

**ORDINANCE NO. 2015-18**

**AN ORDINANCE FIXING COMPENSATION AND  
THE OTHER TERMS FOR EMPLOYMENT  
FOR CITY MANAGER JIM FATLAND**

WHEREAS, in accord with Chapter 2, Article III of the Brevard City Code, the compensation of the City Manager and other terms of his employment are to be fixed by Ordinance; and,

WHEREAS, Council now desires to set forth the terms of such employment in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. RATIFICATION OF APPOINTMENT. Mr. Jim Fatland (herein after referred to as the "City Manager") was duly appointed to the Office and the position of City Manager of the City of Brevard, effective as interim City Manager on April 1, 2015, and has served since that date, and City Council desires his continued service as permanent City Manager, subject to the terms and provisions of the Ordinance, and hereby ratifies that term of his employment between April 1, 2014, and August 17, 2015.

SECTION 2. SALARY. The City Manager's base salary is hereby set at \$116,000.00, retroactive to April 1, 2015, with the difference between that salary and his former salary as Finance Director, paid between April 1, 2015, and August 17, 2015, pro-rated for that period so as to be consistent with this gross annual salary. This Ordinance will be effective until July 1, 2016, unless earlier terminated by Council.

**SECTION 3. EQUIPMENT USE AND ALLOWANCE**

- (a) **MOTOR VEHICLE MAINTENANCE AND GAS ALLOWANCE.** In addition to the City Manager's salary, the City of Brevard has been paying and shall continue to pay to him the monthly sum of \$200.00 as compensation for providing a vehicle for his use in connection with the conduct of his office. This payment shall be designated as a motor vehicle maintenance and gas allowance, and shall be paid in lieu of any reimbursement for actual mileage traveled in the course of the conduct of his office, except as mileage for attending those Professional Growth and Development meetings contemplated in Section 8, and other meetings or events job-related, outside of Transylvania County, which shall be subject to mileage reimbursement at the then-current rate paid by the City.
- (b) **STANDARD OFFICE EQUIPMENT.** The City of Brevard has been providing and shall continue to provide, for the use of the City Manager, all standard and reasonably necessary office equipment, including but not limited to a cell phone and a laptop computer, which shall be provided for business use at no cost to the City Manager.

SECTION 4. NO RESIDENCE REQUIREMENT. The City Manager shall not be required to reside within the city limits of the City of Brevard or within the Extra-Territorial Jurisdiction of the City, provided that the City Council retains the right to change this requirement upon due notice to the City Manager.

SECTION 5. ANNUAL EVALUATION. The City Manager's ongoing job performance will be reviewed in 2016 prior to the establishing of the next fiscal year's budget. The evaluation shall include a written report and presentation by City Council to the City Manager.

**SECTION 6. FUTURE INCREASES.** The City Manager shall not qualify for or participate in any longevity pay raise or Cost of Living Adjustment (COLA) pay raise plan. Any salary raises shall be individually considered by City Council and shall be based on performance, as well as other factors which are deemed relevant by City Council.

**SECTION 7. PERSONNEL POLICY AND BENEFITS.**

- (a) **401K PLAN CONTRIBUTION.** The City of Brevard shall contribute an amount equal to three percent (3%) of the City Manager's salary to his 401K plan, annually.
- (b) **VACATION.** The City Manager shall accrue vacation as per the provisions of Section 7 of the Personnel Policy, but Section 8 thereof shall not apply to him, and he shall be entitled to accumulate 320 vacation hours, instead of the limits imposed on employees pursuant to Section 8 of the Personnel Policy.
- (c) **OTHER BENEFITS.** The City of Brevard Personnel Policy shall not apply to the City Manager. However, the Personnel Policy shall be followed for certain benefits to which he shall be entitled, to wit:
- Health Insurance/Health Savings Account for the City Manager and his family;
  - Sick leave and payment therefor;
  - Paid holiday schedule; and
  - Group life insurance, short term disability insurance, and dependent life insurance.

**SECTION 8. PROFESSIONAL GROWTH AND DEVELOPMENT.** The City Manager shall be permitted, and is encouraged to attend appropriate professional and municipal functions, meetings, conferences, etc., as a legitimate travel expense in accordance with the travel policies of the City. These may include the North Carolina League of Municipalities, the International City Management Association, the North Carolina City and County Management Association, and other professional organizations.

**SECTION 9. COMMUNITY INVOLVEMENT.** The City Manager is encouraged to be active and involved in all positive and appropriate facets of the community, including in his discretion, participation in civic organizations, charitable events, speaking engagements and the like. Upon the request of the City Manager, City Council will consider an allowance for participation in civic organizations.

**SECTION 10. STANDARDS FOR BEHAVIOR AND CONDUCT.** The City Manager shall at all time, and in all locations, present himself in public and in the presence of others, in such manner as is appropriate to the person who is the primary spokesperson and manager for the City of Brevard. In this regard, his conduct shall at all times be that of a competent, truthful, ethical and moral individual, and shall be beyond reproach. Any conduct in violation of this provision, including but not limited to a criminal misdemeanor or felony conviction of any kind, shall be grounds for immediate dismissal.

**SECTION 11. TERMINATION OF EMPLOYMENT.**

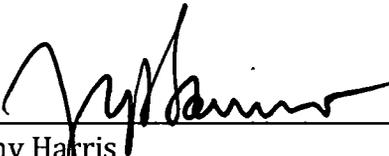
- (a) **VOLUNTARY SEPARATION.** In the event that the City Manager voluntarily terminates his employment, no severance of any kind shall be paid by the City of Brevard.
- (b) **INVOLUNTARY SEPARATION.** City Council retains the absolute right to terminate the City Manager's employment at will. In the event that the City Manager's employment is terminated by act of City Council:
- (1) He shall receive six (6) months' salary as severance pay in lieu of any other remaining salary. Severance pay shall be terminated

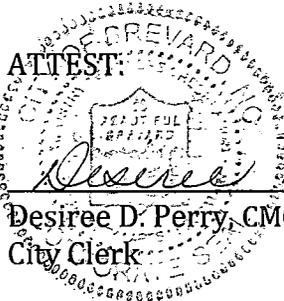
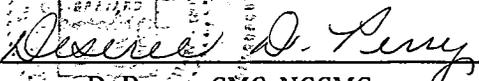
immediately upon his acceptance of any other employment. Severance pay may be paid in lump sum or over the regularly scheduled pay days, in the discretion of City Council; and

- (2) He shall receive an amount of money designed to allow him to keep his health insurance policy in effect during the six (6) month severance period, or until he becomes insured by another employer, whichever occurs first. This provision could be fulfilled by continuing him on the current policy, if feasible; or by paying for another policy with similar benefits; or by paying him the funds Council determines to be appropriate to comply with this provision, whichever Council determines to be more appropriate at the time. This provision will be null and void if he is eligible for Medicare upon termination, and shall be voidable as of the date he becomes eligible for Medicare if within the six (6) months severance period.
- (3) No other benefits shall be paid or continued in effect following termination except as may be required by law.

SECTION 12. RATIFICATION AND EFFECTIVE DATE. This Ordinance shall be retroactively effective as of April 1, 2015.

Adopted and approved this the 17<sup>th</sup> day of August, 2015.

  
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Jimmy Harris  
Mayor

ATTEST:  
  
  
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Desiree D. Perry, CMC, NCCMC  
City Clerk

APPROVED AS TO FORM:

  
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Michael K. Pratt  
City Attorney