



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: City Council

From: Robin S. Jenkinson, City Attorney

Date: December 5, 2007

Subject: City Manager Employment Agreement/Salary

RECOMMENDATION

Consider the attached resolution approving a new Employment Agreement for the City Manager and the companion ordinance which sets the City Manager's salary.

BACKGROUND DISCUSSION

The current Employment Agreement for the City Manager expires December 31, 2007. The term of the new Agreement is January 1, 2008, through December 31, 2010. The new Agreement increases the salary of the City Manager by 3.74% to \$158,004 per year. This amount includes the 2008 cost of living adjustment. The City's contribution to the City Manager's deferred compensation is increased from 11.5% to 14.5% of his base salary and the automobile allowance is increased from \$325 to \$425 per month. (A copy of the new Employment Agreement is attached as Exhibit "A" to the resolution.) The companion ordinance reflects the City Manager's new salary of \$158,004 per year.

RESOLUTION R-4678

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF KIRKLAND AND DAVID H. RAMSAY, ITS CITY MANAGER, AND AUTHORIZING THE MAYOR TO SIGN.

Be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Employment Agreement between the City of Kirkland and David H. Ramsay, its City Manager, a copy of which is attached as Exhibit "A" to this resolution is hereby approved. As of its effective date, this Agreement shall supersede and replace the prior Employment Agreement which was effective as of January 1, 2005.

Section 2. The Mayor is authorized to sign an Employment Agreement which is substantially similar to that attached to this resolution as Exhibit A.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk

EMPLOYMENT AGREEMENT

This Employment Agreement is entered into between David H. Ramsay (“City Manager”) and the City of Kirkland (“City”) to describe the terms and conditions of the City Manager’s employment with the City.

1. Agreement and Effective Date

The effective date of this Agreement is January 1, 2008. In accordance with the provisions of Chapter 35A.13 RCW, the City Manager is appointed by the Kirkland City Council (“Council”) for an indefinite term and may be removed at any time by a vote of the majority of the Council.

2. Residence

The City Manager shall reside within the City.

3. Powers and Duties

The City Manager’s powers and duties shall be as provided for by the laws of the State of Washington, by City ordinance, and as the Council may from time to time prescribe. The City Manager agrees to abide by the International City Management Association (“ICMA”) Code of Ethics.

4. Salary

The City Manager’s salary shall be \$158,004 per year effective January 1, 2008. The Council shall review the City Manager’s salary on or about the first City Council meeting of December, at which time it may adjust the City Manager’s salary effective the following January; *provided*, that the City Manager’s salary will not be reduced during the term of this Agreement (absent removal or resignation) unless the average salary for all full-time City employees is reduced, in which case the City Manager’s salary may not be reduced by more than the City-wide average reduction.

5. Performance Appraisals

The Council shall review the City Manager’s performance annually on or about the first City Council meeting of June. Performance appraisal may be combined with the annual salary review. In addition the City Council and the City Manager shall meet semi-annually to discuss the City Manager’s performance.

6. Benefits

Holidays and Leaves

The City Manager shall receive 20 days' vacation leave per year. Unused vacation leave may be carried forward to the next calendar year, so long as the total balance of vacation leave does not exceed 240 hours. There shall be no payment in lieu of vacation except as provided in Section 7, below.

The City Manager shall be granted holidays, sick leave, and management leave as provided in Kirkland Municipal Code Chapter 3.80.

Insurance

The City Manager will be provided the same medical, dental, disability, and life insurance benefits as other non-represented City employees in the Executive Management group. The City Manager is encouraged to have a complete annual medical exam at City expense.

Retirement

In lieu of federal Social Security contributions, equivalent employer and employee contributions shall be made to the Municipal Employees Benefit Trust.

The City Manager, pursuant to State law, has elected to opt out of the Public Employees' Retirement System (PERS). Instead, the City shall contribute to an ICMA 401A retirement plan. The contributions for the City Managers' ICMA 401A retirement plan shall be at a City contribution rate of 14.5% of base salary and an employee contribution rate of 4.65% of base salary.

The City Manager may elect to direct pre-tax dollars to a voluntary ICMA deferred compensation program for City employees, consistent with applicable Internal Revenue Code requirements. The City Manager has elected to participate in this voluntary program.

Automobile and Travel

In lieu of other expense reimbursement for travel within the local area, the City Manager shall receive \$425 per month to defray the expense of using a personal automobile for official travel. (Pursuant to Chapter 42.24 RCW, it is the determination of the Council that this means of reimbursement is less costly than providing an automobile to the City Manager.) The City Manager will also be entitled to mileage reimbursement (or use of City vehicles, if available) for travel outside the local area, meaning for travel outside of a 50-mile radius of Kirkland City Hall. In addition, the City Manager may be reimbursed for other reasonable and necessary expenses incurred in the course of City business as allowed by law and City procedures.

7. Termination and Severance Pay

In the event the City Manager is removed from office or asked to resign by the Council during the term of this Agreement, the City Manager shall receive severance pay equal to six months' salary; *provided* that the City Manager shall not be eligible for severance pay if removed or asked to resign for malfeasance in office or conviction of a felony. Severance pay will not be payable upon expiration of this Agreement (or any automatic extension hereof) if either party gives timely notice of intent not to renew under Section 9.

In the event the City Manager voluntarily resigns and gives at least 45 days' advance notice in writing, the City Manager will be paid at separation for up to 240 hours of unused vacation, or such lesser amount as will avoid excess compensation liability to the City under applicable retirement laws.

8. Entire Agreement

This Agreement constitutes the entire agreement and supersedes any other agreements, oral or written, between the parties.

9. Duration

This Agreement is effective January 1, 2008, and shall continue in effect through December 31, 2010, absent prior termination. This Agreement will be automatically extended for additional one year periods on the same terms and conditions, unless either party gives the other written notice of intent not to renew at least six months prior to the expiration date (i.e., before July 1, 2010, or, in the event of automatic extension, before the applicable subsequent anniversary date).

DATED this _____ day of _____, 20_____.

David H. Ramsay, City Manager

James Lauinger, Mayor

Attest:

City Clerk

ORDINANCE 4124

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SALARY FOR THE CITY MANAGER.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The salary for the City Manager is hereby increased by 3.74% to \$158,004 per year effective from January 1, 2008. This amount includes the 2008 cost of living adjustment.

Section 2. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2007.

Signed in authentication thereof this ____ day of _____, 2007.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney