

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING SALARY)	RESOLUTION NO. 22-5268
INCREASES FOR THE METRO ATTORNEY)	
AND THE CHIEF OPERATING OFFICER,)	Introduced by Council President Lynn
AMENDING THE EMPLOYMENT)	Peterson
AGREEMENT FOR METRO ATTORNEY AND)	
DELEGATING AUTHORITY TO THE METRO)	
COUNCIL PRESIDENT)	

WHEREAS, both the Metro Attorney and the Chief Operating Officer are appointed by the Metro Council President and confirmed by the Metro Council under the Metro Charter Sections 25(1) and (2); and

WHEREAS, the Metro Attorney receives compensation as fixed by the Metro Council by contract under Metro Code Section 2.08.090; and

WHEREAS, the Chief Operating Officer receives compensation as fixed by the Metro Council by contract under Metro Code Section 2.20.060; and

WHEREAS, the Metro Council reviewed the performance of both the Metro Attorney and the Chief Operating Officer in Executive Session on February 1, 2022; and

WHEREAS, in accordance with the Employment Agreements of the Chief Operating Officer and the Metro Attorney, the Metro Council may provide for salary increases based upon the performance evaluations for the Chief Operating Officer and the Metro Attorney;

WHEREAS, the Metro Council desires to provide for salary increases based upon the increase in cost of living adjustments and merit increases provided for non-represented employees for the Chief Operating Officer as budgeted for the fiscal year beginning on July 1, 2021 and for the Metro Attorney and the Chief Operating Officer as adopted for the budget for the fiscal year beginning on July 1, 2022;

WHEREAS, the Metro Council wants to amend the Employment Agreement For Metro Attorney in the form attached as Exhibit A to this Resolution; and

WHEREAS, the Metro Council wants to delegate authority to the Metro Council President to allow for salary increases for the Metro Attorney and Chief Operating Officer in accordance with the approved budgets for future fiscal years for non-represented employee salary increases without further Metro Council action subject to any requirements as set forth in the Employment Agreements with the Metro Attorney and Chief Operating Officer.

THEREFORE, BE IT RESOLVED that the Metro Council hereby approves the following:

- a. The compensation for the Chief Operating Officer shall be increased by the amount budgeted for salary increases in the fiscal year beginning on July 1, 2021 for non-represented employees paid retroactively to that date.
- b. The Metro Attorney and Chief Operating Officer shall receive the compensation increase for non-represented employees as set forth in the approved budget for the fiscal year beginning July 1, 2022.

- c. The Metro Council delegates authority to the Metro Council President to approve future increases for the Metro Attorney and Chief Operating Officer equal to the salary increases as provided to all non-represented employees in accordance with the Metro budget subject to the requirements of their Employment Agreements.
- d. The Metro Council approves the Second Amendment to the Employment Agreement with Metro Attorney as provided in the attached Exhibit A.

ADOPTED by the Metro Council this 2nd day of June 2022.



Christine Lewis, Deputy Council President

Approved as to Form:

Nathan Sykes

Nathan A. S. Sykes, Deputy Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 22-5268, FOR THE PURPOSE OF APPROVING SALARY INCREASES FOR THE METRO ATTORNEY AND THE CHIEF OPERATING OFFICER, AMENDING THE EMPLOYMENT AGREEMENT FOR THE METRO ATTORNEY AND DELEGATING AUTHORITY TO THE METRO COUNCIL PRESIDENT

Date: May 23, 2022
Department: Council Office
Meeting Date: June 2, 2022

Prepared by: Kristin Dennis, Ina Zucker
Presenter(s) (if applicable): N/A
Length: N/A

ISSUE STATEMENT

Pursuant to their employment agreements, the Chief Operating Officer (COO) and Metro Attorney are evaluated on a regular basis by the Metro Council, and concurrently they are entitled to negotiate changes to their employment agreements. Based on successful evaluations completed by the Metro Council earlier in 2022, this resolution amends the employment agreement of the Metro Attorney, and provides salary increases based upon the increase in cost of living adjustments and merit increases provided to non-represented employees as budgeted for the fiscal years beginning on July 1, 2021 retroactively for the COO, and as adopted for the budget for the fiscal year beginning on July 1, 2022 for both positions. This resolution also delegates authority to the Metro Council President to allow for salary increases for the Metro Attorney and COO in accordance with the approved budgets for future fiscal years for non-represented employee salary increases without further Metro Council action.

ACTION REQUESTED

Approval of resolution number 22-5268.

IDENTIFIED POLICY OUTCOMES

N/A

POLICY QUESTION(S)

N/A

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council has directed preparation of this resolution for their consideration. Staff was not directed to prepare options.

STAFF RECOMMENDATIONS

N/A

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

N/A

BACKGROUND

N/A

ATTACHMENTS

Second amendment to the employment agreement of the Metro Attorney.

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR METRO ATTORNEY

THIS SECOND AMENDMENT to the METRO ATTORNEY EMPLOYMENT AGREEMENT (the "Second Amendment") is entered into by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter (herein referred to as "Metro") and Carrie MacLaren (herein referred to as "Employee").

BACKGROUND

- A. The parties entered into an Employment Agreement For Metro Attorney (the "Agreement") effective on July 1, 2019 and approved by the Metro Council on June 6, 2019.
- B. The Metro Council approved the Amended At-Will Employment Agreement on April 23, 2020 and the parties executed the amendment on April 30, 2020.
- C. The parties now desire to amend the Agreement to revise Section 7 in regard to the Metro Attorney's compensation.

AGREEMENT

The parties hereby agree to further amend the Agreement as follows:

Section 7 Compensation, Part A is replaced with the following language:

A. Salary. As compensation for Employee's services, Metro shall pay Employee the sum of \$236,000, per year, payable in the same frequency and manner as other Metro Employees. This salary shall be retroactive to June 27, 2021 and Employee shall receive payment for the retroactive salary owed as a lump sum in the pay period following the execution of this Second Amendment. Employee's performance and salary shall be reviewed annually by Metro as provided below. Any salary increases shall be based on the Council and Council President's evaluation of Employee's performance, availability of funding and on Metro's assessment of inflation and a survey of annual salaries paid to comparable positions. The compensation paid to Employee shall be subject to customary withholding taxes and other taxes as required with respect to compensation paid by Metro to an Employee.

Except as amended herein, all other terms and conditions of the Agreement will remain unchanged and will remain in full force and effect.

EMPLOYEE

METRO

Carrie MacLaren



Carrie MacLaren
Metro Attorney

Lynn Peterson
Metro Council President

Dated: 7/12/2022

Dated: 7/18/2022

APPROVED AS TO FORM:

Nathan Sykes

Nathan A. S. Sykes
Deputy Metro Attorney