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TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL MEETING

MINUTES

Jarvis Hall

4505 Ocean Drive

Tuesday, April 20, 2010

5:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotney, Commissioner Chris Vincent, Commissioner Scot Sasser, Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Roseann Minnet stated that public comments were not mandatory at public meetings and therefore there would be no input from the public. Attorney Trevarthen agreed that public comments were not required by law for a meeting of this type.

Mayor Minnet explained that the Town entered into contract with Town Manager Esther Colon. She asked whether the Town had the right to terminate the Town Manager. Attorney Trevarthen said they did and explained that Section 5 of contract addressed that. She added that the Commission did not need a reason to terminate the Town Manager.

Vice Mayor Dodd made a motion to terminate Manager Colon immediately and in accordance with the agreement and honor the terms of the contract.

Commissioner Sasser asked whether the termination was effective immediately or would there be notice.

Vice Mayor Dodd stated that his motion was to terminate the contract immediately. Commissioner Sasser seconded the motion.

Commissioner Vincent requested the Commission address housekeeping and inquired of the proper procedure as far as personal Town issued belongings.

Attorney Trevarthen advised that the Commission could give direction and the details would be taken care of. She explained she could also coordinate the

return of any Town property and the return of personal property to the Town Manager. Mayor Minnet clarified that if the motion carried, those details could be discussed afterwards.

Commissioner Clotley stated she was on the dais a little over 2 years and at first she did not agree with the way the Town Manager handled some things. She added that she learned to discuss things with the Town Manager and found she had a better understanding of the way things worked. Commissioner Clotley pointed out that the Town Manager had experience with BSO, and that she would rather have a knowledgeable person to help with the negotiations than just a "yes" person. Commissioner Clotley thanked Manager Colon for always looking out for the Town taxpayers and was sorry to see her go.

The motion carried 4-1. Commissioner Clotley voted no.

Manager Colon asked for confirmation that the verbiage "in accordance to the contract" meant the entire contract would be honored. Attorney Trevarthen stated that in accordance with the terms of the contract, this action followed under section 5 and all of its subsections.

Manager Colon said all Town issued property in her possession was ready to be turned over to the Town Clerk. She thanked the Commission and the Community for allowing her to serve.

Mayor Minnet requested another special meeting to appoint an Interim Town Manager. She asked if anyone had any recommendations of who they would like to appoint to the position until an official Interim Town Manager was appointed.

Commissioner Sasser questioned whether there would be a special meeting to pick an Interim Town Manager or whether the Commission could pick one today. Attorney Trevarthen stated there should always be someone to take fill the role of the Town Manager. Mayor Minnet recommended holding a special meeting to choose an Interim Town Manager.

Commissioner Sasser asked for clarification of which position the Commission was selecting tonight. Mayor Minnet clarified the person being selected tonight would hold the position of Interim Town Manager until an official Interim Town Manager was selected.

Commissioner Sasser stated that he was contacted by someone who was willing to help during the interim and help with the search during the first 48 hours. Commissioner Sasser requested the Commission wait until Monday.

Commissioner Vincent stated that anyone recommended to be the Interim Town Manager would have to accept the position. He wanted to know what would happen if the Commission could not find someone to fill the position. Mayor

Minnet said they would still have an Interim Town Manager until that person was selected.

Vice Mayor Dodd asked Assistant Town Manager John Olinzock if he would stand in during that interim period.

Assistant Town Manager Olinzock said he would be open to negotiate an interim agreement and inquired of his responsibilities.

Attorney Trevarthen explained that the acting Town Managers responsibilities would be the same as the Town Manager responsibilities as written in the Charter. He would act in the same manner in which he did in the absence of the Town Manager. Vice Mayor Dodd asked Assistant Town Manager Olinzock if he was prepared to be the Acting Town Manager until the Commission appointed an Interim Town Manager, probably for 1 week. Assistant Town Manager Olinzock accepted.

Vice Mayor Dodd made a motion to appoint Assistant Town Manager John Olinzock as the Interim Town Manager until a new Interim Town Manager was appointed.

Commissioner Vincent asked whether it was standard procedure to acknowledge the appointment with someone already on staff than someone not on staff. Attorney Trevarthen stated it was frequently seen among other cities. Commissioner Vincent asked that in the event the Town had not had a Town Manager what the standard would be. Attorney Trevarthen stated that someone would need to be designated and that it was not uncommon for Assistant Town Managers or Department Heads to fill the vacancy until someone new was appointed.

Commissioner Sasser offered a friendly amendment to restrict the Assistant Town Manager from making any personnel decisions.

Attorney Brett Schneider stated there were no current plans for salary adjustments. He said he would want the Commission to comply with Charter provisions and not overstep their boundaries. Attorney Schneider added that it would be appropriate to give direction to not make changes in that short period of time.

Commissioner Clotey recommended having Range Ryders conduct the review for the selection of a new Interim Town Manager. She suggested one of the Commissioners contact the organization and request their expertise.

Mayor Minnet clarified the motion was to appoint Assistant Town Manager Olinzock to the Interim Town Manager until a new Interim could be appointed, and no salary or personnel adjustments would be made within this time. Attorney

Trevarthen suggested the motion be to appoint Assistant Town Manager Olinzock to the position. She recommended the additional information be given as direction if and when the motion carried.

Commissioner Sasser asked whether the motion would allow Assistant Town Manager Olinzock to be considered for the Interim Town Manager position at the next special meeting. He felt it would be fair to allow his application to be considered with the others. Attorney Trevarthen stated that the maker of the motion and the person that seconded the motion must clarify their intent. Vice Mayor Dodd and Commissioner Sasser agreed that Assistant Town Manager Olinzock's application would be considered with the others at the next special meeting.

Attorney Trevarthen clarified that the motion was to appoint Assistant Town Manager John Olinzock as the Interim Town Manager until such time as the Commission appointed another person to serve as the Interim Town Manager.

The motion carried 5-0.

Commissioner Sasser made a motion to schedule a Special Meeting on Monday, April 26, 2010 at 5:00 p.m. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

Attorney Trevarthen stated that at this time the Commission could give direction to Interim Town Manager Olinzock.

Vice Mayor Dodd asked that Interim Town Manager Olinzock thank staff for all their efforts and to assure everyone that this was just business of the dais and that the Commission appreciated staff's hard work. He stated he would like all of staff to stay employed with the Town.

Commissioner Clotley congratulated Interim Town Manager Olinzock and asked that he inform the proper agencies that Esther Colon was no longer the Town Manager. Interim Town Manager Olinzock agreed.

Commissioner Sasser asked Interim Town Manager Olinzock whether he was prepared to take over the CIP workshop on Monday, April 26, 2010 at 7:00 p.m. Interim Town Manager Olinzock said he was.

Mayor Minnet also thanked Interim Town Manager Olinzock.

Commissioner Sasser asked what the process was to submit applications for the Interim Town Manager position. Mayor Minnet said she would like to invite the Range Ryders as suggested by Commissioner Clotley. She believed it was also important to reach out to the community to see who would be interested in the position.

Vice Mayor Dodd stated he received an application from Colonel Edward Werder and handed it to Clerk White. Mayor Minnet suggested that applications should be turned into the Town Clerk's Office by noon Friday, April 23, 2010 and copies placed into the Commissioners mail boxes that Friday afternoon before closing.

3. DISCUSSION and/or ACTION

a. Town Manager Contract

4. ADJOURNMENT

Vice Mayor Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 5:43 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

Date