



FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT

by and between the City of Minot and Harold Stewart II
effective December 29, 2023 through December 28, 2028

WHEREAS, the City of Minot (City) and Harold Stewart II (Stewart) entered into an Employment Agreement effective December 29, 2023 through December 28, 2028 (Agreement) wherein in the City agreed to employ and Stewart agreed to serve, as the City's City Manager; and

WHEREAS, the Agreement describes various employment benefits the City agreed to provide in exchange for Stewart's services, including insurance and paid time off; and

WHEREAS, following the execution of the Agreement, the Minot City Council amended the City of Minot's employee benefits to shift from a vacation and sick leave plan to paid-time off (PTO), and added a short-term disability policy; and

WHEREAS, following execution of the Agreement, the Minot City Council approved first reading, modifications to Chapter 2 (Administration), Article III (City Officers), Division 2 (City Manager) of its Code of Ordinances to reflect policy and practice changes and to codify the Assistant City Manager's general duties and responsibilities; and

WHEREAS, City and Stewart desire to amend the Agreement to contemplate the shift to a PTO leave system; addition of the short-term disability policy; and if approved by the Minot City Council on second reading, the proposed updates to Chapter 2 (Administration), Article III (City Officers), Division 2 (City Manager) of its Code of Ordinances; and

NOW THEREFORE, City and Stewart agree to amend paragraph 5 of the Agreement as follows:

5. Health, Long-Term Disability, Short-Term Disability, and Life Insurance.

- a. **Health Insurance.** The City will enroll and maintain Stewart and/or his family in its health insurance plan to the same extent as it does its civil service employees.
- b. **Long-Term Disability Benefits.** The City will provide Stewart the same long-term disability benefits as it provides to its civil service employees.
- c. **Short-Term Disability Benefits.** The City will provide Stewart the same short-term disability benefits as it provides to its civil service employees.
- d. **Life Insurance.** The City will provide Stewart the same life insurance benefits as it provides to its civil service employees.

NOW THEREFORE, City and Stewart agree to amend paragraph 10 of the Agreement, if the proposed updates to Chapter 2 (Administration), Article III (City Officers), Division 2 (City Manager) of the Minot Code of Ordinances are approved on second reading:

- ### **10. ~~Permission~~ Notification Required To Leave Before Leaving the City.** Stewart shall not leave Minot, North Dakota for more than forty-eight (48) hours without ~~permission~~ therefor from notifying the Mayor, or in the absence of the Mayor, the President of the

City Council, or in the absence of the Mayor and President of the City Council, the Vice-President of the City Council. Proof of ~~permission~~ notification must be ~~granted~~ provided in writing with a copy provided to the City's Human Resources Director and ~~City Auditor/Finance Director~~ Assistant City Manager. In the absence from the City of the City Manager the ~~City Auditor/Finance Director~~ Assistant City Manager shall perform all duties of the City Manager unless another individual is appointed by the City Council, and Stewart agrees to fully apprise the ~~City Auditor/Finance Director~~ Assistant City Manager or other successor of all pending matters of concern prior to leaving the City. Minot City Ordinance Sec. 2-51, 2-53.

IN WITNESS WHEREOF, the Parties hereto have executed this Employment Agreement effective as of the Effective Date.

EMPLOYEE

By: _____
Harold Stewart, City Manager

Date: _____

CITY OF MINOT

By: _____
Thomas Ross, Mayor

Date: _____

Attest: _____
Mikayla McWilliams, City Clerk

Date: _____