

**RESOLUTION NO. 1753**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH SUBIR MUKERJEE REGARDING THE CITY MANAGER POSITION

WHEREAS, Mr. Subir Mukerjee serves as the City Manager pursuant to the terms of an agreement dated January 13, 2015 entitled "Employment Agreement Between City of Fife and Subir Mukerjee Regarding City Manager Position (the "Agreement"); and

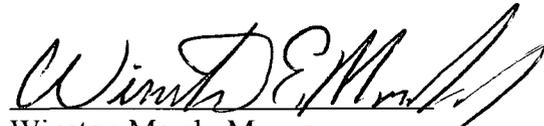
WHEREAS, paragraph 6.2 of the Agreement provides that the Council will annually review Mr. Mukerjee's performance and the Council has done so for the 2016 calendar year, and

WHEREAS, Mr. Mukerjee has done an outstanding job in managing the City since his last review, and his accomplishments include; successfully reorganizing certain City departments to improve service to the community; making excellent hiring decisions at upper management levels; developing good working relationships with the various collective bargaining units; continuing to improve the efficiency and effectiveness of the City employee team; continuing to develop a management team that is professional and responsive to the needs of the citizens, businesses and the City Council's policy directives; developing good working relationships and effective lines of communication with each Council member and the Council as a whole; and making tough management decisions that ultimately benefit the taxpayers by being a wise steward of the taxpayers' dollars that the Council has entrusted to his management; and

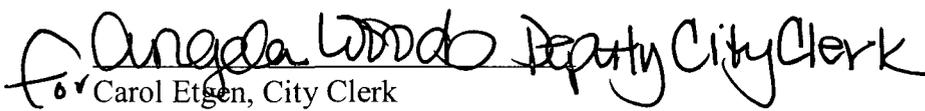
WHEREAS, the Council wishes to recognize Mr. Mukerjee's accomplishments and excellent performance by granting a merit pay increase as provided in Paragraph 6.4 of the Agreement; now, therefore

BE IT RESOLVED that the Fife City Council hereby authorizes the Mayor, on behalf of the City of Fife, to execute the Third Amendment to the Employment Agreement with Subir Mukerjee in substantially the format attached hereto.

ADOPTED by the City Council at an open public meeting held on the 13<sup>th</sup> day of December, 2016.

  
Winston Marsh, Mayor

Attest:

  
for Carol Etgen, City Clerk

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THIRD AMENDMENT  
TO  
EMPLOYMENT AGREEMENT  
BETWEEN  
CITY OF FIFE AND SUBIR MUKERJEE  
REGARDING CITY MANAGER POSITION

1. Date and Parties. This document (“Third Amendment”), for reference purposes only, is dated the 13<sup>th</sup> day of December, 2016, and is entered into between the City of Fife, a Washington municipal corporation (“City”) and Subir Mukerjee, (“Mr. Mukerjee”).

2. Background and Purpose. Mr. Mukerjee was appointed to the position of City Manager on January 13, 2015, and the City and Mr. Mukerjee executed a document dated January 13, 2015 that is entitled “Employment Agreement between City of Fife and Subir Mukerjee Regarding City Manager Position”, said agreement being referred to herein as the “Agreement”. This Third Amendment is intended to adjust Mr. Mukerjee’s salary after the 2016 performance review, as authorized, by Agreement paragraphs 6.2 and 6.4.

3. Adjustment to Base Salary. Commencing January 1, 2017, Mr. Mukerjee’s base salary shall be \_\_\_\_\_ (\$ \_\_\_\_\_) per month.

4. Confirmation of Agreement Terms. Except as modified by the First Amendment, Second Amendment, and this Third Amendment, the Agreement terms remain in full force and effect. This Third Amendment and the Agreement as previously amended are now an integrated document. In case of a conflict between the terms of the Agreement and the terms of the Third Amendment, the terms of the Third Amendment shall control.

5. Mayor Authorization to Sign. On December 13, 2016, at a regularly scheduled open public meeting, the City Council authorized the Mayor to sign this Third Amendment.

6. Review by Legal Counsel. Mr. Mukerjee 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 of the City only, and not on behalf of Mr. Mukerjee. 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 of 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: \_\_\_\_\_  
Winston Marsh, Mayor

By: \_\_\_\_\_  
Subir Mukerjee

Approved as to form for the City

By: \_\_\_\_\_  
Loren D. Combs, City Attorney