effective 15 October 2021 pursuant to a “First Amendment to Employment Agreement.”

D. The parties now desire to further amend the Agreement as specified in this Amendment.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises, the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. **Defined Terms**. Unless otherwise defined in this Amendment, all capitalized “terms of art” in this Amendment shall have the same meanings and definitions as in the Agreement.

Section 2. **Amendment to Section 4**. The first sentence of the second full paragraph of Section 4 of the Agreement, which currently states as follows:

City is aware that Manager desires to continue to be employed on a part-time basis as an adjunct professor in the University of Utah masters of public administration program, teaching a single class one or two semesters each year.

Is hereby amended and restated as follows:

City is aware that Manager desires to continue to be employed on a part-time basis as a professor in the University of Utah masters of public administration program, teaching up to three classes each year and performing related administrative functions.

Section 3. **No Other Modifications.** Except as specifically amended in this Amendment, the terms of the Agreement shall remain unmodified and in full force and effect between the parties.

DATED effective the date first above written.

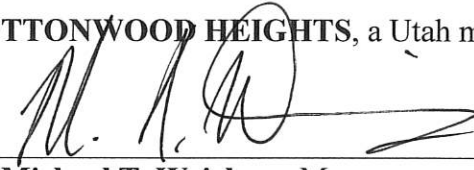
CITY:

COTTONWOOD HEIGHTS, a Utah municipality

ATTEST:

By: 
Paula Melgar, Recorder



By: 
Michael T. Weichers, Mayor

MANAGER:


B. TIM TINGEY