

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE COMMITTEE OF THE WHOLE RELATING TO THE ANNUAL PERFORMANCE EVALUATION OF THE CITY CLERK; AND, IN CONSIDERATION AND RECOGNITION OF THE CITY CLERK'S PERFORMANCE DURING THE CONTRACT YEAR MAY 1, 2019 THROUGH APRIL 1, 2020, AMENDING THE CITY CLERK'S EMPLOYMENT AGREEMENT BY: EXTENDING THE TERM OF THE CONTRACT FOR ONE ADDITIONAL YEAR; MODIFYING THE EMPLOYEE PENSION ACCRUAL FACTOR FOR THE CITY CLERK, FROM 3% TO 4%, SUBJECT TO ADOPTION OF ORDINANCE AMENDMENT WITH RESPECT TO THE FOREGOING, TO PROVIDE THE CITY CLERK WITH THE SAME ACCRUAL FACTOR AFFORDED TO THE CITY MANAGER AND CITY ATTORNEY UNDER THE MIAMI BEACH EMPLOYEES RETIREMENT PLAN; INCREASING THE CAP ON ACCRUED ANNUAL ACCRUED LEAVE FROM 500 HOURS TO 650 HOURS; AND ANY COST OF LIVING ADJUSTMENT FOR FY20/21, IF PROVIDED TO GENERAL UNCLASSIFIED EMPLOYEES OF THE CITY.

WHEREAS, at its meeting on April 11, 2012, the Mayor and City Commission appointed Rafael E. Granado to the position of City Clerk of the City of Miami Beach effective April 11, 2012; and

WHEREAS, Mr. Granado's engagement is reflected in an Employment Agreement dated April 22, 2015, and unanimously approved by the City Commission pursuant to Resolution No. 2015-28994 (the "Employment Agreement"); and

WHEREAS, on July 13, 2016, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2016-29513; and

WHEREAS, on July 26, 2017, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2017-29960; and

WHEREAS, on July 17, 2018, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2018-30384; and

WHEREAS, on September 11, 2019, Mr. Granado's Employment Agreement was further amended pursuant to Resolution No. 2019-30992; and

WHEREAS, the Employment Agreement provides for an annual performance review and evaluation of the City Clerk, at which time the City Commission shall review the annual salary and/or other benefits of the City Clerk, and shall adjust in such amounts and to such extent as the City Commission may determine it is desirable to do so; and

WHEREAS, the Employment Agreement further provides that an annual salary review of the City Clerk will be made every year within thirty (30) days after May 1st of each Contract year; and

WHEREAS, on September 11, 2019, the Committee of the Whole met and discussed the annual performance evaluation and salary/benefits review of the City Clerk; and

WHEREAS, in prior years, the City's informal policy has been to refer the evaluation for the performance of the constitutional officers to the Finance and Economic Resiliency Committee ("FERC"), where the Chair of the Committee was instructed to meet separately with each constitutional officer with regard to their performance and, in particular, any proposed contract changes the officer was proposing to their employment contract, and the FERC Chair would then give a recommendation at the Committee of the Whole meeting, which would then conduct its own evaluation; engage in discussion; ask questions; make comments; and formally move any proposed action; and

WHEREAS, this year, in no small part due to the COVID-19 pandemic - which necessitated in other matters taking priority on Commission agendas and Commissioners' schedules - the FERC Chair, Commissioner Ricky Arriola, requested that the evaluations be done directly at a Committee of the Whole meeting; and

WHEREAS, on January 27, 2021, the Committee of the Whole met, and discussed the annual performance evaluation and salary/benefits review of the City Clerk; and

WHEREAS, in consideration and recognition of the City Clerk's performance for Contract Year May 1, 2019 through April 30, 2020, the Mayor and City Commission hereby deem that it is in the best interest of the City to approve an amendment to the City Clerk's Employment Agreement, all as further set forth below.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that, in consideration and recognition of the City Clerk's exemplary performance during Contract year May 1, 2019 through April 30, 2020, the Mayor and City Commission hereby approve the following amendments to the City Clerk's Employment Agreement:

1. **EXTENSION OF TERM**

Extension of term for a period of one year to provide a new expiration date of April 30, 2023.

2. **RETIREMENT BENEFIT MULTIPLIER**

In lieu of a merit increase, modify the employee pension accrual factor for the City Clerk from 3% to 4%. (This will require approval via Ordinance.) All other financial terms listed in Resolution 2019-30992 shall be extended for an additional year.

3. **ACCRUED ANNUAL LEAVE**

Increase cap on accrued annual leave, from maximum of 500 hours to maximum of 650 hours.

4. **COST OF LIVING ADJUSTMENT.** Any cost of living adjustment, if provided to general unclassified employees of the City.

Mr. Granado's engagement as City Clerk shall continue under and pursuant to the terms and conditions of the April 22, 2015 Employment Agreement, as approved pursuant to Resolution No. 2015-28994; amended by pursuant to Resolution No. 2016-29513, Resolution 2017-29960, 2018-30384; and 2019-30992, and as further amended by this Resolution, until the same is modified, amended, or terminated by action of the Mayor and City Commission. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this _____ day of _____, 2021.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney

ff

2-3-21

Date