

RESOLUTION NO. 1572

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH DAVID K. ZABELL

WHEREAS, Mr. David K. Zabell serves as the City Manager pursuant to the terms of an agreement dated December 14, 2010 entitled "Employment Agreement between City of Fife and David K. Zabell regarding City Manager Position" (the "Agreement"); and

WHEREAS, Paragraph 6.4 of the Agreement provides that in recognition of accomplishments and excellent performance, a merit wage increase, and or/bonus may be granted as the City Council determines, in its sole discretion, is appropriate; and

WHEREAS, Mr. Zabell has done an outstanding job in managing the City, and his accomplishments include guiding the City through the recent economic downturn while maintaining a good level service to the Fife businesses and community, guiding the City to a budget surplus in 2013, improving the efficiency and effectiveness of the City employee team, while developing a management team that is professional and responsive to the needs of the citizens and businesses, as well as to the City Council's policy directives, and implementing a new comprehensive jail program designed to make the City's jail operations self-sustaining; and

WHEREAS, the Council wishes to recognize Mr. Zabell's accomplishments and excellent performance by granting a merit pay increase as provided in Paragraph 6.4 of the Agreement; now, therefore

BE IT RESOLVED that the Council authorizes the Mayor, on behalf of the City of Fife, to execute the Fourth Amendment to Employment Agreement with Dave Zabell attached hereto as Exhibit A.

ADOPTED by the City Council at an open public meeting held on the 19th day of November, 2013.



Robert D. Cerqui, Mayor

Attest:



Carol Etgen, City Clerk

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Page 1 of 1

FOURTH AMENDMENT
TO
EMPLOYMENT AGREEMENT
BETWEEN
CITY OF FIFE AND DAVID K. ZABELL
REGARDING CITY MANAGER POSITION

1. Dated and Parties. This document (“Fouth Amendment”), for reference purposes only, is dated the ___ day of November, 2013, and is entered into between the City of Fife, a Washington municipal corporation (“City”) and David K. Zabell, (“Mr. Zabell”).

2. Background and Purpose.

2.1 Mr. Zabell was appointed to the position of City Manager, effective January 10, 2011.

2.2 The City and Mr. Zabell executed a document dated December 14, 2010 that is entitled “Employment Agreement between City of Fife and David K. Zabell regarding City Manager Position”, said agreement being referred to herein as the “Agreement”.

2.3 The Agreement has been modified three times before, first to reflect a modification to Mr. Zabell’s salary and to change how one of his retirement benefits was paid, second to change the place of residence provision, and third to honor Mr. Zabell’s wish to sacrifice any compensation increases he might otherwise be contractually entitled to in 2013.

2.3 Paragraph 6.4 of the Agreement provides that in recognition of accomplishments and excellent performance, a merit wage increase, and or/bonus may be granted as the City Council determines, in its sole discretion, is appropriate.

2.4 Paragraph 6.6 of the Agreement provides that unless the City Council determines otherwise, Mr. Zabell shall receive a cost of living adjustment to his annual salary, at the same time and in the same percentage as is given to all other department directors.

2.5 Mr. Zabell has done an outstanding job in managing the City, and his accomplishments include guiding the City through the recent economic downturn while maintaining a good level service to the Fife businesses and community, guiding the City to a budget surplus in 2013, improving the efficiency and effectiveness of the City employee team, while developing a management team that is professional and responsive to the needs of the citizens and businesses, as well as to the City Council’s policy directives, and implementing a new comprehensive jail program designed to make the City’s jail operations self-sustaining.

2.6 The Council wishes to recognize Mr. Zabell’s accomplishments and excellent performance as provided in Paragraph 6.4 of the Agreement

3. Merit Salary Increase. In addition to the cost of living increase provided in Paragraph 6.6 of the Agreement, the City Council grants Mr. Zabell a merit wage increase of

7.87% effective January 1, 2014, in recognition of Mr. Zabell's accomplishments and excellent performance.

4. Confirmation of Agreement Terms. The Fourth Amendment terms are deemed modifications to the Agreement terms, and, except as modified herein and in the prior amendments, the Agreement, as drafted shall remain in full force and effect and its terms incorporated herein. In case of a conflict between the terms of the Agreement, the terms of the this Fourth Amendment, the terms of the Fourth Amendment shall control.

6. Mayor Authorization to Sign. On November __, 2013, at a regularly scheduled open public meeting, the City Council authorized the Mayor to sign this document.

6. Review by Legal Counsel. Mr. Zabell represents and acknowledges that he has read this document in its entirety and has had ample time to consider it before signing. He further represents and acknowledges that it is his understanding that this document has been reviewed and approved by the City Attorney on behalf o the city only, and not on behalf of Mr. Zabell. By virtue of this passage, he further acknowledges that he has been advised that he has the right to consult independent counsel concerning this document, and that by signing this document he acknowledges that he has afforded himself the opportunity to do so, or hereby expressly waives his right to have the document reviewed by independent legal counsel, and agrees to the terms hereof by signing the same.

CITY OF FIFE

By: _____
Rob Cerqui, Mayor

By: _____
David K. Zabell

Approved as to form:

By: _____
Loren D. Combs, City Attorney