

RESOLUTION NO. 47-17  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER J. Anne Rau ON THE 21<sup>st</sup> DAY  
OF AUGUST, 2017.

**A RESOLUTION AUTHORIZING THE AMENDMENT OF THE  
RETIRED CITY MANAGER'S CONTRACT TO CLARIFY SICK  
LEAVE.**

WHEREAS, the prior City Manager, Gregory B. Horn, retired effective July 5, 2017; and

WHEREAS, per City of Centerville personnel manual and ordinances, retiring employees are entitled to certain benefits and pay outs, such as for unused sick leave; and

WHEREAS, Mr. Horn's employment agreement had been amended several times over the years; and

WHEREAS, the parties had anticipated that a restriction on the pay out of unused sick leave had been removed from the agreement; and

WHEREAS, the City and Mr. Horn had acted as if such exemption was no longer present in the agreement as early as 1995; and

WHEREAS, to have the agreement meet the actions of the City in the handling of the sick leave conversions and pay outs; and

WHEREAS, the Council of the City of Centerville wishes to clarify the sick leave conversions and pay out and correct the agreement terms; and

WHEREAS, under the terms of the CITY MANAGER AGREEMENT authorized by Resolutions 1-95, 39-03, 48-98, 67-05, 82-97, 44-09, 51-11, 54-13, 22-15, 35-16, and 77-16 that any such change in compensation requires an amendment to said agreement in writing signed by both parties; and

WHEREAS, attached hereto as Exhibit "A" and incorporated herein is a proposed amended agreement.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:


Section 1: That the amendment stated in Exhibit "A," attached hereto and incorporated herein is hereby authorized and the Mayor is hereby authorized and directed to execute same.

Section 2: This Resolution shall become effective at the earliest date allowed by law.

PASSED THIS 21<sup>st</sup> day of August, 2017.

  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 47-17, passed by the Council of the City of Centerville, Ohio on the 21<sup>st</sup> day of August, 2017.

  
\_\_\_\_\_  
Clerk of the Council

Approved as to form, consistency with existing ordinances, the Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney

**AMENDMENT TO CITY MANAGER AGREEMENT**

This Agreement entered into at Centerville, Ohio, on the \_\_\_\_ day of August, 2017, by and between the City of Centerville, an Ohio municipal corporation (hereinafter "City") and Gregory B. Horn (hereinafter "City Manager").

**WITNESSETH:**

**WHEREAS**, by Resolution No. \_\_\_\_\_, passed by a majority vote of all members of the Council of the City of Centerville on the 21<sup>st</sup> day of August, 2017, the CITY MANAGER AGREEMENT dated January 16, 1995, authorized by Resolution 1-95 and Resolution 82-97 and as amended as authorized by Resolution 48-98, Resolution 39-03, Resolution 67-05, Resolution 44-09, Resolution 51-11, Resolution 54-13, Resolution 22-15, Resolution 35-16 and Resolution 77-16, is hereby authorized to be amended in accordance with the provisions below; and

**WHEREAS**, the parties wish to amend Section 8 of said Agreement;

**NOW THEREFORE**, in consideration of the foregoing recitations and pursuant to the terms of Resolution No. \_\_\_\_\_, the parties agree as follows:

Section 1. That effective August 21, 2017, Section 8 of said Agreement is amended and restated as follows:

**Sick Leave.** The City hereby grants to the City Manager up to 120 days of unused sick leave. This represents the number of unused sick leave days which would otherwise have been lost by the City Manager in his movement to the City from his previous employer.

Section 2. That in all other respects said existing CITY MANAGER AGREEMENT, as amended is hereby ratified and restated as if fully rewritten herein.

**IN WITNESS WHEREOF**, the parties have executed this AMENDMENT TO CITY MANAGER AGREEMENT on the date first above written.

WITNESS:

\_\_\_\_\_

**CITY OF CENTERVILLE**

By: \_\_\_\_\_  
Brooks A. Compton, Mayor

\_\_\_\_\_  
Gregory B. Horn, City Manager

Approved as to form:

\_\_\_\_\_  
Scott A. Liberman, Municipal Attorney