

## MEMORANDUM

**TO:** KASHAMBA MILLER-ANDERSON, CHAIR PRO TEM

**FROM:** ANDREW DEGRAFFENREIDT, CITY ATTORNEY

**CC:** MAYOR AND CITY COUNCIL  
DANNY JONES, CITY MANAGER  
TROY PERRY, ASSISTANT TO CITY MANAGER  
LINA BUSBY, ASSISTANT CITY ATTORNEY  
BRUCE DAVIS, DIRECTOR OF HUMAN RESOURCES

**DATE:** FEBRUARY 9, 2017

**RE:** DISCUSSION OF PROPOSED CITY MANAGER'S CONTRACT

Please be advised of the following:

There is no contract for consideration and approval by the City Council.

There is a counter offer from Mr. Evans, which agrees with all of the terms of the City's initial proposal with the exception of the proposed salary. Mr. Evans has made it imminently clear that he will take no less than 183K annually as salary.

If the Council by majority vote accepts this counter offer, there will be a contract which must be consummated in accordance with Sec.2-2 of the City Code which provides in pertinent part:

*Sec. 2-2. - City contracts.*

- (a) No *contract* shall be submitted to the city council for its approval unless it is completely executed by the submitting party. If the city council approves the *contract*, then it may authorize the mayor and city clerk to sign it in the name of and on behalf of the city.
- (b) The mayor and city clerk shall not sign any *contract* in the name of or on behalf of the city unless it is fully executed and authorized by the city council pursuant to subsection (a) of this section. Any *contract* signed in violation of this section shall be null and void and shall not bind the city.

(c) If the contracting party is another governmental body which requires that the *contract* be first executed by the city, then the mayor and city clerk may be authorized by the city council to sign it and subsection (a) of this section shall not apply.

It is my understanding that this matter is already on the agenda for the next council meeting. Upon the acceptance of the existing counter offer by majority vote I will expeditiously have the agreement executed by Mr. Evans and formally consummated in accordance with applicable policy and procedures.

AD:syj