

Introduced by: Councilmember Snipper

Resolution 2010-41

**Amending the Employment Agreement
Between the City of Takoma Park
and Barbara Burns Matthews, as City Manager**

WHEREAS, on July 6, 2004, the City Council adopted Resolution 2004-32, approving an employment agreement (the "Agreement") between the City of Takoma Park and Barbara Burns Matthews, as City Manager; and,

WHEREAS, on October 22, 2007, the City Council adopted Resolution 2007-54, amending the Agreement; and,

WHEREAS, on January 12, 2009, the City Council adopted Resolution 2009-2, further amending the Agreement; and,

WHEREAS, on March 22, 2010, the City Council adopted Resolution 2010-19, authorizing the Mayor to execute an addendum to the Agreement, removing provisions that were no longer applicable and reaffirming the continuing nature of the Agreement; and,

WHEREAS, in lieu of participation in the State of Maryland Retirement Plan, the City makes an annual contribution on behalf of the City Manager to the City of Takoma Park Governmental Money Purchase Plan & Trust, a 401(a) plan administered by the ICMA Retirement Corporation; and,

WHEREAS, the amount of said contribution is intended by the City and the City Manager to be equivalent to that contributed by the City on behalf of non-sworn employees participating in the State of Maryland Retirement Plan; and,

WHEREAS, the City's contribution to the State of Maryland Retirement Plan is based on an actuarial valuation and changes from year to year; and,

WHEREAS, for ease of administration, the City Council wishes to amend the Agreement and link the contribution made on behalf of the City Manager to the City of Takoma Park Governmental Money Purchase Plan & Trust to the City's contribution on behalf of employees participating in the State of Maryland Retirement Plan each year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT:

Section 1. Section 11 of the employment agreement between the City and Barbara Burns Matthews as City Manager of Takoma Park is hereby amended to read as follows:

"Section 11. Retirement/Deferred Compensation

A. Effective July 1, 2010, in lieu of participation in the State of Maryland Retirement Plan, City agrees to make an annual contribution on behalf of Employee to the City of Takoma Park Governmental Money Purchase Plan & Trust, a 401(a) plan administered by the ICMA Retirement Corporation, in an amount equivalent to that contributed on behalf of employees participating in the State of Maryland Retirement Plan. Said percentage contribution is to be based on the Employee's gross base salary.

- B. Employer will place the pension contribution into an ICMA 401(a) plan with the following vesting schedule: 20% after the completion of one year of employment; 40% after the completion of 2 years of employment; 60% after the completion of 3 years of employment; 80% after the completion of 4 years of employment; 100% after the completion of 5 years of employment. Employee will be deemed to have completed 5 years of employment if her employment is terminated involuntarily without cause at any time during this contract term.

- C. Effective January 1, 2009, Employer agrees to make an annual contribution equal to 6 percent of Employee's gross base salary on behalf of Employee to a 457 deferred compensation plan administered by the ICMA Retirement Corporation."

Section 2. The Mayor is hereby authorized to execute an addendum to the Employment Agreement between the City of Takoma Park and City Manager Barbara Burns Matthews dated July 6, 2004, as revised.

Section 3. This resolution shall become effective upon adoption.

Adopted this 12th day of July, 2010.

Attest:

Jessie Carpenter, CMC
City Clerk