

RESOLUTION NO. 13-23
CITY OF CENTERVILLE, OHIO

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

A RESOLUTION AUTHORIZING THE EXECUTION OF AN
ADDENDUM TO CITY MANAGER AGREEMENT

WHEREAS, Section 6.01 of the Centerville Charter provides that the City Council, by a majority vote of all members of Council, shall appoint a City Manager and fix compensation; and

WHEREAS, the City Manager was appointed by City Council by Resolution 38-17 on July 10, 2017; and

WHEREAS, the City Manager Agreement was subsequently amended by Resolutions 68-19 on October 7, 2019 and 111-21 on November 15, 2021; and

WHEREAS, the Council of the City of Centerville hereby determines that it desires to set forth an addendum to the City Manager Agreement and its amendments and in accordance with the City Charter; and

WHEREAS, it is the will and desire of this City Council that an addendum to the Agreement be entered into between the City Council and Wayne Davis specifying terms and conditions of employment of him as City Manager in addition to those terms and conditions of such employment provided by the City Charter.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE
HEREBY RESOLVES:

Section 1. That the Mayor of the City of Centerville is hereby authorized and directed to enter into an Addendum to City Manager Agreement with said Wayne S. Davis along the terms acceptable to the City. A copy of said Addendum to City Manager Agreement is attached hereto as Exhibit "A" and incorporated herein and is intended to be an addendum to the previous Agreement.


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. 13-23, 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

ADDENDUM TO CITY MANAGER AGREEMENT

This addendum to the City Manager Agreement is entered into the ___ day of February, 2023, by and between the **City of Centerville, Ohio**, and **Wayne S. Davis**.

WHEREAS, the City of Centerville, Ohio (hereby the “City”) and the City Manager, Wayne S. Davis (hereafter the “City Manager”) are parties to the City Manager Agreement (hereafter the “Contract”), of which the current version is in effect between August 21, 2021 through August 20, 2024; and

WHEREAS, the City and the City Manager wish to amend certain terms of the Contract.

IT IS HEREBY AGREED as follows:

- A. The following provisions shall be added to the Contract:
Section 14. Defense and Liability. The City and the City Manager acknowledge and agree that all action taken by the City Manager 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 delegation of authority as contained within the City Charter and the scope of employment of the City Manager. In view of the foregoing paragraph, and in consideration of the City Manager agreeing to provide no less than one hundred and eighty (180) days written notice in advance of termination of his agreement termination date of August 20, 2024, the City agrees to defend and hold harmless the City Manager 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. All other provisions of the Contract shall remain unchanged, unless agreed to in writing by the City Manager and the City.

Agreed:

Brooks A. Compton, Mayor
City of Centerville, Ohio

date

Wayne S. Davis, City Manager

date

Approved as to form:

Scott A. Liberman, Municipal Attorney

date