



RESOLUTION # 2024-32

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI APPROVING AND RATIFYING THE AMENDMENT TO THE EMPLOYMENT AGREEMENT (ATTACHED AS EXHIBIT "A") WITH EDWARD SILVA DATED MAY 10, 2023, (ATTACHED AS EXHIBIT "B"); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager and the City have agreed to certain amendments to the Employment Agreement executed on May 10, 2023, the Amendment to the Agreement is attached as Exhibit A; and

WHEREAS, during the tenure of Silva, since the inception of the original contract, has not only excelled in his duties but has rendered extraordinary and exemplary services to the City; and

WHEREAS, Silva's accomplishments have brought the City of West Miami's administrative structure into cutting edge efficiency; and

WHEREAS, the City Commission desires to amend the May 10, 2023 Employment Agreement, the original Agreement is attached as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

- Section 1.** The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption thereof.
- Section 2.** Approval of the Agreement. The Amendment to the Employment Agreement attached hereto as Exhibit "A" between Edward Silva and the City of West Miami is hereby approved.
- Section 3.** This Resolution shall take effect immediately upon passage by the City Commission and signature of the Mayor.


PASSED AND ADOPTED this 1st day of May, 2024.

APPROVED:



ERIC DIAZ-PADRON, MAYOR

ATTEST:



ANNERY GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:



JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

This Resolution was offered by Commissioner Blanes, who moved its adoption. The motion was seconded by Vice-Mayor Milian Orbis. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR NATALIE MILIAN ORBIS	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>ABSENT</u>
COMMISSIONER LUCIANO SUAREZ	<u>Y</u>

AMENDMENT TO EMPLOYMENT AGREEMENT

The City of West Miami, a municipal corporation (“City”) and Edward Silva (“Silva”), collectively referred to as the Parties (“Parties”) entered into a certain agreement which is marked Exhibit A.

BACKGROUND

WHEREAS, the Parties herein agree to certain amendments to the Employment Agreement executed on May 10, 2023; and

WHEREAS, during the tenure of Silva, since the inception of the original contract, has not only excelled in his duties but has rendered extraordinary and exemplary services to the City; and

WHEREAS, Silva's accomplishments have brought the City of West Miami's administrative structure into cutting edge efficiency.

WHEREAS, the City Commission desires to amend the May 10, 2023 Employment Agreement.

AGREEMENT

Now, therefore, for consideration the parties agree as follows:

1. The foregoing "whereas" clauses are hereby included and made a part hereof.
2. Section 2, Term, of the original contract dated May 10, 2023 shall be amended as follows:

2. Term. The Term of this Agreement shall commence on April 3, 2024 and shall terminate at the close of business on April 2, 2029 (the “Term”); this Term will automatically renew for an additional five (5) years, unless either party advises the other party to the contrary in writing at least 60 days prior to the anniversary

date of termination of the contract.

3. Section 2, Compensation, of the original contract dated May 10, 2023 shall be amended as follows:

3. Compensation. During the course of Silva's employment by City, pursuant to this Agreement:

3.1 Annual Salary. Silva shall be paid an annual salary of \$236,000.00, which shall be payable in equal installments on a bi-weekly basis in accordance with City's compensation practices; provided, however, if City establishes another pay period for its employees which is no less frequent than semi-monthly, Silva shall be paid in accordance with that schedule. Silva's salary shall be subject to adjustments due to cost-of-living increases during the Term, in addition to yearly increases, at the sole discretion of the City Commission and such increases, if any, shall establish the new base salary for the Silva.

4. Section 3.2.4, Deferred Compensation Retirement Account, of the original contract dated May 10, 2023 shall be amended as follows:

3.2.4 Deferred Compensation Retirement Account. The City shall contribute Twenty-five Thousand Dollars (\$25,000.00) per year towards Silva's Deferred Compensation Retirement Account through Mission Square, formerly known as, ICMA International City Manager Association.

5. Section 3.2.6, Vacation and Sick Leave, of the original contract dated May 10, 2023 shall be amended as follows:

3.2.6 Vacation and Sick Leave. Silva shall accrue thirty (30) vacation days per year. Additionally, at time of separation, if in good standing, all unused accrued vacation days shall be paid out at 100%.

6. Section 3.6 shall be added to the original contract dated May 10, 2023 and shall read as follows:

3.6. Silva shall derive a \$18,000.00 bond for his extraordinary services in 2024.

7. Section 5.6, Termination, Term, of the original contract dated May 10, 2023 shall be amended as follows:

5.6. Termination cannot happen 120 days prior to or 120 days after an election cycle for issues without cause.

7. These Amendments to the May 10, 2023 Employment Agreement shall take effect immediately upon approval by the City Commission.

8. Any and all terms and conditions of the attached contract executed May 10, 2023, not amended herein, shall remain in full force and effect.

DATED THIS 1ST day of MAY, 2024.


ATTEST:

APPROVED:


CITY CLERK


MAYOR


EDWARD SILVA


CITY ATTORNEY