

FIRST AMENDMENT TO CITY CLERK EMPLOYMENT AGREEMENT

This *First Amendment to City Clerk Employment Agreement* ("First Amendment") is made and entered into by and between the City of North Port, Florida, a municipal corporation ("Employer"), and Heather Faust (formerly Heather Taylor) ("City Clerk").

RECITALS

WHEREAS, the parties entered into the *City Clerk Employment Agreement* (the "Original Agreement"), with an effective date of March 24, 2020; and

WHEREAS, the Original Agreement's effective date in March results in an annual evaluation date during the month of March, providing new City Commissioners with limited exposure to the City Clerk's performance when completing their required evaluation; and

WHEREAS, the parties mutually desire to amend the Original Agreement to provide an annual evaluation date occurring no later than November 1; and

WHEREAS, the parties mutually desire to amend the Original Agreement to provide a one-time midyear performance evaluation in 2024 for the City Commission to consider an adjustment to the City Clerk's base salary; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency and receipt of which are acknowledged, the parties agree that the Original Agreement is amended as follows, with all other terms in the Original Agreement remaining unchanged and in full force and effect:

1. EFFECT OF AMENDMENT/EFFECTIVE DATE

- A. The parties ratify the terms and conditions of the Original Agreement not inconsistent with this First Amendment, all of which are incorporated by reference as if set forth fully herein. This First Amendment modifies the sections of the Original Agreement as identified herein. Where a section of the Original Agreement is not identified, the terms as they appear in the Original Agreement remain and apply.
- B. All references to the "Agreement" in the Original Agreement and this First Amendment mean and include both the Original Agreement and this First Amendment.
- C. This First Amendment is effective as of February 13, 2024 (the "Effective Date") and shall continue as otherwise provided in the Original Agreement.

2. ORIGINAL AGREEMENT SECTION 4 – PERFORMANCE EVALUATION

Section 4 of the Original Agreement is amended in its entirety to read as follows:

4. Performance Evaluations.

- a. 2024 Midyear Evaluation. The City Commission shall conduct a one-time, midyear performance evaluation of the City Clerk no later than April 30, 2024. The City Commission

may consider an adjustment to the City Clerk's compensation, with consideration to the fact that the City Clerk will undergo a second performance evaluation and potential compensation adjustment later in 2024.

- b. Annual Evaluation. The City Commission may at any time collectively review and evaluate the City Clerk's performance. The City Commission shall individually and collectively review and evaluate in writing the City Clerk annually, no later than November 1. The annual review and evaluation shall be in accordance with specific written criteria and policy approved by the City Commission, as may be amended from time to time. Performance evaluations and any associated compensation adjustments shall be brought up for approval by the City Commission at a public meeting.

IN WITNESS WHEREOF, the parties have executed this First Amendment as follows.

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Approved by the City Commission of the City of North Port, Florida on February 13, 2024.

EMPLOYER

CITY OF NORTH PORT, FLORIDA



ALICE WHITE

MAYOR

ATTEST



HEATHER FAUST, MMC

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON, B.C.S.

CITY ATTORNEY

EMPLOYEE

Heather Faust
HEATHER FAUST

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February 2024, by Heather Faust.

Grace Karina M. Derosa
Notary Public

☒ Personally Known OR ☐ Produced Identification
Type of Identification Produced _____

