

RESOLUTION NO: 2023-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING COMPENSATION FOR THE CITY MANAGER AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT SETTING FORTH OTHER DETAILS RELATED THERETO

WHEREAS, on October 26, 2021, the City Council of the City of Brighton (the “City”) adopted Resolution No. 2021-85, appointing Michael Martinez as City Manager and approving an Employment Agreement; and

WHEREAS, pursuant to Article VII, Section 7.1(C) of the City of Brighton Charter, the City Council shall evaluate the job performance of the City Manager annually and this evaluation was concluded on October 3, 2023; and

WHEREAS, the City Council provided direction for staff to bring a resolution to address amendments to the contract and compensation; and

WHEREAS, the City Council determined after a performance evaluation that the City Manager is meeting expectations and performing satisfactorily; and

WHEREAS, the City Council desires to adjust the City Manager’s compensation and amend certain provisions of the City Manager Employment Agreement, as set forth in the Amendment to the City Manager Employment Contract between the City of Brighton, Colorado and Michael P. Martinez, attached hereto as Exhibit A (the “Amendment”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Michael P. Martinez shall continue to serve as City Manager for the City of Brighton.

Section 2. City Manager Martinez’s salary shall be \$264,856.00, representing a 10.887% increase in compensation (the “Compensation”). The City Manager shall receive all benefits afforded to regular City employees, and such other benefits as set forth in the City Manager Employment Contract between the City of Brighton, Colorado and Michael P. Martinez (the “Employment Agreement”) and the Amendment.

Section 3. The Amendment attached as Exhibit A is hereby approved and the Mayor is authorized and directed to execute the Amendment for and on behalf of the City.

Section 4. All other terms and conditions of the Employment Agreement shall remain in full force and effect.

Section 5. This Resolution is effective as of the date of its adoption.

RESOLVED this 17th day of October 2023.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERON, City Attorney

Exhibit A

Amendment

[Exhibit A begins on following page.]

Amendment to City of Brighton City Manager Employment Agreement

THIS Amendment to the City Manager Employment Contract Between the City of Brighton, Colorado and Michael Martinez (this “Amendment”) is made and entered into as of the ____ day of _____ 2023 (the “Effective Date”), by and between the City of Brighton, Colorado, a Colorado home rule municipal corporation (the “City”), and Michael P. Martinez, an individual (“City Manager”). The City and City Manager may each individually be referred to herein as a “Party” and, collectively, as the “Parties.”

Recitals

WHEREAS, the City and City Manager previously entered into that certain City Manager Employment Contract Between the City of Brighton, Colorado and Michael P. Martinez dated October 12, 2021 (the “Employment Agreement”); and

WHEREAS, the Parties desire to amend certain provisions of the Employment Agreement, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Compensation. Section 3 of the Employment Agreement is hereby amended as follows:

The City agrees to pay Employee an annual salary of \$264,856.00/year, payable in installments at the same time as other management employees of the City are paid. This salary may be increased from time to time by resolution or written amendment, as agreed to by the Parties to this Agreement. Employee shall be provided the same cost of living or other such increase to compensation and benefits as is provided by the City to all employees, without requiring further action by City Council.

2. Term. Section 9 of the Employment Agreement is hereby deleted. The Agreement shall continue in full force and effect unless otherwise terminated by the Parties pursuant to Section 10.

3. Termination Provisions. Sections 10(b) and (e) are hereby amended to read as follows:

b. Unilateral Termination by City: The City may unilaterally terminate this Agreement without cause upon written notice. However, if the Employee is terminated without cause or by Council for any cause other than the cause set forth in Section 10(c)(2) below Employee shall be entitled to receive a lump sum payment equal to twelve (12) months of salary as set forth in Section 3 above, or at any higher rates in effect on the date of the notice of termination. Personal leave accumulated up to the termination of employment will also be paid after separation of employment.

e. Payments at Termination: In the event of termination by mutual agreement 10(a), or for the cause specified in Section 10(c)(2) above, or by unilateral termination by

Employee 10(d), Employee shall not be entitled to any payments other than salary, benefits and unpaid, personal leave accrued through the date of termination.

4. Exhibit A. The Overview of the Annual Performance Review Process at (a)(i) shall be amended to read as follows:
 - i. City Council may have the Human Resources Director assist with the evaluation process or may hire a third-party professional (“HR Professional”) with the requisite skills for executive level performance evaluations to assist City Council with the evaluation process.
5. Capitalized terms not defined herein shall have the meaning ascribed to them in the Employment Agreement.
6. All other provisions not modified or amended herein are hereby ratified in their entirety and remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment to City Manager Employment Contract Between the City of Brighton, Colorado and Michael P. Martinez as of the Effective Date.

CITY OF BRIGHTON, COLORADO
a home rule municipal corporation

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney

MICHAEL P. MARTINEZ,
an individual
