RESOLUTION 08-11933
Meeting of 01/23/08

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY MANAGER A. WILLIAM MOSS; AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Naples, Florida, adopted Resolution 07-11838 on November 7, 2007, appointing A. William Moss as Naples City Manager; and

WHEREAS, said Employment Agreement between the City of Naples, Florida, and A. William Moss was executed on November 12, 2007; and

WHEREAS, the City Council of the City of Naples, Florida and City Manager A. William Moss have determined that it is mutually beneficial to amend the Employment Agreement dated November 12, 2007;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the First Amendment to the Employment Agreement between the City of Naples and A. William Moss, as City Manager, a copy of which is attached hereto and incorporated by this reference, is hereby approved.

Section 2. That the Mayor is hereby authorized to execute the First Amendment to Employment Agreement on behalf of the City.

Section 3. This resolution shall take effect immediately upon adoption.


Bill Barnett, Mayor

Attest:
Tara A. Norman, City Clerk

Approved as to form and legality:
Robert D. Pritt, City Attorney

Date filed with City Clerk: 1/6/08
FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

This First Amendment to Employment Agreement is made and entered into by and between the City of Naples, Florida, hereinafter called "Employer" or "City Council" as party of the first part, and A. William Moss, hereinafter called "Employee" or "City Manager," as party of the second part, and amends that certain Employment Agreement between City Council and Employee dated November 12, 2007.

WITNESSETH

WHEREAS, the City Council and the City Manager entered into an Employment Agreement dated November 12, 2007 (hereinafter referred to as "Employment Agreement"); and

WHEREAS, the Employment Agreement provides for the terms and conditions of employment for A. William Moss as the City Manager of the City of Naples, Florida; and

WHEREAS, the City Council desires to amend certain terms and conditions of the Employment Agreement; and

WHEREAS, A. William Moss desires to accept the amendments to the terms and conditions of the Employment Agreement as set forth in this First Amendment to Employment Agreement.

WHEREAS, on January 23, 2008, the City Council, in regular session, voted to amend certain terms and conditions of the Employment Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the parties agree as follows:

Section 1. Amendment to Section 5 entitled "Salary and Benefits."

Section 5 of the Employment Agreement, entitled "Salary and Benefits," is hereby amended to read as follows:

Section 5. Salary and Benefits

Employer agrees to pay Employee for his services rendered pursuant hereto as City Manager an annual base salary of $177,000 payable in installments at the same time as other employees of the City are paid.

Employer agrees to pay Employee an additional twenty-five percent (25%) of the annual base salary set forth above and may be used by the Employee for contributions to a Money Purchase Deferred Compensation Plan. Said payment shall be in installments at the same time as payments of the annual base salary. Employer agrees to provide to the Employee the same fringe benefits, such as health, dental, life, vision,
and long-term disability insurance, as provided to department directors at the same cost paid by department directors. Employer agrees to establish an additional 401(a) Retirement Plan sponsored by the ICMA-RC for use by the Employee in additional to other deferred compensation and retirement plans of the Employer. Employer agrees to make available to Employee other benefits as provided to department directors such as paid holidays, bereavement leave, etc.

Section 2. Remainder of Provisions Identical.

All other provisions set forth in Sections 1 through 13 shall remain in full force and effect as set forth in the Employment Agreement, except as specifically amended by the Amendments to Employment Agreement.

Section Three. Effective Date.

This First Amendment to Employment Agreement shall be binding and enforceable when fully executed and dated by the parties. The amendments set forth herein shall be effective as of January 23, 2008.

IN WITNESS THEREOF, the City of Naples has caused this Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and Employee has signed and executed this Agreement, both in duplicate, the day and year first written above.

CITY OF NAPLES,

Bill Barnett, Mayor

ATTEST:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

WITNESSES:

EMPLOYEE:

A. William Moss

Print Name: Ann C. Lyons

Print Name: Michael F. Moos