

EMERGENCY

City of Cincinnati

RDH

AWB

An Ordinance No. _____

- 2020

APPROVING the recommendation of the Mayor of the City of Cincinnati for the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020, and establishing the terms and compensation for the position, pursuant to Article III, Section 2 and Article IV, Section 1 of the Charter of the City of Cincinnati.

WHEREAS, the Mayor recommended and Council approved the temporary appointment of Paula Boggs Muething as Interim City Manager pursuant to Article III of the City Charter on June 24, 2020, and Paula Boggs Muething has been serving in that capacity as of that date; and

WHEREAS, pursuant to Article III, Section 2 of the Cincinnati Charter, the Mayor is authorized to submit to City Council, for its approval, a recommendation for appointment to the position of City Manager; and

WHEREAS, Mayor Cranley has submitted, for Council consideration and approval, his recommended candidate, Paula Boggs Muething, for the position of City Manager of the City of Cincinnati, and upon Council approval, Paula Boggs Muething shall commence the duties and obligations of the City Manager effective as of 12:00 a.m. on October 15, 2020 in accordance with Article IV, Section 1 of the Cincinnati Charter; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council hereby approves the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020.

Section 2. That Paula Boggs Muething shall continue to serve as Interim City Manager until 11:59 p.m. on October 14, 2020.

Section 3. That City Council hereby authorizes the payment of a salary to Ms. Boggs Muething bi-weekly at the rate of \$9,711.76 beginning on October 15, 2020 when she will assume the duties of City Manager, which bi-weekly salary consists of a base rate which equals approximately \$252,505.60 per year.

Section 4. The Mayor and City Council shall conduct an annual review and consider a merit-based salary increase on or before each anniversary date of Paula Boggs Muething's appointment to City Manager. Such evaluation may include an assessment of performance as provided in Article IV, Section 1, of the Charter. The evaluation shall be inclusive of every Councilmember who participates and provides input.

Section 5. That in addition to the salary set forth in Section 1 hereof, Paula Boggs Muething shall be eligible beginning October 15, 2020 for all benefits provided to Division 5 executive employees with the following additional benefits or exceptions:

Vacation and Sick Leave: Upon assumption of duties as City Manager, Paula Boggs Muething shall accrue vacation and sick leave at the same rate as other Division 5 senior managers within Cincinnati government. Upon her assumption of duties as City Manager, all previously accrued vacation and sick leave shall remain available to Paula Boggs Muething for use while City Manager. Upon assumption of duties as City Manager, the City shall grant Paula Boggs Muething vacation accrual at 9 hours per pay period, approximately 29 days per year. Sick leave shall accrue at the normal rate granted to Division 5 senior managers.

Health Care and Other Employee Benefits: Paula Boggs Muething shall be entitled to receive all the benefits afforded Division 5 senior managers, including health care benefits, cost of living adjustments, and life and disability insurance. Such benefits shall become effective, to the extent they do not already exist for her, immediately upon assumption of duties as City Manager.

Tort Liability Under Ohio Law: Paula Boggs Muething shall be entitled to all of the protection from tort liability afforded to public employees pursuant to Ohio Revised Code Chapter 2744 in relation to political subdivision tort liability in the State of Ohio.

Retirement and Deferred Compensation: Paula Boggs Muething shall remain a member of the Cincinnati Retirement System in accordance with all current membership requirements pursuant to the Cincinnati Municipal Code. In addition, Paula Boggs Muething shall receive from the City of Cincinnati the amount of \$369.23 per bi-weekly pay period for contribution to one or more of the City of Cincinnati approved 457(b) deferred compensation programs, for a total annual contribution of \$9599.98.

Severance: In the unlikely event that Paula Boggs Muething is terminated, she shall receive six (6) months' salary at the rate of salary on the date of termination. Paula Boggs Muething shall also be entitled to the severance payment set forth above in the case of resignation by Paula Boggs Muething as a result of an adverse employment action, including, but not limited to, a vote of no confidence, reduction in pay, or failure to fund the office of the City Manager. The severance payment shall be made upon execution of a

mutually agreed upon release and waiver of claims between the City and Paula Boggs Muething related to her City employment.

Separation: Upon separation from City employment, Paula Boggs Muething shall be entitled to a payment of accrued sick and vacation time, dollar-for dollar; deferred compensation payments for the remainder of the fiscal year in which the separation occurs; and the total cost of COBRA continuation coverage for up to nine months or until such time as Paula Boggs Muething secures alternative employment providing employer-provided health benefits, whichever is earlier. Such separation benefits shall be paid upon execution of a mutually agreed upon release and waiver of claims between the City and Paula Boggs Muething related to her City employment.

Dues and Subscriptions: The City will pay for Paula Boggs Muething's membership in the ICMA, Ohio attorney registration fees, Ohio continuing legal education fees, dues for membership in the Ohio State Bar Association and Cincinnati Bar Association, other professional organizations, associated travel, and other such expenses related to the performance of her official duties.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity of authorizing compensation and terms of employment for Paula Boggs Muething prior to her assumption of duties as City Manager of the City of Cincinnati.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk