

RESOLUTION NO. 22-41

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
APPROVING A FIRST AMENDED AND RESTATED EMPLOYMENT
AGREEMENT WITH MICHAEL PENNY**

WHEREAS, in accordance with Section 2-3-70 of the Municipal Code, the City Council is authorized to appoint a city manager; and

WHEREAS, by Resolution No. 18-19, the City Council appointed Mr. Penny as the City Manager and approved an employment agreement setting forth the terms of employment with an effective date of May 1, 2018 (“Employment Agreement”); and

WHEREAS, by Resolution No. 21-40, the City Council approved an amended and restated employment agreement with Mr. Penny (“Amended and Restated Employment Agreement”); and

WHEREAS, the City Council and Mr. Penny desire to make changes to the Amended and Restated Employment Agreement to memorialize an increase in compensation and a methodology for future compensation adjustments in Mr. Penny’s salary; and

WHEREAS, in approving a first amended and restated employment agreement (“First Amended and Restated Employment Agreement”), the Parties recognize the community benefits realized through maintaining a professional, long-term relationship between the City and Mr. Penny.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THAT:

Section 1. The City Council hereby: (a) approves a First Amended and Restated Employment Agreement with Mr. Penny; (b) authorizes the City Attorney, in consultation with the Mayor, to finalize the First Amended and Restated Employment Agreement consistent with Council direction and to be maintained on file in the City Clerk’s office; and (c) authorizes the Mayor to execute the First Amended and Restated Employment Agreement on behalf of the City.

Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 3. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 6 in favor and 1 against this 27th day of SEPTEMBER, 2022.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman

Tracy Engerman (Oct 10, 2022 10:42 MDT)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda Michow

Linda Michow (Oct 10, 2022 07:50 MDT)

Linda C. Michow, City Attorney