



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication File Number: Res 2021-35

Agenda Date: 5/3/2021

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

A RESOLUTION APPOINTING ROGER TINKLENBERG AS CITY MANAGER AND APPROVING AN EMPLOYMENT AGREEMENT

Summary and Background:

Pursuant to Section 7.3 of the City's Charter, the City Council is required to appoint a City Manager to serve as the administrative officer for the City. The Charter requires that the City Manager be selected solely on the basis of his executive and administrative qualifications with special reference to their actual experience in and their knowledge of accepted practice in respect to the duties of the office. The appointment must occur within a reasonable time after a vacancy exists, as occurred in July 2020. Since that time, Deputy City Manager Roger Tinklenberg has served as the Interim City Manager by City Council appointment. Following a competitive nationwide search, the City Council has elected to appoint Mr. Tinklenberg as City Manager on the basis of his education and executive and administrative qualifications, particularly with the City, and his performance as Interim City Manager. Mr. Tinklenberg will serve at the pleasure of the City Council as an at-will employee subject to his employment agreement.

Mr. Tinklenberg has served the City since June 2001, when he joined the City as the Director of Finance until his promotion to Administrative Services Officer in March 2014 and then Deputy City Manager in March 2016, and has overseen nearly every aspect of the City's operations. During his tenure with the City, Mr. Tinklenberg was instrumental in many of the City's critical successes, including: the negotiation of the private/public partnership construction of the stadium and infrastructure for the Rapids MLS soccer team; and the financing and implementation of \$166 million in major transportation and parks and recreation projects, like the Bison Ridge Recreation Center, Eagle Pointe Recreation Center renovations, and Tower Road widening. Mr. Tinklenberg's long career as a public servant as the city administrator for the City of Federal Heights, Colorado, and the City of Eldora, Iowa, among other positions.

The resolution appoints Mr. Tinklenberg and approve an employment agreement. The agreement appoints Mr. Tinklenberg as an at-will employee but authorizes severance or termination pay, as required and authorized by the Charter. Mr. Tinklenberg will be paid a beginning annual base salary of \$230,000, subject to annual increase in the same percentage as the cost of living increase given to deputy city managers as a result of the annual market survey and any discretionary increase approved by the City Council. The salary is consistent with the market average for city and county executives in the region,

given Mr. Tinklenberg's qualifications and experience. The employment agreement provides for severance, payable only in limited circumstances, that demonstrates the anticipated value of Mr. Tinklenberg's service and commitment to the City; severance, if payable, will begin at 24 months of salary but will decline for every month of service until holding at 6 months from November 2022 through November 2023, when it will decline again to zero by May 4, 2024, unless the agreement is amended.

Mr. Tinklenberg will also receive customary executive benefits, including participation in City retirement plans, leave, and a City-provided vehicle. The employment agreement requires that Mr. Tinklenberg become a City resident in a reasonable period of time, as required by the Charter.

Appointment Requirements: The appointment requires a vote of a majority vote of the entire Council in office at the time the vote is taken (i.e., 5 votes are required to approve the resolution and appoint the City Manager).

Financial Impact: Detailed in employment agreement (Exhibit A), including salary, benefits, vehicle, and equipment. Financial impact in the event of termination would be greater due to potential severance costs and costs of any dispute.

Staff Member Responsible/Presenting: Robert Sheesley, City Attorney

Staff Recommendation: N/A

Suggested Motion: I move to approve Resolution 2021-35 appointing Roger Tinklenberg as the City Manager for the City of Commerce City.