

RESOLUTION NO. 23-240

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED 'CONTRACT EMPLOYEE AGREEMENT' BETWEEN THE CITY OF KEY WEST AND THOMAS PAKENAS FOR CITIZEN REVIEW BOARD EXECUTIVE DIRECTOR SERVICES; AUTHORIZING ANY NECESSARY BUDGET TRANSFERS OR ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting on September 14, 2023, the City Commission determined it is reasonable to approve a contract of up to twelve months upon terms and conditions set forth in the attached contract for Thomas Pakenas to provide services as the Executive Director of the Citizens Review Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached 'Contract Employee Agreement' between the City of Key West and Thomas Pakenas for Citizen Review Board Executive Director services is hereby approved.

Section 2: That funds for this contract are budgeted in account CRB - 1204, any necessary budget transfers or adjustments are hereby authorized.

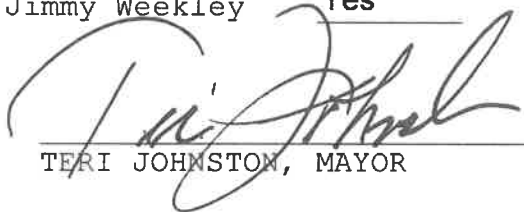
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 14th day of September, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on 14th day of September, 2023.


Filed with the Clerk on September 14, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



KERI O'BRIEN, CITY CLERK


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23-4746
23-240



MEMORANDUM

Date: September 14, 2023

To: Honorable Mayor and Commissioners

From: Albert P. Childress 
City Manager

Subject: **Independent Contractor Agreement for Citizen Review Board Executive Director,
Thomas Pakenas**

Introduction

Thomas Pakenas has been working as a contracted employee to manage the Citizen Review Board. He is a valued asset to the City of Key West.

Background

Thomas Pakenas has been an asset to the City of Key West as the Executive Director for the Citizen Review Board for the past few years. Historically we have renewed his contract annually. His duties consist of performing day to day business matters of the Citizen Review Board. The City shall compensate Mr. Pakenas for services rendered pursuant to this Agreement.

Recommendation

The City Manager's Office is recommending approval of the Resolution to renew the annual contract for Thomas Pakenas.

**CONTRACT EMPLOYEE
EMPLOYMENT AGREEMENT**

This Agreement is made and entered into this 29 day of September 2023, by and between Thomas Pakenas ("Contract Employee") and the City of Key West, Florida ("City").

WITNESSETH

WHEREAS, a Citizen Review Board (CRB) for the City of Key West was created by referendum on November 5, 2002; and

WHEREAS, the CRB is authorized to employ an Executive Director to handle the day to day business matters of the CRB; and

WHEREAS, the CRB selected Thomas Pakenas as Executive Director at its meeting of October 22, 2018, and desires to renew his term; and

WHEREAS, the Contract Employee has agreed to perform the services required for the CRB as an "at will" contract employee of City;

NOW THEREFORE, in consideration of the mutual covenants herein contained the parties agree as follows:

Section 1 – DUTIES

City hereby employs the services of the Contract Employee to perform the functions and duties assigned by the CRB as set forth in Exhibit "A," attached hereto and made a part hereof.

Section 2 – TERM

2.1 This Agreement is for services to be performed commencing on October 1, 2023 and to continue until October 1, 2025, unless earlier terminated as provided herein.

2.2 The CRB, acting on behalf of the City, and the Contract Employee shall each have the right to terminate this Agreement immediately at any time, with or without cause.

Section 3 – SALARY AND ALLOWANCE

3.1 The City shall pay Contract Employee for services rendered pursuant to this Agreement an annual salary of \$54,934.00 (Fifty-four Thousand Nine Hundred and Twenty-three Dollars and no/00 cents). This amount shall be paid in equal installments every two weeks on the same schedule as other employees of the City. There shall be no overtime payment. Travel expenses shall be paid at the same rates paid by City to its employees from amounts budgeted for CRB expenses.

3.2 It is understood and agreed that Contract Employee shall not participate in the Civil Service System, the City Retirement Plan, nor shall the Contract Employee accrue any other of the ordinary benefits of employment of the City. Notwithstanding the same, Contract Employee shall be covered by the City's Standard Health/Life/Dental/Vision policy and worker's compensation coverage afforded to other city employees and city scheduled holidays.

3.3 Effective October 1, 2023, Contract Employee shall be entitled to a cost of living increase on the same basis as provided to City employees of comparable position.

Section 4 – OTHER TERMS AND CONDITIONS OF EMPLOYMENT

4.1 Contract Employee shall perform his duties under this Agreement in a manner satisfactory to the CRB. The Contract Employee serves at the pleasure of the CRB members and does not report to and is not subject to the direction of the City Manager of the City of Key West. Therefore, all disciplinary matters related to the performance of the Contract Employee are the sole responsibility of the CRB.


4.2 The Contract Employee shall carry out the duties and implement the policies set forth in Section 1.07 of the Charter of the City of Key West. The Contract Employee understands and agrees that he does not have the capacity to bind the City of Key West contractually, and therefore shall submit all contracts, leases and other such documents related to the CRB to the Citizen Review Board for review and then to the City Manager for execution.

4.3 This Agreement shall become effective upon execution by all parties.

4.4 This Agreement may not be modified or changed in whole or in part except by written amendment signed by all parties.


IN WITNESS WHEREOF, the parties hereto have set their hand and seal the day and year first above written.

CONTRACT EMPLOYEE



Thomas Pakenas, Executive Director
Citizen Review Board
Date: 9/19/23

CITY OF KEY WEST




Albert Childress, City Manager
Date: Sept 15, 2023

CRB BOARD CHAIRMAN

Richard Haskins, Chairman
Citizen Review Board
Date: _____





Keri O'Brien, City Clerk
Date: 9.15.2023

