

RESOLUTION NO. 12-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON THE 6th
DAY OF February, 2023.

A RESOLUTION AUTHORIZING THE EXECUTION OF A
RETENTION AGREEMENT WITH THE CHIEF OF POLICE.

WHEREAS, the Centerville Charter provides that the City Manager shall
appoint a Police Chief; and

WHEREAS, the City Manager had appointed and hired Matthew J. Brown as
the City of Centerville Police Chief; and

WHEREAS, the City intends to continue to employ and retain Chief Brown;
and

WHEREAS, the City and Chief Brown have agreed upon terms for a
Retention Agreement as set forth in Exhibit "A"; and

WHEREAS, due to a potential conflict, it is desirable to have the Assistant
City Manager execute said Retention Agreement on behalf of the City.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY RESOLVES:

Section 1. That the Assistant City Manager of the City of Centerville is
hereby authorized and directed to execute and enter into a Retention Agreement with
Mathew J. Brown along the terms acceptable to the City. A copy of said Retention
Agreement is attached hereto as Exhibit "A" and incorporated herein.

Section 2. This Resolution is to take effect at the earliest date allowed by
law.

PASSED THIS 6th day of February, 2023.



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. 12-23, passed by the Council of the City of Centerville, Ohio on the 6th day of February, 2023.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney

RETENTION AGREEMENT

This Retention Agreement (“Agreement”) is entered into the ___ day of February, 2023, by and between the **City of Centerville, Ohio**, and **Matthew J. Brown**.

WHEREAS, the City of Centerville, Ohio (hereby the “City”) employs Chief Matthew J. Brown (hereafter the “Chief”) as the Chief of Police of the City; and

WHEREAS, the Chief is not employed pursuant to an employment contract with the City, but is appointed as an unclassified position that serves at-will and at the pleasure of the City Manager in accordance with the Charter and Ordinances of the City of Centerville; and

WHEREAS, the City and the Chief wish to enter into this Retention Agreement.

IT IS HEREBY AGREED as follows:

- A. The City and the Chief acknowledge and agree that all action taken by the Chief in connection with and leading to the case of James Myers v. City of Centerville, OH, et al., Case No. 3:20-cv-00402 (S.D. Ohio) and any other claims or potential claims brought by James Myers regarding his employment with the City of Centerville, were within the scope of employment of the Chief. For these reasons, and in exchange for the promises of the Chief under this Retention Agreement, the City agrees to defend and hold harmless the Chief from any personal liability resulting in the above-referenced case or potential claims brought by James Myers regarding his employment with the City of Centerville.
- B. In exchange for the promises set forth in Paragraph A above, the Chief agrees not to resign from employment prior to January 1, 2024.
- C. All other terms and conditions of employment of the Chief shall remain exclusively governed by Charter and Ordinances of the City of Centerville.

Agreed:

Mariah Vogelgesang, Assistant City Manager

date

Matthew J. Brown, Chief of Police

date

Approved as to form:

Scott A. Liberman, Municipal Attorney

date