

RESOLUTION NO. 44-09  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE 21<sup>ST</sup>  
DAY OF DECEMBER, 2009.

**A RESOLUTION AUTHORIZING THE AMENDMENT OF  
THE CITY MANAGER'S CONTRACT COMMENCING  
JANUARY 1, 2010.**

WHEREAS, the Council of the City of Centerville wishes to increase the compensation and/or benefits to the City Manager commencing January 1, 2010; and

WHEREAS, under the terms of the CITY MANAGER AGREEMENT authorized by Resolutions 1-95, 39-03, 48-98, 67-05, and 82-97, any such change in compensation requires an amendment to said agreement in writing signed by both parties; and

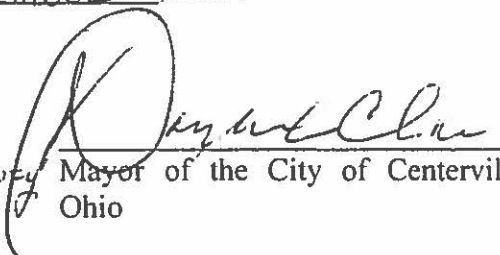
WHEREAS, attached hereto as Exhibit "A" and incorporated herein is a proposed amended agreement; and

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 December, 2009.

  
Deputy Mayor of the City of Centerville,  
Ohio

ATTEST:

Julia M. Weaver  
Assistant 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. 44-09, passed by the Council of the City of Centerville, Ohio on the 21st day of December, 2009.

Assistant Julie M. Weaver  
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 December, 2009, 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 December, 2009, the CITY MANAGER AGREEMENT of Gregory B. Horn's is continued, but the CITY MANAGER AGREEMENT authorized by Resolution 1-95 and Resolution 82-97 and as amended as authorized by Resolution 48-98, Resolution 39-03 and Resolution 67-05 is hereby authorized to be amended in accordance with the provisions of Section 1 and 2 thereof; and

**WHEREAS**, the parties wish to amend Sections 1 and 3 of said Agreement;

**NOW THEREFORE**, in consideration of the foregoing recitations and pursuant to the terms of Resolution No. \_\_\_\_\_, the parties agree as follows with the matter to be omitted shown by ~~strike-out~~ and the new matter shown by *italics*:

**Section 1.** That effective January 1, 2010, Section 1 of said Agreement is amended as follows:

That portion of Section 1 of said Agreement and its amendments which specifies length of term and term commencement and expiration shall be changed to provide an extension of the ending date to read as follows: "the period of employment shall be for a term . . . ending on the 31<sup>st</sup> day of

December 2010 2012". In all other respects Section 1 shall remain in full force as written.

**Section 2.** That effective January 1, 2010, Section 3 of said Agreement is amended as follows:

“As additional compensation, the City shall pay deferred compensation annually to the International City Management Association Retirement Corporation (ICMARC) in the amount of ~~Seven~~ *Eight* percent (~~7%~~) (*8%*) of annual salary.”

**Section 3.** 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: \_\_\_\_\_  
C. Mark Kingseed, Mayor

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