

**RESOLUTION NO. 24-18**

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

**WHEREAS**, in accordance with Section 7.1 of the Home Rule Charter, 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, and Resolution 22-41, the City Council approved an Amended and Restated Employment Agreement and a First Amended and Restated Employment Agreement, respectively, with Mr. Penny (collectively, “First Amended and Restated Employment Agreement”); and

**WHEREAS**, the City Council and Mr. Penny desire to make changes to the First Amended and Restated Employment Agreement regarding certain benefits of employment; and

**WHEREAS**, in approving a second amended and restated employment agreement (“Second 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 Second Amended and Restated Employment Agreement with Mr. Penny to (check applicable boxes):

Amend Section 3.K to increase the automobile allowance from \$300 to \$500 per month;

Amend Section 4.A to increase severance pay from the equivalent of nine (9) months’ salary (gross amount) to twelve (12) months’ salary (gross amount) and to clarify that severance pay does not include any retirement contributions; and

(b) authorizes the City Attorney, in consultation with the Mayor, to finalize the Second Amended and Restated Employment Agreement consistent with Section 1 above and to be maintained on file in the City Clerk’s office; and

(c) authorizes the Mayor to execute the Second 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 5 IN FAVOR, 2 AGAINST, AND 0 ABSENT THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2024.**



ATTEST:

*Tobi Duffey*

Tobi Duffey, MMC, City Clerk

*Tracy Engerman*  
Tracy Engerman (Feb 21, 2024 22:24 MST)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

*Linda C. Michow*

Linda C. Michow, City Attorney