

Sponsored by: City Council

**CITY OF MARATHON, FLORIDA
RESOLUTION 2006-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, APPROVING A SECOND AMENDMENT TO THE
EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MARATHON,
FLORIDA AND MICHAEL H. PUTO FOR CITY MANAGER SERVICES**

WHEREAS, on November 23, 2004 the City Council of the City of Marathon, Florida (the “City”) and Michael H. Puto (“Puto”) entered into an agreement for city manager services (the “Agreement”); and

WHEREAS, on November 1, 2005 the City Council by motion vote amended the Agreement (the “First Amendment”); and

WHEREAS, the City and Puto desire to amend Section 2.1; Section 3.1, 3.2 and 3.3; and Section 15.1 of the Agreement (the “Second Amendment”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA THAT:

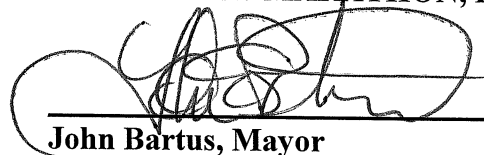
Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Second Amendment to the employment agreement between the City and Puto for city manager services, a copy of which is attached as Exhibit “A,” is approved.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 9th day of March 2006.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

AYES: Bull, Mearns, Miller, Pinkus, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Cindy L. Ecklund, City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**


City Attorney

**SECOND AMENDMENT TO
EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF MARATHON AND MICHAEL H. PUTO**

This Second Amendment to the Employment Agreement between the City of Marathon, Florida, a Florida municipal corporation (the "City") and Michael H. Puto ("Puto" or "City Manager") is made and entered into this 9th day of March, 2006 (the "Second Amendment").

RECITALS:

WHEREAS, on November 23, 2004 the City and Puto entered into an agreement for city manager services (the "Agreement"), attached as Exhibit "A"; and

WHEREAS, on November 1, 2005 the City Council by motion vote amended the Agreement (the "First Amendment"); and

WHEREAS, the City and Puto desire to amend Section 2.1; Section 3.1, 3.2 and 3.3; and Section 15.1 of the Agreement (the "Second Amendment").

NOW THEREFORE, in consideration of the mutual covenants set forth in this Second Amendment, the parties hereby amend the Agreement to read as follows:

Section 1. Amendment to Section 2.1.

2.1 The City Manager shall receive an annual salary in the amount of \$103,200.00 payable in equal installments in accordance with the City's existing pay periods. This salary shall be adjusted by the City Council as specified in Section 3 of the Agreement.

Section 2. Amendments to Section 3.1 and 3.2.

3.1 The City Council shall evaluate the performance of the City Manager at least once annually within 90 days of the City Manager's anniversary date. Based upon the results of the annual evaluation, the City Council may, in its sole discretion, grant a salary increase or grant additional benefits to the City Manager.

3.2 The evaluations specified in Sections 3.1 and 3.2 shall be based upon (i) the City Manager's performance of the duties specified in Section 1 and (ii) the City Manager's achievements of the City Council's policy directives.

Section 3. Amendment to Section 15.1.

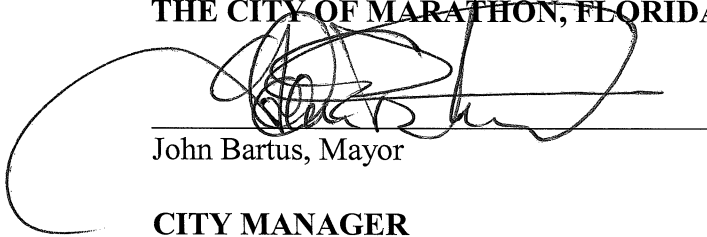
15.1 This Agreement shall commence on November 1, 2005 and shall continue through October 31, 2006 (the "Term"), unless terminated earlier as provided in this Agreement.

Section 4. No Further Modifications.

All other terms and conditions of the Agreement not in conflict or superseded by this Second Amendment shall remain in full force and effect as if set forth herein.

IN WITNESS WHEREOF, the City, by signature of the Mayor as authorized by Resolution No. 2006-025 adopted March 9, 2006, and City Manager have signed and executed this Agreement the day and year first above written.

THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

CITY MANAGER



Michael H. Puto

ATTEST:



Cindy L. Ecklund
City Clerk
(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney