

July 6, 2023

MEMORANDUM TO: Honorable Mayor and City Council

FROM: Charles P. Potucek, City Manager

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
RESOLUTION 2023-056, Addendum to the City  
Attorney's Contract

#### BACKGROUND

The City Attorney was appointed by City Council on August 22, 2013 by contract. At the City Attorney's annual evaluation held by Council on February 9, 2023, the Mayor and City Council elected to amend the contract on an ongoing basis regarding his annual base salary to correlate with salary increases received by other City employees on an annual basis.

#### BUDGET APPROPRIATION

As per contract terms.

Attachment

RESOLUTION 2023-056

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AMENDING THE CONTRACT OF THE CITY ATTORNEY; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS, TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THE RESOLUTION.

WHEREAS, pursuant to Chapter 31.07 (C), the selection and appointment of the City Attorney is reserved for the Mayor and City Council; and

WHEREAS, the Mayor and City Council negotiated a contract with Nathan J. Williams as City Attorney on August 22, 2013; and

WHEREAS, the City Council elects to amend the City Attorney's contract.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

Section 1

The policy of the City of Sierra Vista relating to executing and amending a contract for City Attorney, most recently affirmed by Resolution 2013-084 and amended by Resolution 2022-034, be, and hereby is, reaffirmed.

Section 2

The City Attorney's contract is amended as outlined in Exhibit A, Addendum to the City Attorney Contract, attached and made a part hereof by this reference.

Section 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 11<sup>TH</sup> DAY OF JULY, 2023.

\_\_\_\_\_  
Clea McCaa II  
Mayor

Approval as to Form:

Attest:

\_\_\_\_\_  
Nathan J. Williams  
City Attorney

\_\_\_\_\_  
Jill Adams  
City Clerk

PREPARED BY:  
Victoria Yarbrough  
Assistant City Manager

**ADDENDUM to AGREEMENT**  
**between the**  
**City of Sierra Vista and Nathan Williams**  
**Dated August 22, 2013**

This ADDENDUM is attached to and forms part of the Agreement between the City of Sierra Vista and Nathan Williams as of *July 1, 2023*. To the extent that any of the terms or conditions contained in this ADDENDUM may contradict or conflict with any of the terms or conditions of the original agreement, it is expressly understood and agreed that the terms of the original AGREEMENT shall take precedence and supersede this Addendum.

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The parties hereto amend the Agreement dated August 22, 2013 thereto as follows:

1. That **Section 6. Salary and 457 Deferred Compensation** of said agreement is amended which provides as follows:

Effective July 1, 2023, Employer agrees to pay Employee for his services rendered pursuant hereto an annual base salary of One hundred and thirty-seven thousand, nine hundred seventy-eight Dollars and No Cents (\$137,978) payable in regular installments at the same intervals as other employees of the Employer are paid.

Effective January 1, 2024, Employer agrees to pay Employee for his services rendered pursuant hereto an annual base salary of One hundred forty thousand, six hundred eighty-four Dollars and No Cents (\$140,684) payable in regular installments at the same intervals as other employees of the Employer are paid.

2. Nothing contained herein is intended to modify or supersede any provisions contained in the City Code of the City of Sierra Vista, and any conflict between the provisions contained herein and the City Code shall be governed by the provisions set forth in the City Code as they appear on date hereof. That except as otherwise modified herein, the remaining terms and conditions contained in the Agreement dated August 22, 2013, shall remain in full force and effect.

The City of Sierra Vista of Cochise County, Arizona has caused this addendum to be signed and executed in its behalf by its Mayor, and fully attested by its City Clerk, and the Employee has signed and executed this addendum.

Dated this \_\_\_\_\_ day of July 2023.

\_\_\_\_\_  
Clea McCaa II, Mayor  
City of Sierra Vista

ATTEST:

\_\_\_\_\_  
Jill Adams  
City Clerk

\_\_\_\_\_  
Nathan Williams  
City Attorney