

RESOLUTION NO. 21-013

A RESOLUTION AUTHORIZING AND APPROVING AN INCREASE IN THE SALARY OF THE CHIEF OF POLICE; APPROVING AND AUTHORIZING AN AMENDMENT TO THE CITY CHIEF OF POLICE AGREEMENT; AND PROVIDING FOR OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

WHEREAS, the City Council approved and entered into an employment agreement dated December 8, 2020 known as the *City Chief of Police Agreement* (the "Agreement") between the City of Marlin and James Hommel to serve as the Chief of Police for the City of Marlin;

WHEREAS, Paragraph 3.2 SALARY ADJUSTMENTS of the Agreement, authorizes an adjustment of the annual base salary of the Chief of Police;

WHEREAS, the City Council intends, by the adoption of this Resolution, to approve an increase in the annual base salary of the Chief of Police pursuant to Paragraph 3.2 of the Agreement;

WHEREAS, Paragraph 3.2 of the Agreement requires the adoption of a resolution reflecting the adjustment of the Chief of Police's annual base salary and best efforts and reasonable cooperation to execute a new agreement incorporating the adjusted salary;

WHEREAS, the parties shall execute an Amendment to the City Chief of Police Agreement pursuant to Paragraph 3.2 of the Agreement; and

WHEREAS, the adoption of this Resolution and the execution of the Amendment to the City Chief of Police Agreement is intended to comply with Paragraph 3.2 of the Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, that:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. City Council Approval of Salary Adjustment. The City Council authorizes and approves of an adjustment to the annual base salary of the Chief of Police from the \$56,650.00 annual base salary as set forth in Paragraph 3.1 of the Agreement, to the new annual base salary of \$ 62,382.00.

Section 3. Approval of the Amendment to the City Chief of Police Agreement. An Amendment to the City Chief of Police Agreement is attached to this Resolution as **Exhibit "A"** to incorporate the adjustment to the annual base salary of the Chief of Police as set forth in this Resolution. The City Council approves of the Amendment to the City Chief of Police Agreement attached to this Resolution as **Exhibit "A"** providing for the salary adjustment as provided in this Resolution. The City Council approves of and authorizes the Mayor to execute

the Amendment to the City Chief of Police Agreement attached to this Resolution as **Exhibit "A"** on behalf of the City.

Section 4. Effective Date. This Resolution shall become effective from and after the date of its passage in accordance with the Texas Local Gov.'t Code and the City Charter.

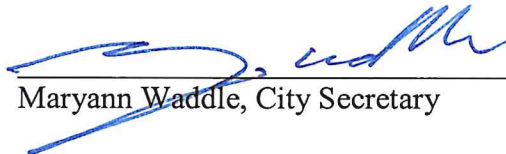
Section 5. Open Meetings. That the City Council has found and determined that the meeting at which this Resolution is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

RESOLUTION PASSED AND APPROVED on this the 27th day of September, 2021.





Carolyn Lofton, Mayor



Maryann Waddle, City Secretary

EXHIBIT "A"

AMENDMENT TO THE CITY CHIEF OF POLICE AGREEMENT

This AMENDMENT TO THE CITY CHIEF OF POLICE AGREEMENT, dated and made effective as of September 27, 2021, is intended to and shall serve as an amendment to the City Chief of Police Agreement dated December 8, 2020. Subject to the terms and conditions of this Amendment to the City Chief of Police Agreement, the City of Marlin, Texas (the "City") and James Hommel (the "Chief of Police") agree as follows:

ARTICLE I.

AMENDMENT TO THE AGREEMENT

3.1 **SALARY.** *The City shall provide the Chief of Police with an annual base salary in the sum of \$ 62,382.00 annually. This annual salary rate shall be paid to the Chief of Police in equal installments on the same schedule as other City employees and shall be paid net of any applicable withholding or deductions required by the Applicable Laws and Authorities. An additional incentive pay (See: Police Department Incentive Pay Scale) for professional certifications i.e., Master Peace Officer Certificate is applicable in the sum of \$100 monthly. All annual raises come from the City Council.*

ARTICLE II.

GENERAL PROVISIONS

Section 1. Amendment to the City Chief of Police Agreement Pursuant to Paragraph 3.2.

It is agreed that this Amendment to the City Chief of Police Agreement shall be executed in accordance with Paragraph 3.2 of the City Chief of Police Agreement dated December 8, 2020. It is further agreed that this Amendment to the City Chief of Police Agreement shall serve a new agreement incorporating the adjusted salary.

Section 2. Consideration. The parties to this Amendment to the City Chief of Police Agreement each agree that the salary adjustment provided herein and the continued employment of the Chief of Police shall constitute good and sufficient consideration for this Agreement.

Section 3. Amendments Exclusive as Set forth in this Instrument.

- a. It is the express intent of the Parties to this Amendment to the City Chief of Police Agreement that this instrument shall not be construed to amend the City Chief of Police Agreement dated December 8, 2020, except as expressly set forth in this instrument as expressly set forth under Article I of this Amendment to the City Chief of Police Agreement.
- b. No other amendments, alterations, or changes to the City Chief of Police Agreement dated December 8, 2020, shall be implied by the execution of this instrument. The remainder of the terms, conditions, and provisions set forth in the

EXHIBIT "A"

City Chief of Police Agreement dated December 8, 2020 which are not expressly amended in and through this instrument, shall remain in full force and effect.

Section 4. Severability. If any provision of this Amendment to the City Chief of Police Agreement, or any portion thereof contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Amendment to the City Chief of Police Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

Section 5. Multiple Counterparts. The signature pages of this Amendment to the City Chief of Police Agreement may be executed by the Parties hereto, as the case may be, in separate counterparts. Facsimile signatures and signature pages provided in the form of a pdf or similar imaged documents transmitted by electronic mail shall be deemed an original signature for all purposes hereunder.

AGREED AND ACCEPTED on this 27th day of September, 2021.


FOR THE CITY OF MARLIN:



Carolyn Lofton, Mayor

9/27/21
Date

ATTEST:



Maryann Waddle, City Secretary

9/27/21
Date

CHIEF OF POLICE:



James Hommel, Chief of Police

9/27/2021
Date