

RESOLUTION NO. R-2019-35

**RESOLUTION APPROVING AND AUTHORIZING
THE EXECUTION OF A FIRST ADDENDUM TO THE 2018/2019 EMPLOYMENT AGREEMENT
ENTERED INTO WITH WILLIE NORFLEET, JR.**

WHEREAS, on September 4, 2018, with the passage of Resolution No. R-2018-42, the Corporate Authorities of the Village of Maywood ("Village" or "Corporate Authorities") and Willie Norfleet, Jr. approved and entered into an Employment Agreement for the Year 2018/2019 for Willie Norfleet, Jr. to serve as the Village Manager and to perform all of the customary duties of the Village Manager position in accordance with the provisions of Title III (Administration), Chapter 30 (Village Administration), Section 30.04 (Village Manager) of the Maywood Village Code ("2018/2019 Employment Agreement"); and

WHEREAS, after completing an annual performance review, the President and Board of Trustees of the Village desire to approve and authorize the execution of a First Addendum to the 2018/2019 Employment Agreement for Willie Norfleet, Jr. to continue to serve as the Village Manager, subject to the following amended terms:

- A. Section 4 (TERM AND EFFECTIVE DATE) is amended to provide for a new Term that starts April 20, 2019 and ends April 20, 2020.
- B. Section 6 (COMPENSATION) is amended to provide for:
 - a. A new annual salary of \$154,500.00 commencing April 20, 2019, with retroactive salary paid as part of the normal payroll within thirty (30) calendar days of the approval date of this Agreement.
 - b. A \$15,000.00 Annual Performance Bonus for Year 2018/2019 payable immediately or as part of the normal payroll within thirty (30) calendar days of the approval date of this Agreement.
 - c. A "not to exceed" \$15,000.00 Annual Performance Bonus for Year 2019/2020 upon satisfactory performance, as determined by the Village Board, in its sole discretion, at the Year 2019/2020 Annual Performance Review (which covers April 20, 2019 to April 20, 2020).

A copy of the First Addendum to 2018/2019 Employment Agreement is attached hereto as **Exhibit "A"** and made a part hereof; and

WHEREAS, Willie Norfleet, Jr. desires to continue to work as the Village Manager of the Village of Maywood and agrees to perform all of the customary duties of Village Manager in accordance with the provisions of Title III (Administration), Chapter 30 (Village Administration), Section 30.04 (Village Manager) of the Maywood Village Code and the attached First Addendum to 2018/2019 Employment Agreement; and

WHEREAS, the President and Board of Trustees of the Village of Maywood, as corporate authorities of an Illinois home rule municipal corporation, have the authority to appoint Willie Norfleet, Jr. as Village Manager and to enter into the attached First Addendum to 2018/2019 Employment Agreement pursuant to home rule power, as provided by Article VII, Section 6(a) of the Illinois

Constitution of 1970, and Sections 5-3-7 and 8-1-7 of the Illinois Municipal Code (65 ILCS 5/5-3-7 and 8-1-7); and

WHEREAS, in regard to the attached First Addendum to 2018/2019 Employment Agreement, the Village has complied with the six (6) calendar day prior-posting requirement set forth in Section 7.3 of the Illinois Open Meetings Act (5 ILCS 120/7.3) (effective January 1, 2012), which imposes a duty on all municipal employers who participate in the Illinois Municipal Retirement Fund (“IMRF”) to post on its website or in the Village Hall the total compensation packages of employees whose total compensation packages are equal to or in excess of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) per year; and

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village to approve the attached Employment Agreement for Willie Norfleet, Jr. to continue to serve as Village Manager, and to authorize the execution of the attached First Addendum to 2018/2019 Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each of the recitals above is incorporated by reference into this Section 1.

SECTION 2: Pursuant to the Village’s home rule powers, as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, and the applicable provisions of the Illinois Municipal Code (65 ILCS 5/5-3-7 and 8-1-7), the President and Board of Trustees of the Village of Maywood approve and authorize the execution of the attached “First Addendum to the 2018/2019 Employment Agreement Entered Into With Willie Norfleet, Jr.” (“First Addendum”) for Mr. Willie Norfleet, Jr. to continue to serve as the Village Manager and to perform all of the customary duties of the Village Manager position in accordance with the provisions of Title III (Administration), Chapter 30 (Village Administration), Section 30.04 (Village Manager) of the Maywood Village Code. A copy of the First Addendum is attached hereto as **Exhibit “A”** and made a part hereof.

SECTION 3: The Board of Trustees further authorize and direct the Village President and the Village Clerk, or their designees, and/or the Village Manager, or his/her designee, to execute and deliver the final version of the attached First Addendum, which may contain certain non-substantive and non-financial modifications that are approved by the Village Attorney, and all other instruments and documents that are necessary to fulfill the Village’s obligations under the First Addendum. The President and Board of Trustees of the Village of Maywood further authorize the payment of all costs that are necessary to fulfill the Village’s obligations under the Agreement and the First Addendum.

SECTION 4: The President and Board of Trustees of the Village of Maywood further authorize and direct the Village Clerk, the Village Manager and/or the Village Attorney, or their designees, to transmit executed originals or certified copies of this Resolution and the First Addendum to all parties that are entitled to receive such documents.

SECTION 5: This Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this 17th day of September, 2019, pursuant to a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and N. Booker

NAYS: None

ABSENT: Trustee M. Lightford

APPROVED by me, and attested by the Village Clerk, on this 18th day of September, 2019.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

Exhibit "A"

**FIRST ADDENDUM TO THE 2018 / 2019 EMPLOYMENT AGREEMENT
ENTERED INTO WITH WILLIE NORFLEET, JR.**

(attached)

**FIRST ADDENDUM TO
THE 2018/2019 EMPLOYMENT AGREEMENT ENTERED INTO
WITH WILLIE NORFLEET, JR.**

THIS FIRST ADDENDUM, entered into this ___ day of September, 2019, in Maywood, Cook County, Illinois, by and between the Village of Maywood, an Illinois municipal corporation (the "VILLAGE" or "Corporate Authorities of the Village"), and Willie Norfleet, Jr. ("NORFLEET"), is made to an Employment Agreement that was entered into by the Parties and approved by the Corporate Authorities of the Village by Resolution No. R-2018-42 on September 4, 2018 (the "Employment Agreement"). This First Addendum modifies the Employment Agreement as follows:

1. **AMENDMENT OF SECTION 4 (TERM AND EFFECTIVE DATE)**. Section 4 of the Employment Agreement is amended, in its entirety, to read as follows:
 4. Per Section 8-1-7 of the Illinois Municipal Code (65 ILCS 5/8-1-7), this Agreement shall become effective immediately upon approval and execution by both Parties, and the duration of this Agreement, unless terminated earlier by mutual consent or by either Party, or further extended by mutual written agreement of the Parties, shall extend from Saturday, April 20, 2019 to 7:00 p.m. on Monday, April 20, 2020 (the "Term"). To the extent that NORFLEET continues to serve and perform the duties of Village Manager after the expiration of the Term of this Employment Agreement, as extended by the First Addendum, the Village agrees to compensate NORFLEET on a pro-rated 365-day basis in accordance with the terms of this Employment Agreement, as amended by the First Addendum or any subsequent addendum.

2. **AMENDMENT OF SECTION 6 (COMPENSATION)**. The first paragraph of Section 6 and Subsection 6(A) of the Employment Agreement are amended, in their entirety, to read as follows:
 6. **COMPENSATION**. In consideration of NORFLEET performing all of the duties required of the Village Manager, as set forth at Title III (Administration), Chapter 30 (Village Administration), Section 30.04 (Village Manager) of the Village Code, the VILLAGE shall pay to NORFLEET the sum of One Hundred Fifty Four Thousand Five Hundred and No/100 Dollars (\$154,500.00) per year effective as of April 20, 2019, payable in installments every two (2) weeks with retroactive salary being paid as part of normal payroll within thirty (30) calendar days of the approval date of this Agreement. NORFLEET may receive one or more performance reviews during the Term of this Agreement, but shall receive an annual performance review within one (1) month following each subsequent "Anniversary Date" of his employment start date with the VILLAGE. NORFLEET will be eligible for a performance bonus in an amount not to exceed Fifteen Thousand and No/100 Dollars (\$15,000.00), upon satisfactory performance by NORFLEET, as determined by the Corporate Authorities, in their sole discretion, at his Year 2019/2020 annual performance review (which covers April 20, 2019 to April 20, 2020). Also at his Year 2019/2020 annual performance review, NORFLEET'S annual salary may be increased for the next term by an amount determined by the Corporate Authorities, in their sole discretion, upon satisfactory performance by

NORFLEET. The Corporate Authorities agree not to reduce NORFLEET'S annual salary at any time without his consent. The failure of the Corporate Authorities to conduct an annual performance review shall not be a breach or violation of this Agreement.

A. Year 2018/2019 Annual Performance Bonus. Based on the annual performance evaluation conducted in August 2019 and September 2019, the Corporate Authorities of the VILLAGE approve and authorize NORFLEET to receive a performance bonus in the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), payable immediately or as part of normal payroll within thirty (30) calendar days of the approval date of this Agreement.

3. **MISCELLANEOUS.**

- A. This First Addendum is meant to supplement the terms of the Employment Agreement. In all respects, except as specifically amended by this First Addendum, the Employment Agreement shall remain in full force and effect. In the event of any conflict or inconsistency between the terms of the Employment Agreement and this First Addendum, the terms of this First Addendum shall supersede and control.
- B. This First Addendum constitutes the entire understanding between and among the Parties with respect to the subject matter contained herein and supersedes any and all prior understandings and/or agreements between the Parties, whether written, oral or otherwise.
- C. This First Addendum shall be effective on the date that the last signatory executes this First Addendum (the "Effective Date").

IN WITNESS WHEREOF, this First Addendum has been approved by the Corporate Authorities of the Village of Maywood, at a Regular Village Board Meeting held on September 17, 2019, by the passage of a Resolution authorizing the approval of this First Addendum. The duly authorized representatives of the Village of Maywood have signed and dated this First Addendum below. Willie Norfleet, Jr. has read and understands the terms of this First Addendum, has voluntarily signed and dated this First Addendum, and has had his signature notarized by a Notary Public.

VILLAGE OF MAYWOOD

WILLIE NORFLEET, JR.

Edwenna Perkins, Village President

Willie Norfleet, Jr.

Date: _____

Date: _____

Attest:

Attest:

Village Clerk

Notary Public

Date: _____

Date: _____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached is a true and correct copy of that certain Resolution now on file in my Office, entitled:

RESOLUTION NO. 2019-35

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which Resolution was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 17th day of September, 2019, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 17th day of September, 2019.

I further certify that the vote on the question of the passage of said Resolution by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington and N. Booker

NAYS: None

ABSENT: Trustee M. Lightford

I do further certify that the original Resolution, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 18th day of September, 2019.

Viola Mims, Village Clerk

[SEAL]