

**SPECIAL CALL CITY COUNCIL MINUTES
MONDAY, AUGUST 16, 2010 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Mayor Kevin Sawnick, present; Vice Mayor Sabin Abell, present; Councilmember Thomas White, excused absence; Councilmember Brian Heady, present; and Councilmember Ken Daige, present **Also Present:** City Manager, James Gabbard; City Attorney, Charles Vitunac and City Clerk, Tammy Vock

1. CALL TO ORDER

A) Roll Call

Mayor Sawnick called the meeting to order and the Clerk performed the roll call.

B) Pledge of Allegiance

Mayor Sawnick led Council and the audience in the Pledge of Allegiance to the flag.

2. ITEM FOR DISCUSSION

A) City Manager Search

Mayor Sawnick explained that he called today's Special Call meeting in order to get the process in place on how they want to go about searching for a new City Manager. He gave the Council a copy of four items on what he felt were important in performing the City Manager search (please see attached).

Mr. Heady asked does Mr. White have an excused absence.

Mrs. Tammy Vock, City Clerk, answered yes.

Mr. Heady said that when he received notice of today's meeting there was not any backup material provided. Since then, he received a note from Councilmember Daige asking where the money would come from to finance the City Manager search and a response from Mr. Steve Maillet, Finance Director, (on file in the City Clerk's office). He asked is this all the backup material for today's meeting.

Mrs. Vock said that Mr. Heady should also have information on the Range Rider Program.

Mr. Heady said that he does have that information.

Mayor Sawnick said the first item on his list was to hire a search firm or do an in-house search. He suggested that they look in-house first, working with the Florida League of Cities, and if they do not find qualified candidates then they could use a search firm. He noted that they could look not only statewide, but also nationally.

Mr. Daige said that he spoke with Mr. Robert Anderson, Human Resources Director, and he asked him about hiring from within. He reported that Mr. Anderson explained to him the benefits of hiring a search firm. He asked Mr. Anderson to explain to Council what the benefits are.

Mr. Anderson gave Council information that he put together late on Friday (on file in the City Clerk's office). He noted that whether the Council chooses to hire a search firm or have the City conduct a search internally was a matter of preference. The big advantage of hiring a search firm is that they are specialists and a lot of them have contacts where they know who are looking for jobs. Another advantage is that they may know passive candidates, who might not normally send in an application, but if they are contacted they might be interested in applying. The disadvantage of hiring a search firm is that it will cost more.

Mr. Daige said another advantage with a professional search firm is that they could sift through the applications. He felt that it would behoove the Council to start the process now using a search firm. He said that it was his understanding that it could take up to 10 weeks plus. He felt that it was in the best interest of the City economically to hire a search firm. He said that the search firm would narrow the applicants down to the best qualified candidates. Then Council could interview those candidates in public. He said that he would like to add some qualifications for a City Manager to the Job Description (on file in the City Clerk's office). He said that they need to think about the future of this City as there are a number of Enterprise Funds that the City Manager is responsible for. He said there are a lot of details that would need to be worked out regarding the sale of the utility system, if that is the way that it goes. He did not want this process to be dragged out for months on end. In looking at the City's department heads, he did not feel they have the experience that a City Manager has. He noted that he was referring to a "school trained" City Manager. He felt that they would be wasting a lot of time if they do not go with hiring a search firm. In looking back five years ago, the City was under a lot of turmoil when they hired Mr. Gabbard as the City Manager. There were reasons that Mr. Gabbard was put in that position and he has done his job as he should. He felt now it was time for them to move forward and he did not want to delay the process.

Mr. Heady said there were four Department Heads in attendance today that probably have the ability to handle the job. He said that Mr. Daige stated that the City's department heads do not have the schooling, but he (Mr. Heady) felt that ability was more important to him than pedigrees. He said the resignation of the City Manager comes at a time that is unique in the City's history because there are four Council seats up this November and they could possibly have an entire new Council. He was not sure if this was the time to make lasting decisions. He felt that the hiring of a search firm should not be the first step. They should not always look to increasing the tax burden. The in-house search was something that would be more cost effective for the City. He felt that they needed to proceed cautiously and with an eye on November. He did not think that this Council should be appointing someone who is going to be with the City long after this Council. He felt that they needed to put the brakes on a little.

Mr. Abell stated that the last time (five years ago) the hiring of a search firm took two months and it was six months beyond that before the new City Manager was in place. He felt that they should hire a search firm.

Mayor Sawnick agreed with Mr. Heady. He said that hiring a search firm now is important. He referred to the School Board who are in the process of using a search firm now for a position to be filled after the November election. He felt that it would not be fair to the new City Manager to have him seated a few weeks prior to a Council election with possibly new members on the Council. He felt that it was important to start the search now, but not to make a decision until after the November election. He said that Council needed to decide today on whether they wanted to use a search firm right away or begin in-house.

Mr. Heady agreed that starting the search now is prudent. But, he also felt that they needed to be cautious with the money they spend.

Mr. Heady made a motion that they start with an in-house search before spending taxpayer's money on an outside firm. Mayor Sawnick seconded the motion.

Mayor Sawnick felt that the City had several employees who were skilled and have the ability to step up as Interim City Manager.

Mr. Daige felt that it would be better for the City to go with hiring a professional search firm. He said the purpose of hiring a professional search firm is because they are in the business. One of the firms that Mr. Anderson recommended is Florida based. He noted that he would ask the search firm that while they are looking for a City Manager, that the Council would prefer someone from Florida. Being involved with City government for a number of years and in speaking with Professional Managers who are school trained and with other elected officials, when searching for a City Manager, it does behoove the City to hire a professional search firm. It will save money in the long run. It is prudent that they move forward with a professional search firm. They don't know if there will be different Councilmembers (after the November election), but they need to start the process now. He said at this time Mr. John Lee is serving as Acting Electric Utilities Director and he (Mr. Daige) did not feel that they needed to keep moving Department Heads to interim positions. They need to leave their Department Heads in their departments. He said that he would not support doing a search in-house.

Mr. Abell did not have anything further to add.

Mr. Heady said the Human Resource Director supplied in the backup material a listing of the job descriptions and responsibilities. In an editorial of the 32963 Newspaper, they listed things that Council should look at and things to avoid. He felt that it was important for them to have all of the information out there. Rather than reading the list from 32963, he asked that the editorial be included as part of today's minutes (please see attached).

Mr. Daige wanted it on record that 32963 is an Island side publication and the paper has been very negative towards the way they (City Council) do business at City Hall. Most of the items listed in their editorial were warnings to the City Council not to hire a City Manager. He felt that it was their duty as elected officials to keep the process rolling. The City's Charter has three Charter Officers, which are the City Manager, the City Attorney, and the City Clerk. It is the Council's duty to make sure those positions are there. He felt that for a smooth transition, they need to get the process rolling.

The motion failed 2-2 with Mr. Abell and Mr. Daige voting no.

Mayor Sawnick made a motion to hire a search firm for the search of a new City Manager. Mr. Daige seconded the motion and it passed 3-1 with Mr. Heady voting no.

Mayor Sawnick asked Mr. Anderson to bring a list of search firms to their first meeting in September and at that meeting Council could decide which firm to use. He asked Mr. Anderson for his suggestion on the process of selecting a search firm.

Mr. Anderson reported that Colin Baenziger and Associates quoted \$21,500 including expenses; Slavin Management Consultants quoted \$13,900 plus up to \$6,900 and The Mercer Group, which they used for their last City Manager search, quoted \$14,000 and up to \$6,000 in expenses. He noted that the pricing

was all about the same. He felt that if Council did not want to take two months to select a search firm, they should contact Mr. John O'Brien, Purchasing Director, and have him put out a RFQ.

Mayor Sawnick felt that it was important for the Council to have a list of search firms to choose from.

Mr. Daige asked which firms mentioned by Mr. Anderson were Florida based.

Mr. Anderson answered Colin Baenziger and Associates were Florida based. He noted that the Mercer Group was Georgia based, but he thought that they had a Florida office that performed the last City Manager search.

Mayor Sawnick asked that they put a list of search firms on their September City Council agenda under City Manager's Matters and Council could select the firm at that time.

Mr. Anderson said that he would like to have each firms' fees, expenses and projected time line.

Mayor Sawnick said in that case an RFQ might be the best way to go.

Council agreed to send out a RFQ and then to have the information brought back to them at a future meeting.

Mayor Sawnick referred to the draft of the City Manager profile (attached to the original minutes). He asked Mr. Anderson if Council should address the concerns that they would like included in the draft now or would that be something that the search firm would take care of.

Mr. Anderson explained that this was a draft advertisement. He felt that most search firms would probably want to have interaction with the Council to get their direction on what kind of candidate they are looking for. The easiest way to do that would be for each Councilmember to pick their top five priorities they want in the City Manager and then they could go over their lists in a meeting. He felt that they would want someone with utility and hurricane experience. He explained that Council would need to give those type of guidelines to whoever is doing the City Manager search so they would be able to make their evaluations based on what the Council wants. The only concern with this is that there could be a new Council in November whose desires might be different.

Mayor Sawnick asked each Councilmember to think about their top five qualifications that they would like in the new City Manager.

Mr. Daige did not see a problem with putting in writing for their next meeting what they want to see in their City Manager. He liked all the items that Mr. Anderson listed in the draft advertisement. He noted that he had a few other items that he would like listed and he would put them in writing. He said as they move forward in this process, he felt that they needed to consider doing evaluations on all the Charter Officers. He felt that the new City Manager should be aware that he will be evaluated.

Mayor Sawnick explained that the selection of the new City Manager would not be made prior to Mr. Gabbard's retirement. He felt that Council should make a decision in the next few weeks on who would be the Interim City Manager during the time of Mr. Gabbard's retirement and when the new City Manager is selected. He said that he spoke with a few people who were interested in this position.

Mr. Daige asked if they would be looking at using the Range Rider Program.

Mayor Sawnick felt that they should appoint the Interim City Manager from the City's current Department Heads.

Mr. Daige felt that they should look at using the Range Rider Program. If Council needs to discuss this at their next Council meeting then they should so that there will be a smooth transition when Mr. Gabbard retires. He felt that it was very important that they leave the Department Heads in place to do their jobs in their field of expertise. He noted that the Range Rider Program was highly recommended.

Mr. Abell said their last City Manager search took six months and he did not think that they were looking to hire and relocate someone for six months. He was strongly in favor of having a Department Head take the Interim position on October 15, 2010. He noted that there would not be a lot of learning necessary because they know how the City operates.

Mr. Daige said the Range Rider Program offers free assistance. His concern is that they would need to fill the position of the Department Head who has been pulled to fill the Interim City Manager position.

Mr. Heady asked if there was a Department Head in attendance today who, if Council asked them to step up, thinks that they would not be able to do their current job and fill in as Interim City Manager. He noted that none of the Department Heads present for today's meeting raised their hand.

Mayor Sawnick said that he would research the Range Rider Program over the next few weeks.

Mr. Rusty Bragg asked what are the education qualifications.

Mayor Sawnick answered a Bachelors' Degree and a preferred Master's Degree in public administration, finance, etc.

Mr. Bragg asked what is the salary.

Mayor Sawnick explained that the salary would have to be negotiated with the applicant.

Mr. Heady noted that attached to the draft advertisement there is a list of Florida cities and the average salaries listed range from \$13,000 to \$214,000.

Mr. Jack Schupe said that he was sorry to see Mr. Gabbard retiring. He felt that Mr. Gabbard has been a good City Manager. He did not like the phrase "school trained." He noted that this community is full of people who are more than qualified to take this job. He asked that they stop using the term "in-house" and use the term "in City." To limit this to managers in-house was not the way to go. He felt that they needed to be careful about leadership and using the term school trained. He said that leaders are born, not trained.

Mr. Heady explained that when they talked about hiring a search firm or doing an in-house search, it was his understanding that this meant they were going to use the people within the City to conduct the search. The search was not limited to City employees, but rather use those people to conduct the search and they could include residents of the City and or County.

Mr. Schupe referred to remarks made by Tom White five years ago. He said that Mr. White had stated that he felt the City Manager should be a City resident. Mr. Schupe agreed that a City Manager should live within the City limits. He explained that they do not have to be a City resident at the time they are sworn in, but should be within one year.

Mr. Daige agreed.

Mayor Sawnick made a motion to adjourn today's meeting at 10:10 a.m. Mr. Daige seconded the motion and it passed unanimously.

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