

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE EXECUTION OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER; AUTHORIZING THE CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE AMENDMENT TO EMPLOYMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, on November 21, 2011, the Mayor and Council of the City of North Miami (“City”), entered into an Employment Agreement with Stephen E. Johnson for the position of City Manager; and

**WHEREAS**, the Mayor and City Council find that the proposed amendment is reasonable, fair and equitable, and therefore desire to amend the Employment Agreement with the City Manager, in substantially the attached form.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authorization to Amend Employment Agreement.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the execution of an amendment to the Employment Agreement with the City manager.

**Section 2. Authorization of City Attorney.** The City Attorney is hereby authorized to do all things necessary to effectuate the terms of the amendment to Employment Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of February, 2012.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS  
INTERIM CITY ATTORNEY

SPONSORED BY: MAYOR AND CITY COUNCIL

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Jean R. Marcellus	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

**CITY OF NORTH MIAMI  
AMENDMENT TO CITY MANAGER EMPLOYMENT  
AGREEMENT**

**THIS AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT** (“Amendment”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the **Mayor and City Council** (“City Council”) of the City of North Miami, a Florida municipal corporation, located at 776 NE 125<sup>th</sup> Street, North Miami, FL (“City”) and **Stephen E. Johnson** (“City Manager”). The City Council and City Manager shall collectively be referred to as the “Parties”.

**RECITALS**

**WHEREAS**, on November 21, 2011, the City Council entered into an Employment Agreement between Stephen E. Johnson and the City of North Miami, for the position of City Manager; and

**WHEREAS**, the Mayor and City Council find that the proposed amendment is reasonable, fair and equitable, and therefore desire to amend the Employment Agreement with the City Manager.

**NOW THEREFORE**, in consideration of the mutual promises and covenants set forth herein and other good and valuable consideration, the Parties hereto agree as follows:

1. The Parties agree that this Amendment is incorporated into and made part of the Agreement executed by the Parties on November 21, 2011.

2. The Parties hereby amend the Agreement to include the following provision relating to severance pay upon termination:

“In the event City Council terminates the services of the City Manager without cause and within the first thirty-six (36) months from the effective date of the Agreement, commencing on November 21, 2011, then the City Manager shall be entitled to twelve (12) months of his then current salary.”

3. No modification or amendment hereto shall be valid unless in writing and approved by a majority vote of the City Council.

4. This Amendment shall be binding upon the Parties hereto, their successors in interest, heirs, executors, assigns and personal representatives.

5. All other terms of the Agreement which have not been modified by this Amendment, shall remain in full force and effect.

6. This Amendment may be executed in two or more counterparts, each of which shall constitute an original but all of which, when taken together, shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement by their respective proper officers duly authorized the day and year first written above.

**City of North Miami**, a Florida municipal corporation:

By: \_\_\_\_\_  
Andre D. Pierre, Esq.  
Mayor

ATTEST:

By: \_\_\_\_\_  
Michael A. Etienne, Esq.  
City Clerk

By: \_\_\_\_\_  
Stephen E. Johnson  
City Manager

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
Roland C. Galdos  
Interim City Attorney