

Peter Lear

From: Linda Yates
Sent: Sunday, May 14, 2017 5:09 PM
To: Peter Lear
Subject: Agenda item for the May 23, 2017 Commission Regular meeting
Attachments: MARK MORIARTY EMPLOYMENT CONTRACT.pdf

Pete, I'd like to request for the following item to be placed on the May 23, 2017 commission regular meeting.

Discussion and possible action regarding ending Employment Agreement with City Attorney Mark Moriarty.

Recommended action: Cancel the Employment Agreement with City Attorney Mark Moriarty in accordance with provision 6c of his contract with an effective date of June 3, 2017.

Background:

On August 25, 2014 the City Commission appointed Mark Moriarty as City Attorney and entered an employment agreement with an effective date of September 15, 2014.

Provision 6 and 6c of the Employment Agreement states:

"6. Termination The employment and compensation of the EMPLOYEE can be ended at the option of the CITY or the EMPLOYEE at any time with or without cause, subject to the following conditions:"

"6C. Pursuant to Section 6.02 of the City of North Port City Charter the CITY may cancel this Agreement and the EMPLOYEE's employment without cause by giving the EMPLOYEE ten (10) days written notice before the effective date of termination. The EMPLOYEE shall receive a lump sum severance payment equal to twenty (20) weeks of EMPLOYEE'S annual base salary, together with payment for any unused leave that EMPLOYEE has accrued as of the effective date of termination, in accordance with the Personnel Policy in effect at that time. This provision complies with section 215.425, Florida Statutes.

A formal vote of "no confidence" by the CITY Commission may be considered by CITY ATTORNEY as a termination without cause under this Agreement."

The requested action is to cancel the employment agreement with City Attorney Mark Moriarty in accordance with provision 6c of his contract with an effective date of June 3, 2017. Coinciding with the requested action the Commission may want to consider providing direction regarding filling the vacancy for an interim period upon the effective date of termination as well as announcing the vacancy and the process to be used for seeking applications for the Charter Officer position.

Please include as an attachment to the item, a copy of Mr. Moriarty's employment agreement (attached).

Should the commission proceed with the action I have proposed, considering 5/24 would likely be the earliest date a written notice could be provided, I used June 3rd as an effective date but please double check the calculation of the 10 days.

Under the financial impact section of the legislative text, if possible and appropriate, please provide that information (i.e. 20 weeks plus the unused leave or other payments as may be required).

Due to the nature of this item, I would ask that the City Attorney not be present during our agenda briefing for the 5/23/17 commission meeting.

Sincerely,

Mayor Linda M. Yates

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"The bridge to tomorrow is strengthened through the prosperity of our citizens today. Together, we the people can make a difference." Linda M. Yates

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