

COMMISSION SPECIAL MEETING

March 25, 2004

Agenda
Item

Page

1	City Manager Selection Process	1
2	Acting City Manager Contract Obligation	7
3	Legislative Issue	7

**CITY COMMISSION SPECIAL REGULAR MEETING AGENDA
8TH FLOOR CONFERENCE ROOM
CITY HALL**

MARCH 25, 2004 – 1:30 P.M.

Mayor Naugle called to order the special meeting of March 25, 2004, at approximately 1:33 p.m. Roll was called and a quorum was present.

Present: Mayor Naugle
Commissioner Teel
Commissioner Trantalis
Commissioner Hutchinson
Commissioner Moore

Absent: Assistant City Clerk

Also Present: City Attorney
Acting City Manager

City Manager Selection Process

Commissioner Hutchinson asked if MGT was going to participate in today's discussion via telephone. The Acting City Manager confirmed.

Edward Curtis, Chair Screening Committee, stated that the deadline had been extended and monies had been paid for additional advertising, including a weekend ad in the New York Times. He added that they had established a timeline for interviewing potential candidates via videotape, and afterwards face-to-face interviews would be scheduled. He further stated that the problem had been in not receiving applications from qualified candidates from the public and private sectors.

Mark Kurfman, MGT, advised that the ad had been placed this past Sunday in the New York Times.

The Acting City Manager stated that the text of the ad had been provided to the City Commission. Mayor Naugle stated that he believed there had been a deadline in the ad of April 1, 2004, for applicants to apply. Mr. Curtis confirmed.

Commissioner Hutchinson asked if MGT had used any type of recruiting documentation or material that had been mailed out to perspective candidates. Mr. Kurfman confirmed. Commissioner Hutchinson asked if the Commission could receive copies of such mailings. Mr. Kurfman agreed. Commissioner Hutchinson stated that she had sent him an e-mail on March 9, 2004, requesting the exact calculation in regard to the 27 top picks and which ones had been due to the advertising the City paid for, and which candidates were related to MGT's website and networking lists. He was to get back to her on Monday. She advised that as of today's date, she had still not received the requested information. Mr. Kurfman advised that he had reported to the Committee that

they had about 13 candidates out of the 38 they had a part in recruiting. Commissioner Hutchinson asked if such information could be forwarded to her. Mr. Kurfman agreed.

Mayor Naugle reiterated that the deadline was April 1, 2004, and asked if there had been any additional applicants since the Committee's last meeting. Mr. Curtis replied that he had not received any, but he believed they had established this Friday as the last date the Committee would receive applications for their review. Mr. Kurfman stated that April 1, 2004 was the deadline and had been included in the ad in the New York Times. He further stated they had received an additional 30-35 resumes since the last meeting.

Commissioner Moore thanked everyone for attending this special meeting, and stated that he felt it was important to have some dialogue regarding this matter. He stated that he was glad that the Chair of the Committee was present today with his explanation of the actions of the Committee, and that was why he wanted this meeting to take place.

Commissioner Moore stated that he was concerned as to who was controlling the process, and who had the authority to expend tax dollars for this recruitment, and to what degree. He stated further that this was an ad hoc committee appointed by the Commission, and in reading the minutes of their meetings they had indeed made recommendations, but he felt the Commission was the body to extend deadlines, and authorize the spending of funds, and decide whether the Committee was meeting the guidelines of the desired applicants. He stated that in regard to the information he had received, it was his understanding that they were looking for the applicant to have a Bachelor's Degree in Public Administration for Business. He remarked that a Master's Degree would be preferred, but it was not a necessity. He added that Mr. Curtis had stated that he felt there should be a certain number of business applicants, but it was not the design in the request of minimum requirements for the position. If the applicant pool did not bring in business individuals, but met the minimum requirement of the Bachelor's Degree in Public Administration and in business, that was the toll that had been given. He stated if it was the desire of the Commission or members of the Committee to have a business person apply who had not had a background in public administration, he did not think that should be a decision of the Committee.

Commissioner Moore reiterated that he felt this Commission needed to meet to agree whether or not the extension was important, and if they agreed it should have happened. He stated further that they needed to expedite this process, and it appeared the direction of this Committee was to slow down such process. He stated those reasons were "mind-boggling" to him, and stated he had spoken to Mr. Kurfman and had read the minutes of the Committee meetings, along with the applicant pool. He stated that he had been assured by Mr. Kurfman that they had over 25 applicants that met the minimum requirement of what the Commission wanted in a manager. He stated that he was concerned that the possibility of a \$4,000 ad in the Wall Street Journal, without the Commission's direction, had been outside of the boundary of the Committee. He stated further that during Commission meetings in the past, issues had been discussed based on budget restraints, and the Commission had disallowed actions because spending large amounts of money on certain items during the City's budget crisis would not have been appropriate. He stated that an advisory board having the authority to expend such amounts, along with the consideration of spending another \$12,000 on an ad, concerned him a great deal. He stated this had been indicated very clearly in the Committee's meeting minutes.

Commissioner Moore stated that in reading the minutes, he had also noticed that a comment had been made by one of the appointments that the Acting City Manager had the authority to spend the \$4,000 without Commission approval, and he felt that discretion had been utilized by Mr. Kurfman to run such ad. He stated that he felt the Commission should have been involved in such a decision, especially since the Acting City Manager had been in attendance at that meeting and could have brought the matter before the Commission. He stated that the matter only came to light due to his making requests of individuals in attendance at such meeting in regard to the applicant pool they had at the time. Therefore, he felt the Commission needed to meet and arrive at some agreement as to the timeline they wanted, if they wanted to accept the recommendations of the advisory board, as well as looking at the revised timeline of the ad hoc committee regarding the recruitment. He also stated that he was concerned after hearing that once the candidates had been identified, there would be candidate interviews via videotape. He stated that he did not recall giving such discretion to the Committee. He stated it was his understanding that they had asked this Committee to evaluate the applicants based upon their applications, and then they were to forward to the Commission 10-15 potential candidates which the Commission would then begin to evaluate. He stated the process would then be narrowed down regarding the selection of a manager.

Commissioner Moore further stated that it appeared the ad hoc committee felt they should conduct the video interviews, and then do face-to-face interviews with background checks following. Only then would the potential candidates be presented to the City Commission. He reiterated that was not a review that he wanted such a committee to do. He stated if the video interviews were a course of action that would be taken, then it was his opinion that the Commission conduct them. He felt if there was to be a narrowing with background checks, then he felt the Commission should also do those. He stated that it was his understanding that the ad hoc committee was only to serve as a resource for narrowing down a pool of over 200 applicants.

Commissioner Moore continued stating that he believed the Committee was attempting to offer the Commission the best candidate pool possible, but it may be out of the preview of the majority of the Commission regarding their actions. He stated it was certainly out of his, and he had always felt that there were only 3 appointments that the Commission made, and those were the City Attorney, City Clerk, and the City Manager. He reiterated that during the search for the new City Clerk, they had not used such a process. He stated they had filled a voided position in a timely manner. He added they had done the same in regard to filling the position of the City Attorney. He remarked that he was not against using an ad hoc committee, but he was concerned with the preview they wanted to make of the potential candidates. He urged the Commission to meet the timeline they had put upon themselves, and reiterated that the recommendation to delay this matter until June 15, 2004 would not be in the best interest of the government.

Commissioner Moore advised there were 25 applicants who met the minimum requirements, and 30 additional ones had been accepted, but he did not want to go through the recommended time changes being proposed. He felt it was time for the Commission to be involved and expedite the process. He stated that the committee had done an excellent job, but he was concerned with the actions being proposed because he felt it was out of their scope of work.

Mayor Naugle clarified that the Committee had established a deadline before coming up with the April 1, 2004 recommendation, and remarked that the position had been advertised as open until filled.

Commissioner Hutchinson stated that she liked the ad hoc committee that was in place, but she did believe they needed to expedite the process and hire a new City Manager. She further stated that she felt the Commission had been left out in some of the decision making. She added that she had seen some e-mails floating around relating to direction as to where MGT should advertise. She felt such an e-mail should have gone to the Commission since they were supposed to be the policymaking group that was in charge of this project. She stated that the ad hoc committee had been asked as to where advertisements should be placed and suggestions were made. She stated that when no direction was received, the Project Manager chose the locations for the ads. She stated that the two locations that she felt they should have placed an ad were not used. She reiterated that if they were conducting a national search looking for the best possible candidate for the City, she thought that Monster.com should not have been the source that would have been used. She emphasized that Monster.com had been chosen over the New York Times.

Commissioner Hutchinson further stated that in reviewing the 140+ applicants, she stated that a good percentage from Monster.com had been looking for jobs that paid \$45,000 per year, and added that this position was not for such individuals. She questioned where ads had been placed, and why were they at this juncture to begin with. She stated that out of the 27 top picks, there were only about 3 that caught her attention. She stated she was, therefore, anxious to see the additional 25-30 applications that had been submitted. She emphasized that she wanted this process to move along, and did not have a problem with the Committee representing the community from having some input in the interviews. Commissioner Moore agreed.

Mayor Naugle reiterated that the City Manager did have the authority to place such an ad and make such decisions. He felt that monies spent on an advertisement to get a top candidate was better than making a \$5,000 donation to a cause which might not benefit the community. He stated that he did not have a problem with the monies having been spent, and felt it was "penny wise and pound foolish" to scrimp on the advertising for such a position.

Commissioner Teel stated that she felt from the beginning that they should be looking for individuals with business experience, as well as public sector experience and it was stated in the desired qualifications. She continued stating that she did not prefer one to the other, but felt they should have the advantage of having individuals with both types of experience. She agreed that they did not need to do this cheaply, and the fact that they only had a few candidates who met the minimum requirements was not good enough for her. She felt now that the ad was in the right place, they might be closer to finding qualified individuals. She stated that she was disappointed the process was taking as long as it was, but she wanted to take the time and do things right, rather than rush into it and be sorry down the road. She felt this was an important decision that had to be made, and believed that the ad hoc committee was doing a good job. She stated there might have been some missteps, but that would work out in the end. She felt they were on the "right road," and they would get to the end, but she did not want them to throw in the towel and just accept anyone with only the barest qualifications.

Commissioner Moore stated that they had shortened the fuse, and he had no problem with the Committee being a part of the process, but he did not see the need for them to continue playing such a significant role in the matter. He reiterated that the Committee had not asked for permission for certain things, and he believed the Commission needed to be more in the loop.

Commissioner Moore further stated that one of his greatest concerns had been when he read a newspaper article stating that they had narrowed the search down to 10 candidates, but that had never happened. Commissioner Hutchinson added that the Committee had not rated those individuals either. Commissioner Moore explained that he had received an e-mail from a potential candidate stating that their job was in jeopardy since they had been placed on a short-list for the position. The person stated they had not communicated the information to their present employer. Commissioner Moore emphasized that the Commission had not stated any information regarding any potential candidate. He stressed that was why they needed to be more involved in the process. He stated he had a problem with the extension of time that the Committee was recommending for the process, along with their elevated influence in the process. He stated that he felt no one should have such a great role in selecting the new manager without the Commission being involved in the interviews.

Commissioner Trantalis stated that the ad hoc committee was made up of very qualified individuals, and he agreed that they needed to act expeditiously. He commented that he did not know where they fell apart in the process, and it was unfair to everyone involved. He further stated that he was not going to sit and watch videotapes of 30 potential candidates. He stated that he was hearing that the Committee should not be doing the distilling process, and should go before the Commission. He stated that he did not have such time available, and that was why he thought the Committee had been created.

Commissioner Moore stated there was no particular guideline that anyone was following, but he wanted things to be clarified today as to what was going to be done. He stated that he did not see a need for video conferencing, but there were options available.

Commissioner Trantalis stated if Commissioner Moore was talking about taking the objective criteria that appeared on a resume, MGT could compile such information and then an ad hoc committee would not have been needed. Commissioner Moore stated that he had asked that question from the beginning. Commissioner Trantalis added that he felt the ad hoc committee was important because they took the objective criteria and then met with potential candidates for the position. He felt they were narrowing the field down for the Commission. He stated they needed to have a certain amount of trust in the individuals they had chosen, otherwise the process would get delayed for many months.

Commissioner Moore stated that if the majority of this Commission felt they wanted to use the ad hoc committee in that way, then so be it. He further stated that the timeline had been changed. He felt it was inappropriate to use the Committee in this way, but it was up to the majority to decide. He further stated that he wanted to shorten the process, and he did not want the Commission to adhere to the recommendation made by the Committee regarding a June 15th hire date.

Mayor Naugle stated that he felt they could shave off 15-30 days off the process by giving the recommendations from the Committee and using their advice. He remarked that he valued their advice. He added that he was going to review all the resumes that

had been submitted. He stated that if he felt the Committee had overlooked a candidate, he intended to bring that candidate forward for review by the Commission. He reiterated that they were an advisory board, and the ultimate decision was up to the Commission. He added that this was how the public would be involved in the process. He felt if they eliminated the video interviews and received recommendations from the Committee, then they could narrow down the process. He added that the background checks would then have to be done. He stated that in the past they also had the community meet the individuals that were being considered.

Commissioner Hutchinson stated that she agreed that time could be shaved off the process. She added that she had encouraged the formation of the ad hoc committee because MGT would have done it, but they did not know the City like the individuals sitting on that Committee. She stated that she relished their input, but believed time could be reduced. She felt their number one priority was to hire a City Manager. She agreed the Commission had been left out of the loop in regard to some of the discussions, and suggested that possibly they needed to attend their meetings, which she had done, but they needed to hire a City Manager. She felt if that meant the Committee needed to meet more often, then it should be done.

Commissioner Moore asked if 10-15 candidates could be submitted to the Commission before April 15, 2004. Mr. Curtis confirmed, and stated that the interviews had been the driving factor setting up a later timeline.

Mayor Naugle stated that those candidates would be run through background checks and processed, and then individuals would be chosen for final interviews.

Commissioner Moore stated that if that process would be used, he would be in agreement and this meeting could end as far as he was concerned. Mayor Naugle stated that he thought the background checks were to be run on the 5 or so finalists. He remarked that there were two levels of background checks that could be done. Commissioner Moore added there should also be a credential background check, a review of previous employers, and then a credit check. He suggested that possibly MGT could provide the guidelines for such background checks.

Mr. Kurfman explained the two levels of background checks were the reference checks, including previous employers and personal references, and the second review involved a criminal background check, along with a credit and educational check. He advised it was an extensive list that comprised about 6-7 levels of checks that would be done on an individual.

Commissioner Hutchinson asked how soon they could receive a copy of the additional 30 applications. Mr. Kurfman replied that they had about 215 resumes in total, and the balance could be provided to the Commission within the next 1-2 days. Mayor Naugle remarked that there would be additional applications on April 2, 2004.

Commissioner Moore thanked everyone for attending this meeting to address this issue.

Mr. Curtis clarified that the Committee's marching orders were that 15 applications or less would be presented on April 15, 2004 to the Commission. He asked Mr. Kurfman to send the additional resumes to the Committee also.

Commissioner Hutchinson reminded Mr. Kurfman to respond to her e-mail dated March 9, 2004. Mr. Kurfman confirmed.

Acting City Manager Contract Obligation

Mayor Naugle remarked that the Commission had copies of the agreement in their backup. He proceeded to thank the Acting City Manager for the wonderful work he had been doing, and added that he had a strong understanding of the operations of the City and had been a quick study. He added that he had provided the City with valuable input and he appreciated all the time that had been spent, along with the knowledge and expertise that was provided. He felt the City had benefited from all that knowledge tremendously.

Commissioner Hutchinson stated that they were nearing the end in regard to the hiring of a new City Manager. She stated that the Acting City Manager had stepped into "turbulent times," and she was not dissatisfied at this juncture. She remarked that he was not here forever, and only until a new manager was hired. She stated there was a cut-off date supplied, and if the Acting City Manager was willing to continue until such person was hired, then she had no objection. She felt another change would throw them into further havoc.

Commissioner Moore stated that he felt the Citizen of the Year for 2004 should be Alan Silva, Acting City Manager. He added that great amounts of time had been contributed to the City by him. He stated that Mr. Silva's volunteer position was due to end on April 7, 2004, and he wanted to make sure that he understood the selection process for the new Manager had been extended to at least April 15, 2004, and asked if he would continue in the same manner as he had done in the last 6 months to such date. The Acting City Manager confirmed. Commissioner Moore stated since he was willing to continue in the same manner, then if the selection process with the names of potential candidates came in by April 15, 2004 and an offer was made with such person supply a starting date, then he wanted to ask the Acting City Manager what the conditions might be for him to carry forward in such reign. He agreed they did not need to "change the horse in the middle of the race" because it would not be appropriate. He added that he appreciated all the work Mr. Silva had done. The Acting City Manager replied that he was present at the Commission's pleasure.

Commissioner Teel stated that she also wanted to thank Mr. Silva and felt that what he had accomplished in the last few months was extremely admirable. She stated that she did not know anyone else who could have stepped up and learned as quickly, even though he had been a good citizen and involved in the process several months before offering his services. She stated that the majority of the citizens also thanked him, and she heard many nice comments from the employees, as well. She felt they were going to be a better City for his efforts.

Mayor Naugle stated that originally there had been 24 layoffs, and the number now was down to 17 due to some individuals being hired back into the system.

Legislative Issue

Bud Bentley, Assistant City Manager, stated that he had distributed a summary which had been received from the American WaterWorks, which was also being supported by

the Florida League of Cities, which addressed House Bill 1217. He added that often with legislation, there were specific problems that certain individuals were attempting to resolve. He stated that a newspaper article attached to the information had speculated that this Bill was the result of a possible purchase of an electrical utility. He advised that the Bill applied state-wide and in essence provided that if a public utility purchased a private utility, then the taxes paid by the private utility would have to be paid by all customers. He stated that the American WaterWorks and the League of Cities were asking the City to oppose such Bill.

Motion made by Commissioner Moore and seconded by Commissioner Teel to oppose house Bill 1217. Commission unanimously approved.

There being no further business to come before the Commission, the meeting was adjourned at 2:18 p.m.