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TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

WORKSHOP MEETING

MINUTES

Jarvis Hall

4501 Ocean Drive

Monday, October 12, 2009

4:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 4:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Kathy O'Brien, Human Resource and Risk Manager.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS OF DISCUSSION REGARDING TOWN MANAGER REVIEW PROCESS:

a. Presenter - Florida League of Cities, Range Rider

Richard Simmons said he had 40 years of experience in Florida Government and was a City Manager for over 35 years for the City of West Palm Beach. He explained that the Range Riders were volunteers sponsored by the Florida City and County Management Association and the International City/County Management Association. Mr. Simmons did not feel it was wise to wait a year to express dissatisfaction with the way things were going. He believed that regular meetings, on a one-to-one basis to discuss certain issues were best.

Mr. Simmons suggested the interviewer write down their thoughts rather than check a number on the evaluation form. He believed there was flexibility within the Charter as to how to conduct a Town Manager review. Mr. Simmons believed a contract renewal was a form of review for the Town Manager. He explained it was difficult to conduct a review in public and expressed that he was impressed with the Town Manager and the Town.

b. Presenter and Town Commission

Commissioner Silverstone explained that the Commission / Elected Officials were politically motivated and the Town Manager was bound by the ICMA Code of Ethics

which stated that every member shall refrain from all political activities. He said it was the Commission's responsibility to keep the politics out of the Town Manager's position.

Vice Mayor McIntee asked Mr. Simmons if he evaluated the job that the Town Manager did. Mr. Simmons said he did not and would not openly evaluate the Town Manager. Vice Mayor McIntee inquired of a 5-0 vote of confidence previously done on the Town Manager. Mr. Simmons stated that the Charter did not require a vote of confidence. He believed a vote of confidence was the same as a review and stated that a 5-0 vote meant the Town Manager did something right.

Commissioner Dodd asked whether Mr. Simmons ever wrote that he resented interference from a Commissioner. Mr. Simmons said he never wrote it but brought it up at a public meeting. Commissioner Dodd asked whether Mr. Simmons would conduct a Town Wide survey without consulting the Commission first. Mr. Simmons said he would get feedback from the Commission and the proper feedback from the community. Commissioner Dodd asked if Mr. Simmons would dismiss the Chief of Police if he had the authority to do so without reference to the Commission. Mr. Simmons stated that he fired a Police Chief without reference to the Commission as it was his responsibility and right to do so. Commissioner Dodd asked whether Mr. Simmons proposed an RFP for an Auditor, and one of the Commissioners asked how soon the RFP would go out, would Mr. Simmons respond by saying "soon" or supply more information. Mr. Simmons stated that he would give a specific date as to when the Auditor would start. Commissioner Dodd stated he was waiting for an analysis on an RFP and had not yet received it. Mr. Simmons said he would go over the bids, make a recommendation, and explain why he chose to recommend that firm. He congratulated the Town for having a Town Manager that was open to allowing him to come in and give his presentation.

Commissioner Clotey clarified that she had not previously met with or discussed any issues with Mr. Simmons. Mr. Simmons admired Commissioner Clotey as she was unbiased and requested his guidance on the best way to do a performance evaluation that would comply with the Charter requirements.

c. Public Comments

Vice Mayor McIntee requested a Point of Order for informational purposes. Mayor Minnet granted the request. He referred the law that guaranteed free speech which states "as long as the oral or written statements were truthful, derived from fact, and not intended to be malicious."

Chris Vincent, Cindy Geesey, Mark Brown, John Oughton, Cristie Furth, Mary Ann Wardlaw, Gail Albohn, Barbara Cole, Vera Dendy, Marie Chiarello, Happy Vasil, Rosa Michailiuk, Priscilla Rysavy, Frank Herrmann, Lawrence Wick, Bob Fleishman, Richard Bonnie, Spiro Marchellos, Karla-Maria Meyer, Yann Brandt, Ray Wolowicz, Joyce Murray, Louis Marchelos, Maureen McIntee, and George Hunsaker gave their opinions regarding the Town Manager's performance and the review process.

d. Commissioner Comments

The Commission discussed the form of government and the chain of command; the financial stability of the Town; the shape the Town was in; public safety; and personal opinions. It was stated that performance reviews were based on expectations and responsibility during the time period of the review and new rules and expectations should be set towards the future. It was also stated that the Town Manager was not a public official; she was a public employee.

Commissioner Silverstone thanked the public for their comments and felt that it was unfair to be critical of someone without the proper knowledge. He said that the Town Manager was doing a great job at following the chain of command and that her finance background was imperative to the Town.

Commissioner Clotey said that reviews should be conducted fairly.

Commissioner Dodd said that individuals' shortcomings must be pointed out so that they may be corrected. He said he welcomed an honest review and thanked everyone for their insight.

Mayor Minnet said she wanted to see the Town united. She admitted to having biases but she set them aside on the dais. Mayor Minnet said this was an evaluation of everyone on the dais.

Manager Colon clarified that she was hired by the previous Commission and her contract was approved 5-0. She stated she always worked according to law.

Mr. Simmons suggested the Commission meet with the Town Manager and get to know her on a personal level. He stated that the Commission represented the people and the Town Manager should be tried by them and not by the general public.

e. Commission Discussion

There was discussion regarding rating certain areas in the evaluation form and whether the Town Manager could be voted out. Mr. Simmons suggested making notes rather than rate with numbers on the evaluation and agreed that a Town Manager could be voted out and as long as the Town Manager had 3 votes she had a contract. Mr. Simmons stated that the citizens should be talking to the Commission and not evaluate her publicly.

It was determined that the performance evaluation would be finalized at the October 13, 2009 Commission meeting.

4. ADJOURNMENT

Commission Workshop Minutes
October 12, 2009

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:27 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

Date