

1 **MINUTES OF THE WORKSHOP MEETING OF THE ORANGE CITY COUNCIL**, held on
2 Thursday, January 7, 2010 at 4:30 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3
4 **CALL TO ORDER**

5
6 The Meeting was called to order at 4:30 p.m. by Mayor Strickland and roll call was taken.

7
8 **ROLL CALL**

9
10 **PRESENT:** Mayor Harley Strickland; Vice Mayor Tom Laputka; Council Members; Jeff Allebach,
11 Tom Abraham, Anthony Pupello, Gary A. Blair, William Crippen; City Attorney
12 William Reischmann; Interim City Manager Chester Murray, City Clerk Deborah
13 Renner

14
15 Mr. Reischmann noted that tonight's meeting is a workshop, therefore, no action can be taken. He
16 advised that citizen participation at a workshop is allowed at the discretion of the Mayor.

17
18 1. Review Contract with Baenziger and Associates (Colin Baenziger)

19
20 Mr. Baenziger came forward and advised that 150 resumes were received in response to the
21 solicitation published by his firm. He said that this may be the highest response ever received for a
22 City Manager search. Mr. Baenziger noted that many of the managers had a lot of experience and
23 many were from Florida. He advised that his challenge will be to decide which candidates to bring
24 forth. He said that he would try to choose eight to twelve people representing a wide diversity. Mr.
25 Baenziger distributed a list of all of the applicants. He advised that in reducing the list, he would give
26 "a bit of a preference" to those individuals having Florida experience, however, it would not be the
27 deciding factor.

28
29 Mr. Baenziger said that the next step in the process is to cull the list to a "manageable number." He
30 discussed the background checks which would be done during this process. He stated that they would
31 check at least eight references, criminal, civil and records checks, a credit check and driver's license
32 records. In addition, education and past employment would be verified and a search of internet
33 archives from newspapers would be conducted.

34
35 In response to a question from Mayor Strickland, Mr. Baenziger said that a lot of background
36 information came out of the interviews with current and former council members which he conducted
37 at the beginning of the search. He said that it appears everyone is largely in agreement on the type of
38 person desired for a manager. Areas where there appeared to be a bit of variation were salary,
39 education and feelings toward the last manager. He said that overall, there seemed to be overall
40 agreement that the last manager had done a good job of putting the City in a strong financial position.

41
42 Council Member Crippen asked Mr. Baenziger to explain why he felt there was such a good response
43 to the solicitation. Mr. Baenziger said that he was "very comfortable" in telling people that the
44 Council appears to work very well together, which he said was "rare." He also attributed the large
45 response in part to the economy. Mr. Baenziger said that the next step would be for Council to
46 review the top eight to twelve candidates (as recommended by him) and cull that list to five who

1 would be invited for interviews. After the interviews, a reception will be held so that the candidates
2 can meet with Council and members of the public.

3
4 Council Member Laputka asked how Council would provide their input on the top five to Mr.
5 Baenziger. Mr. Baenziger said that Council Members should let him know, and if he agrees, he will
6 include them in the interviews.

7
8 Mayor Strickland suggested that the first cut should include the top ten percent or up to fifteen
9 individuals. Mr. Baenziger advised that the background information on each candidate could include
10 between twenty and eighty pages.

11
12 Council Member Crippen said that he would like to know how large the cities that were managed by
13 each of the candidates were. Mr. Baenziger said that would be included in the resumes where
14 applicable. He said that he would do “a broad brush culling” and if Council had other candidates they
15 wanted looked at they could let him know.

16
17 Council Member Abraham asked Mr. Baenziger whether he was going to rank the candidates in the
18 first cut. Mr. Baenziger responded that his normal procedure at this stage is to provide the background
19 information and then meet individually with each Council Member. At that time, he will share his
20 thoughts on the candidates if desired. Mr. Baenziger said that it is easy to separate the candidates into
21 an “A” group and a “B” group, but ranking beyond that is difficult. Council Member Abraham
22 questioned what would happen if the person who is the first choice declines the position. Mr.
23 Baenziger responded that normally, Council will interview the five candidates of their choice and then
24 rank each of those. If the top candidate does not want the position, then, normally, it is offered to the
25 second choice.

26
27 Mr. Baenziger assured Council that all of the finalists recommended will be well-qualified. He
28 suggested that Council use any approach they are comfortable with to do the final ranking. He said
29 that a reception would be held followed by one on one interviews. This will be followed by an
30 interview with the entire Council in a public meeting. Mr. Baenziger recommended that the final
31 decision be made a few days after the interviews are held.

32
33 Mr. Baenziger advised that his firm has had a great deal of experience in contract negotiation and that
34 they would be very willing to assist with that effort. He said that they prefer that a Council Member
35 and the City Attorney do the actual negotiation.

36
37 2. Confirm Schedule (Baenziger & Council)

38
39 Mr. Baenziger advised that all contractual obligations in Phase 1 of the search have been completed.
40 He said that the screening is underway. Details on the eight to twelve final candidates will be
41 forwarded to Council on February 1st. He requested to meet with Council individually on February
42 8th to review the information. The top five candidates will be selected at the Council meeting on
43 February 9th. He explained that he would provide Council with a ballot listing the top twelve
44 candidates and ask them to select the five they would like to interview. Mr. Baenziger said that there
45 is usually consensus on the top candidates while those in the middle require a bit of discussion. He
46 said that a reception is scheduled for the 19th along with a tour of the City and an opportunity to meet

1 staff.

2

3 Mr. Baenziger expressed his belief that the successful candidate will be able to establish a “personal
4 chemistry” with the Council Members. He assured Council that all of the top candidates will be well
5 qualified and capable of doing the job. The issue will be finding a good personality match.

6

7 In response to a question from Council Member Crippen, Mr. Baenziger said that during his screening
8 process, each candidate interviewed by phone will be asked the same series of questions. Council
9 Member Crippen requested a copy of the questions. Mr. Baenziger indicated that he would provide
10 the list.

11

12 Mr. Baenziger said that a ballot would be distributed with the names of the top five candidates and
13 Council will be asked to select their top two choices, followed by a final ballot if necessary to select
14 the top candidate. He noted that there would be opportunity for discussion. He said that the process
15 generally takes about 15-20 minutes.

16

17 Mayor Strickland asked when it would be appropriate to discuss reimbursement for interview and
18 moving expenses. Mr. Baenziger said that while it is not always done, it is customary for the City to
19 pay interview expenses. He said that it is normally recommended that expenses be paid for a spouse
20 as well with out of state candidates. Usual interview expenses are about \$800 to \$1,000.

21

22 Council Member Allebach noted that he would not be in town from the 20th to 28th of February. Mr.
23 Baenziger stressed that it is important that all Council Members be part of the process. Discussion on
24 alternate dates ensued.

25

26 While waiting for Council Member Allebach to check his schedule, Mayor Strickland asked how
27 Council wished to go about negotiating the contract with the new Manager. Council Member Blair
28 said that the City Attorney should handle the negotiations. Mayor Strickland said that he had asked
29 the City Clerk to get contracts from other cities in the area and has talked with several other cities as
30 well. Council Member Allebach advised that it is typical for the Mayor and City Attorney to handle
31 these types of matters.

32

33 **It was the consensus of Council that Mayor Strickland and Mr.**
34 **Reischmann negotiate the contract with the new Manager.**

35

36 Council Member Allebach said that he leaves town at 2:00 p.m. on the 20th, therefore, he would be
37 available if the interviews were held in the morning on that day.

38

39 **It was the consensus of Council to hold the individual interviews on**
40 **February 20th in the morning. A special meeting will be held on**
41 **March 1st at 7:00 p.m. to select the new City Manager.**

42

43 3. Role of Citizen Input to Council (Council)

44

45 Mayor Strickland suggested that citizens could be invited to participate in the reception to be held on
46 February 19th and to then provide feedback to Council prior to the decision being made. Council

1 Member Crippen expressed that he would like the citizens to be more involved in reviewing the top
2 twelve recommendations by Mr. Baenziger. Mayor Strickland said that he was planning to solicit
3 input from individuals. Council Member Crippen suggested that the citizens should be encouraged to
4 read through the information on the top twelve. Mayor Strickland suggested that the members of the
5 water committee, planning commission and business owners group be encouraged to view them in the
6 City Clerk's office. Council Member Allebach suggested that the information be made available on a
7 CD in order to save paper.

8

9 Mr. Baenziger said that each Council Member would receive a copy of the final information and that a
10 couple of extra copies would also be included for public review. He said that he has all the
11 information available in electronic form. Council Member Blair suggested that the information be
12 made available via a link from the website.

13

14 Mayor Strickland asked for comments from those present in the audience.

15

16 Al Blue, 447 N. Oak, came forward and spoke in support of having the information on the website.
17 He questioned how the information on the applicants was verified. Mr. Blue suggested that a person's
18 home was "indicative of how he lives." He said that a well maintained home was a reflection on how
19 he will think about his position within the City.

20

21 Mr. Baenziger said that his firm verifies educational claims made by the candidates as well as
22 employment for the past fifteen years. Council Member Blair noted that falsifications do happen.

23

24 Hugh Strickland, 420 May St., came forward and reiterated that copies would be available in the City
25 Clerk's office for review. He said that the background information on the top twelve candidates
26 would be sent to the Clerk on February 1st. The top five candidates will be selected on February 9th
27 which gives eight days for review. The decision will not be made until March 1st.

28

29 Mr. Durica asked that the final candidate be encouraged to become a resident of the City. Mr.
30 Reischmann read from the Charter provision regarding this matter noting that some flexibility is
31 afforded. He advised that this could be negotiated during the contract talks.

32

33 Mr. Baenziger advised that he could also send the information regarding the candidates directly to
34 interested citizens upon request. He suggested that Council agree on a general direction regarding
35 residency requirements for the Manager.

36

37 4. Update on Applicants/Process for Council Selection (Baenziger/Council)

38

39 (Covered previously during the agenda)

40

41 5. Contract Negotiation Process (B. Reischmann)

42

43 Mr. Reischmann said that he had reviewed the advertisement for City Manager and he offered the
44 following observations: There is a range in the compensation from \$80,000 to \$120,000. He advised
45 that since this salary range has been published in the ad, it has been considered by the responsive
46 candidates. He observed that benefits appear to be fairly standard in contracts that he has reviewed,

1 but that there were some decisions that Council would need to make.

2

3 Mr. Reischmann noted that Mr. Baenziger's contract contains an offer to work with the Council to
4 develop and negotiate a "fair and reasonable" contract. He asked Council to advise as to the extent of
5 involvement in the negotiations that they wanted from Mr. Baenziger. Council Member Blair and
6 Mayor Strickland stated they would like Mr. Baenziger to be involved "as needed." Council Member
7 Allebach reiterated his support for having the Mayor and City Manager negotiate the contract with the
8 selected City Manager candidate. Mr. Reischmann said that his role would be to ensure that the
9 contract meets the requirements of the Charter and Code.

10

11 Mr. Reischmann highlighted specific areas of the contract that may be of particular importance. The
12 first issue is salary and benefits. He assured Council that the salary negotiated will be as fair to the
13 City as possible. He noted that the background of the individual selected will influence the negotiated
14 salary. Mr. Reischmann discussed a number of issues that may arise during negotiations such as car
15 allowance and the provision of a cell phone. Another issue will be a provision for transition, advising
16 that such a provision is included in Mr. Murray's contract, however, his situation is rather unique. He
17 stated, "I don't know that we need that kind of language, but I at least wanted to bring it up should you
18 wish to give direction to the Mayor or to me this evening on that issue." Mr. Murray stated that this
19 would probably only be appropriate in the event that the City Manager resigned. He suggested that a
20 sixty-day notice requirement be included in the event the Manager resigned.

21

22 Mr. Reischmann cautioned that severance would likely be an issue that will be addressed during
23 negotiations. He noted that severance provisions were the "rule" in such contracts. Council Member
24 Blair suggested a three month severance. Mr. Baenziger advised that during all contract negotiations
25 he has been involved in, there was one that did not include severance. He said that the standard
26 appears to be six months, stating, "I don't recommend more than six months, but I've very seldom
27 seen anything less." Council Member Allebach noted the length of time involved in the hiring process
28 for a Manager. He engaged in a discussion with Council Member Blair regarding the merits of
29 severance pay.

30

31 Council Member Pupello read from a newspaper article about the severance package recently
32 negotiated in New Smyrna Beach. He noted that it is progressive, beginning with two months and
33 increasing with each year of service to a maximum of six months. He said that he would be more
34 comfortable with this type of arrangement rather than beginning with six months. Mr. Reischmann
35 said that this type of provision is becoming more common in Manager contracts. Mayor Strickland
36 noted that "golden parachutes" have gotten a really bad reputation. He said that he understood both
37 sides of the issue, suggesting that there must be "a balance." He said that he hoped to negotiate "an
38 overall package that is fair to the City, but also says that we want some stability." He noted that there
39 must be "some pain on both sides" in the event of a termination. Council Member Blair cautioned
40 against being "too generous to where it looks good for them to be fired and do a poor job." He noted
41 that other employees do not enjoy such a benefit. Mayor Strickland noted that the other employees
42 have other protections in the Personnel Policies which do not apply to the Manager.

43

44 Mr. Reischmann noted that many factors must be considered when determining the true cost of
45 compensation. Mayor Strickland noted that Holly Hill is paying \$124,000 plus benefits, while
46 DeLand pays less than \$117,000 base salary. Council Member Crippen observed that when he was a

1 state employee, the value of the benefit package was 41%. Mr. Reischmann noted that many of these
2 issues must be negotiated on an individual basis with the selected candidate.

3
4 Mr. Reischmann requested that the residency requirement be discussed. He cited a number of unique
5 circumstances that could influence this requirement. Council Member Allebach said that his
6 preference is for the Manager to live in the City. He acknowledged that it may be difficult for the
7 Manager to find a home that is suitable to his lifestyle, but expressed his optimism that he could find
8 something in a reasonable period of time.

9
10 **It was the consensus of Council that their preference is for the Manager to**
11 **move into the City within a reasonable time.**

12
13 Mr. Reischmann suggested that it is important to let the final candidates know sooner than later about
14 this requirement as it could influence their decision to proceed. He noted that it is a big decision
15 which will influence their entire family.

16
17 Mr. Baenziger suggested an additional opportunity for citizen involvement by allowing them to submit
18 questions to the Council which can then be explored with the candidates.

19
20 In response to a request for input from Mr. Reischmann regarding term of the contract, Mr. Murray
21 suggested that it is better not to include a term.

22
23 In response to a question from the audience as to whether a “probationary” period was included in the
24 contract, Council Member Allebach responded, “They’re all probationary because four votes and
25 they’re gone.” Mayor Strickland expressed his opposition to a probationary period.

26
27 Linda Kownacki, 414 May Street, came forward and said that the citizens would appreciate it if the
28 Manager “earned” his/her compensation. She urged Council not to automatically provide
29 compensation.

30
31 **3. Adjourn**

32
33 There being no further business, the meeting was adjourned at 6:08 p.m.

34
35 Respectfully Submitted

Approved on

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Deborah J. Renner, CMC, City Clerk

February 09, 2010

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