



CITY OF CALISTOGA

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STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Michelle Marchetta Kenyon, City Attorney
DATE: April 16, 2019
SUBJECT: Resolution Approving a Separation and Release Agreement between City of Calistoga and Dylan Feik

SIGNATURE:

**MICHELLE MARCHETTA
KENYON, City Attorney**

DESCRIPTION: Consideration of a Resolution Approving a Separation and Release Agreement between City of Calistoga and Dylan Feik.

RECOMMENDATION: Consideration of adoption of resolution.

BACKGROUND:

In February 2016, the City and Dylan Feik entered into an Employment Agreement to memorialize his employment as the City Manager. Mr. Feik has indicated a desire to resign his employment with the City and the City's best interests are served by entering into a Separation and Release Agreement with Mr. Feik.

The Council is asked to approve the attached Resolution which authorizes the Mayor to execute a Separation and Release Agreement (the "Agreement") with Mr. Feik. The Agreement provides, among other things, a separation payment to Mr. Feik in the amount of \$116,684.41 which is derived from payment of accrued vacation, sick and executive leave and an amount equal to 6 months' salary which is provided for under Mr. Feik's Employment Agreement. The Separation and Release Agreement also provides that Mr. Feik shall be eligible to continue his medical and dental coverage through the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), and that the City will cover 90% of Mr. Feik's monthly medical and dental premiums for (i) six months

following his resignation date, or (ii) the date he obtains new employment and becomes eligible for medical coverage, whichever occurs first.

FINANCIAL IMPACT:

The costs associated with the Agreement will be comparable to the costs the City would incur in continuing to employ Mr. Feik for the 6 months.

ATTACHMENTS:

1. Resolution No. 2019-xxx Resolution of the City Council of the City of Calistoga, County of Napa, State of California, Approving a Separation Agreement Between City of Calistoga and Dylan Feik

RESOLUTION NO. 2019-xxx

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A SEPARATION AND RELEASE AGREEMENT BETWEEN CITY OF CALISTOGA AND DYLAN FEIK

WHEREAS, Dylan Feik has been the City Manager with the City of Calistoga ("City") since February 2016;

WHEREAS, Mr. Feik has indicated a desire to resign his employment with the City; and

WHEREAS, the City and Mr. Feik have determined that entering into a Separation and Release Agreement is in the best interests of both parties;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Calistoga, as appointing authority, hereby approves the Separation and Release Agreement Between City of Calistoga and Dylan Feik in substantially the same form attached hereto as Exhibit "A", subject to changes approved by the City Attorney, and authorizes and directs the Mayor to execute same for and on behalf of the City of Calistoga.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **16th day of April, 2019** by following vote:

**AYES:
NOES:
ABSTAIN
ABSENT:**

CHRIS CANNING, Mayor

ATTEST:

IRENE CAMACHO-WERBY, City Clerk

EXHIBIT "A"

Separation and Release Agreement Between City of Calistoga and Dylan Feik