

**SECOND AMENDMENT TO CHIEF HEARING EXAMINER EMPLOYMENT
AGREEMENT**

This second amended employment agreement is entered into and effective on June 18, 2024 (Effective Date), by and between Lee County, a charter county and political subdivision of the State of Florida by its County Commissioners ("County") and Donna Marie Collins ("Chief Hearing Examiner").

WITNESSETH:

WHEREAS the County and Donna Marie Collins entered into an Agreement for employment as the Chief Hearing Examiner for Lee County on September 3, 2013; and

WHEREAS the agreement was amended once on September 15, 2020; and

WHEREAS the Agreement provides for benefits, conditions of employment, and working conditions of the Chief Hearing Examiner; and

WHEREAS the County desires to secure and retain the continued services of the Chief Hearing Examiner and to provide an inducement for the Chief Hearing Examiner to remain in such employment, and Chief Hearing Examiner desires to continue employment; and

WHEREAS the County and Chief Hearing Examiner wish to memorialize herein the amended terms and conditions of such employment.

NOW, THEREFORE, for and in consideration of the mutual promises and benefits conferred herein, the payments contemplated hereunder, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto, intending to be legally bound, covenant and agree as follows:

1. **RECITALS**. The recitals set forth above are incorporated into this Second Amendment to the Chief Hearing Examiner's Employment Agreement.
2. **AMENDMENT**. The Parties agree to amend the correspondingly numbered sections of the Agreement as follows:
 - A. **Term**. Section 4 shall be amended to read as follows:
 - 4.2 Extension/Renewal. The Agreement shall be extended to October 1, 2027, unless earlier terminated under the provisions of paragraph 7.
3. **TERMS NOT AMENDED REMAIN IN EFFECT**. Except as amended herein, all terms, conditions, benefits and obligations of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the County and Chief Hearing Examiner have make and executed this Second Amendment Agreement on the respective dates under each signature. Lee County, through its Board of County Commissioners, authorize the County Chair or Vice Chair to execute this Agreement on June 18, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

By: *Melissa Butler*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

BY: *Rob Lane*
chairman
Date: 6/24/24

CHIEF HEARING EXAMINER

By: *Donna Marie Collins*
Donna Marie Collins
Date: June 18, 2024



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

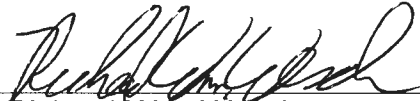
By: *Fred M. Welch*

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: June 20, 2024

To: Commissioner Ruane
Vice Chair, Board of County
Commissioners

FROM: 
Richard Wm. Wesch
County Attorney

RE: **Second Amendment to Chief Hearing Examiner Employment Agreement
Agenda Item #A5, Meeting Date June 18, 2024**

Attached, approved as to form, please find the original of the above-referenced Agreement adopted by the Board of County Commissioners on June 18, 2024.

The original agreement is attached to this memorandum for execution. Kindly execute the agreement at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached Agreement and return the fully executed original to my attention.

Thank you for your assistance.

RWW:sma

Attachment: Second Amendment to Chief HEX Employment Agreement

cc via email only: Eileen Gabrick, Minutes Office Manager
leeclerkminutes@leeclerk.org
Laurel Chick, Manager, Internal Services

RECEIVED
MINUTES OFFICE
MB
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AGENDA ITEM REPORT

DATE: June 18, 2024
DEPARTMENT: Hearing Examiner
REQUESTER: Donna-Marie Collins
TITLE: Approve Second Amendment to Chief Hearing Examiner Employment Agreement

I. MOTION REQUESTED

Approve second amendment to Chief Hearing Examiner Employment Agreement.

II. ITEM SUMMARY

The County entered into an employment agreement with the Chief Hearing Examiner on September 3, 2013. The Hearing Examiner proposes amending the employment agreement to reflect the revised DROP date of October 1, 2027, clarify terms of payment of unused sick and vacation leave, and retain date of performance reviews.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

The County entered into an Employment Agreement with the Chief Hearing Examiner on September 3, 2013. The agreement has been amended once. The Hearing Examiner proposes a second amendment to the Employment Agreement to

- 1) Amend agreement term to reflect revised DROP date of October 1, 2027.
- 2) Clarify terms of payment of unused sick and vacation leave.
- 3) Retain date of performance reviews (early September).

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	
B)	Is this item approved in the current budget?	
C)	Is this a revenue or expense item?	
D)	Is this Discretionary or Mandatory?	
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
<u>Second Amendment to Chief Hearing Examiner Employment Agreement</u>	6/17/2024	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Hearing Examiner	Collins, Donna Marie	Approved	6/6/2024 - 2:55 PM
Budget Services	Henkel, Anne	Approved	6/7/2024 - 2:45 PM
Budget Services	Winton, Peter	Approved	6/10/2024 - 9:08 AM
County Attorney	Jacob, Michael D.	Approved	6/11/2024 - 11:41 AM
County Manager	Winton, Peter	Approved	6/11/2024 - 1:49 PM