

**City of Coral Gables City Commission
September 23, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Patricia Keon
Commissioner Vince Lago
Commissioner Frank Quesada**

City Staff

**Interim City Manager, Cynthia Birdsill
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Finance Director, Diana Gomez**

Public Speakers:

**Colin Baenziger
Manny Kadre**

[Start:

City Manager Search - Part 1

Mayor Cason: All right, I'd like to give our City Attorney an opportunity to make an announcement.

Craig Leen: Thank you, Mr. Mayor. I'm going to make an announcement regarding the selection process for the City Manager candidates. When Mr. Beard was selected on September 16, it was done contingent on two things: a background

check and an agreement as to the terms. And some issues have arose -- have arisen as to both. First, with the background check -- and this is confidential, so I can't get into the specific issues. But there's some additional information that's come out that, in my view, we would need to reopen the process whereby this information would be known to the Commission, and then you'd have to consider Mr. Beard in light of that. It's ongoing, and I'm not saying there was any final determinations made whatsoever. And I know some of this has been in the news a little bit, and Mr. Beard has responses to everything. But it did come up, and we would need to reopen the process for you to at least consider that, because some of that information wasn't known when you made the decision. In addition, there was an issue as to the terms. And this I gave -- I'm just going to disclose to you so you know this. Mr. Beard asked for a guaranteed contract through the end of 2017, which would mean, basically, that he would remain City Manager through the end of 2017. I gave him a Charter interpretation, based on Section 20 of the Charter, that the CM (City Manager) -- the City Manager must serve for an indefinite term -- that's what it says -- and at the pleasure of the Commission, so we could not have a guaranteed contract. So in light of all that, Mr. Beard has decided to withdraw his candidacy. He wasn't willing to proceed on those sort of terms and with it being reopened for your consideration. The issue regarding the guaranteed contract was important to him as well. So at this point, I would recommend that the selection process be reopened. That's my recommendation to you today. I know Mr. Baezinger is here from the search firm, and I know that he wants to say a few words.

Mayor Cason: And also -- first, I'd like to ask Manny Kadre, who was part of the -- Manny, do you want to say anything? OK, Collin.

Colin Baenziger: Colin Baezinger, Colin Baenziger and Associates. And I'm standing here today in a not very happy position. You know, we had a search, we did a lot of work and -- but the results were that your top candidate withdrew.

And, you know, we did, as I said, do a lot of work within the public sector (UNINTELLIGIBLE).

Commissioner Lago: Excuse me, could you -- I could -- could you speak a little louder.

Mr. Baenziger: I'm sorry.

Commissioner Lago: I apologize.

Mr. Baenziger: Well, let me start over again.

Commissioner Lago: Thank you, sir.

Mr. Baenziger: Colin Baenziger, Colin Baenziger and Associates. Ambulance doesn't help, I guess. I stand before you on a rather unhappy position, quite frankly. We took this search on. We thought we would be able to find the candidates that you were -- the kind of candidates you were looking for. We did a lot of work. But the end result was that your top candidate, the person you selected, withdrew today, and we're back to possibly square one. As I said, we did a lot of work. We used our methodology, and we did not come up with the candidates you were looking for. And I think, under the circumstances, we'd certainly be willing to continue with the search, but you may want to go with a different search firm, different methodology, different group of candidates. It's really your decision. We'll do it either way. Should you decide to, you know, go to a different search firm, I think, under the circumstance, since we didn't get a result, that we would return some of the fee that we have already been paid, and I'll get with your attorney to come up with some kind of a reasonable number.

Commissioner Keon: Thank you.

Mayor Cason: Thank you. Manny, did you want to say something? Member of the Citizens Advisory Search Team.

Manny Kadre: Mr. Mayor, the Commission --

Commissioner Lago: Could I just say something before you even --

Mr. Kadre: Sure.

Commissioner Lago: -- start just really, really quickly. I just want to say "thank you."

Mr. Kadre: It's OK.

Commissioner Lago: I want to say "thank you" to the effort, and I'm not -- I'm speaking on behalf of the Commission here. I never try to do that, but I know that I am -- I can today. I just want to say "thank you" for -- and I want to be as sincere as possible, because you guys did an incredible job. You worked diligently. You worked with the information that you were given, and that's why I'm extremely happy that you're here speaking on behalf of five individuals who, you know, I hold in highest esteem and I can't say thank you enough.

Mr. Kadre: Well, thank you for the kind words, but at the end of the day, I think we're all wanting to move toward the same goal, which is to find the best and the brightest to lead our city, and a manager is at the centerpiece of that, so -- and you know, what I'm going to say today, I'm going to say with all due respect to the search firm. So a search firm should have three jobs: One is to recruit; two is to inspire confidence, and three is to vet, OK. There should never be a candidate who is able to appear either before a citizen's panel or before this Commission that has

not been fully vetted. That is a fatal flaw in the process. The process with the search firm's lack of inspiration of confidence started early. I mean, candidly, when they submitted the package to the citizen's panel, they had the wrong members of the Commission and the Mayor as part of their brochure. Now, you know, I say it with all due respect, but in my opinion -- and you are now in a compromise position. I'm going to be honest with you and with our citizens. The search firm neither inspired confidence nor recruited nor did they vet, so I think that to go forward in the same process would be a critically bad decision by this Commission. And you know, I apologize for being so blunt, but I think our citizens and you deserve it. You know, and in fairness to them, part of the flaw in the process is that it is in the sunshine. At the beginning of the process, you all may recall that I questioned the City Attorney about how could you get the best and brightest if you're asking people to publicly submit themselves to this type of process? It's virtually impossible. Given where we have come, it's going to be even more impossible to get the best and brightest to apply, to be the leader, probably, of the greatest city in Florida and one of the greatest cities in the country. So I think we need to wrap our arms around the process. Having a manager is critical. This city is one of the great cities in the country and it's one that deserves a process that's consistent with the greatness of the city, so just those words. You know, I think that the process, at this point, is tainted, and you have to start anew. That's all I wanted to say.

Commissioner Keon: Thank you.

Mayor Cason: Thank you, Manny.

Commissioner Lago: Thank you, sir.

Mayor Cason: I think you made very good points, and I think we are at square one. As we said in the beginning, the most important decision we're ever going to make

up here is the choice of our City Manager, and we need to make sure, to move ahead, that we go out and look for the absolute best with absolutely nothing in the background that would cause any embarrassment to the City, and there's various ways to do it. I think we ought to try a new firm. I think we ought to discuss whether we want to just go forward approving City Managers. That was a discussion we had at the beginning, whether we -- why don't we go out to get private sector or people with mixed-use experience or just go for City Managers, which is a profession like military or anything else. So I -- because we can open this up now and that --

Commissioner Quesada: Yeah, if I can give my two cents. As far as looking back where we are now and how we got here, I don't think it's a proper conversation to have right now. As far as what Mr. Baenziger mentioned, I want to be a part of that conversation, with the City Attorney, as far as where we are and what we expect and what we got. I think that's a -- I think -- I want to look forward, and I want to -- what we're going to do now. I do not agree with moving forward with any search firm at this time. I -- we'll see what the rest of you guys think, but that the point, it's been a long process, and I don't want to wait another two, three four months. Here's what I would think, and I discussed it with Cindy Birdsill, the acting Manager, and Craig Leen, a thought that I had. If we get one representative from the citizen's search committee, one or two representatives from there, and one representative from the City Commission, and they go out and they recruit and they find someone or a few people and report back to us. Here's what I'm thinking that in that regard. We've gone the search route. We've got the applications. We've seen what's been put before us. I don't know if we went out again if we would get anything different. That's what I'm thinking right now. Again, this is the first time. I had a brief conversation with the City Attorney and acting Manager about it, but obviously, I wanted to hear you thoughts. I just -- I want to move forward quickly. And obviously, it would still come back to us, but -- so that we can see if there's anyone else out there.

Mayor Cason: Pat.

Commissioner Keon: At the last meeting when Commissioner Kerdyk asked about restarting the process, I think I reminded everyone that if we were to restart the process, we needed to restart the process with a different recruiter. I don't think -- with all due respect, I don't really believe that any of us sitting here have the experience or the skills to act as a recruiter for our -- for a new Manager. I think there was -- the flaw in the process is that we didn't choose a recruiter of the nature that we needed in order to go out and recruit Managers. From the very beginning, Colin Baenziger told us that they do not actively recruit managers in given positions. They don't do that. That was a major flaw. Bud Parks stood here before us and went through a huge list of best practices with regard to doing a search and for recruitment firms. He also suggested to us that we should -- that where we were heading wasn't in the right direction then and suggested to us that we put out an RFQ (Request for Qualifications), we put it out there for one week or even two weeks and see the quality of search -- executive search firms that do the same type of searches for any major corporation or business in the private sector they would do for you, where they go out and they look at similar-size cities, they look at similar kinds of cities, and they actively recruit people from those cities, the same way one corporation will go to another. He gave us a list of best practices. We didn't listen the first time. I think we should listen this time. I have -- I would support putting out an RFQ for a search firm. It can be open for one week. One week. We can get the results back and we can make a decision as to who -- with very explicit directions as to what we think and what we want. I think the problem with having even one of us on any type of any board for us to recruit, I think that truly -- that, to me, truly taints the process, that someone who you are seeking to serve this city serves an individual too. I don't think we have a role in that. I really don't. I think just as we hire people for their expertise in every single position that we hire for, we also recruit and we hire someone to do a search who

has expertise in executive search of the nature and the level that we are looking for.

Mayor Cason: Bill.

Commissioner Quesada: My concern is that I don't want -- so we put the RF -- it's going to take a week to write the RFP. We put it out for a week. They come in. We select one -- a week after that.

Commissioner Keon: Yeah.

Commissioner Quesada: So it takes three weeks to get a new search firm in, and then you got to give the new search firm three --

Commissioner Keon: Three -- two three weeks. Three weeks, four weeks.

Commissioner Quesada: Three or four months to operate to --

Commissioner Keon: But I mean, I don't think they need four months, but -- you know, and I wish Mr. Parks be with us here today, but he's not.

Commissioner Quesada: And then we go back to the citizen's panel and then we come back to us.

Commissioner Keon: Well, I don't know that we go back to a citizen's panel. I think that we can make a decision as to how we want that process to go. We can make those decisions while someone is in the process of doing a search. With an executive search, I mean -- and I -- and -- we have to respect that there is government in the sunshine. We have to respect that process.

Commissioner Quesada: Well, I'm not saying -- No, I'm not --

Commissioner Keon: (UNINTELLIGIBLE) but --

Commissioner Quesada: -- suggesting otherwise.

Commissioner Keon: OK. But what they -- what an executive recruiter would do, if they go out, they recruit, they vet, they talk, and before someone -- they don't accept 150 applications. They will work to find three or four candidates that they believe fits the requirements that we, as a city, are looking for.

Commissioner Quesada: But our search firm that we used narrowed it down to 15. Yeah, is 105, 110 were submitted and they told us (UNINTELLIGIBLE) submitted; doesn't mean they accepted. They were submitted.

Commissioner Keon: But in the (UNINTELLIGIBLE)

Commissioner Quesada: And they narrowed it down to 15 and our search (UNINTELLIGIBLE) based on what we asked them to do, because we wanted to include it. They narrowed it down to 15 and the 15 were narrowed down to five for us.

Commissioner Keon: They took applications. They didn't go out and recruit. We're looking for someone to go out and recruit. There's a huge difference there.

Mayor Cason: That's basically what you're saying, the recruit, right?

Commissioner Quesada: Yeah. I'm saying the same thing.

Mayor Cason: There's two different ways to interpret (UNINTELLIGIBLE).

Commissioner Keon: I think we should recruit --

Commissioner Quesada: But my concern is --

Commissioner Keon: And I think we should do the --

Commissioner Quesada: -- I don't --

Commissioner Keon: -- go out to do it.

Commissioner Quesada: I don't want another form -- I don't want another -- I don't want to wait another four months we get a Manager. We have so many things going on. I think we need a permanent Manager, so --

Commissioner Keon: I think we do too, but I also think that, one, as I said before, Merit Stierheim has served us well; we can ask him to come back in and step in, in the interim, to assist us and fill that spot as the Manager. The people that are currently there can continue or we can have someone and name someone as the interim Manager again and allow the Assistant City Manager to go back to being the Assistant City Manager. We can ask Ms. Birdsill to go back to development and run those departments and have somebody step in that is a solid, knowledgeable Manager that will take us -- in the meantime, and move these projects. You know, even through all of this, we have moved a lot of projects, and we've gotten a lot of things done. I mean, we have some big issues before us, but the City has not stopped operating. It has operated well.

Commissioner Quesada: You're right, but we're stretched thin.

Commissioner Keon: We are.

Commissioner Quesada: We're stretched thin.

Commissioner Keon: So bring somebody in that is experienced --

Commissioner Quesada: And it's (UNINTELLIGIBLE).

Commissioner Keon: -- and knowledgeable -- experienced and knowledgeable, and hire a recruiter that has the skills, the network, and the wherewithal to go out and recruit. I mean, no more than I could step in and serve as an attorney in your stead would I expect to be able to step in and act as an executive recruiter.

Mayor Cason: Bill.

Vice Mayor Kerdyk: Well, I think everybody knows how I feel about this whole process here, and I don't want to elaborate -- go back and elaborate on it. I personally believe there are people out there that we could reach out to and bring in for at least interviews right now. And I -- whether we do it with a search firm immediately or with the panel themselves. I really believe that there are some good people out there that could run this city, that are current City Managers; that did apply for the process, based on how the process was vetted; and that we could reach out to; that I know, that you know, that maybe the committee knows that we can bring that would have a good impact in the City itself. I'm not for, you know, keeping this process going for another three to four months. I -- I'm with Commissioner Quesada as far as that's concerned. And I have no problem, no problem having the committee themselves, with a Commissioner or just themselves, go out and recruit initially; and if that's a problem, come back and find a head hunter that can go ahead and oversee it. But I think the process needs to be streamlined.

Mayor Cason: Vince.

Commissioner Lago: Well, I mean, I'm extremely disappointed in regards to what's transpired over the past 48 hours. I mean, I think we all are. But I'm not certain if going out there right now and starting to interview individuals outside of the sunshine is what's going to be in the best interest of the City. Because even if you do that, at a certain point, you're going to have to make it public that these individuals are being vetted for this position. So either it catch us in the beginning or it catches us at the end, I think there's no way around the sunshine. There's no way around it. So that individual's going to be exposed at some point to potentially, you know, having an issue with their employment, their constituents, whatever it may be, you know, they're going to run into that situation. I'm 110 percent behind the fact that I would prefer to not use the current firm that we used to bring us 105, 150 individuals; I'm disappointed. And that's why I wanted to make it clear before Mr. Kadre spoke how happy I am in reference to the work that these individuals did; how much time these executives and business owners, pillar of this community have given in reference to their -- not business time. Forget business time -- their own personal time, which is a lot more valuable than anything else. On another note, in reference to what Commissioner Quesada stated and what Commissioner -- Vice Mayor Kerdyk stated, I think it would hurt the City tremendously if we're put in a position where we did not have a City Manager in place for the next three or four months. I think it will be detrimental to the projects which are currently in the process, even though Commissioner Keon is correct; we've made incredible ground over the past few months. I mean, it's evidently clear by the eight- and nine- and ten-hour Commission meetings that we have. You know, that's policy that we're bringing forth. So I would be in favor of maybe switching things around in the sense of going out to find a new firm but making the timeline extremely tight, extremely tight. I don't know if I could ask these individuals to come and give us another two months of their time.

Commissioner Keon: I would like to ask them.

Commissioner Lago: You know, I just don't know --

Commissioner Keon: I mean, (UNINTELLIGIBLE) --

Commissioner Lago: -- if they're willing do it.

Commissioner Keon: -- Kadre to tell us what he would think about if we found a recruiter very shortly and having them work with the Citizen's Panel to move this process forward, because I don't think they are in a position to have to do the staff work and the leg work and whatever. I think that is the value of a recruiter, of an executive firm. But let them work with our Citizen's Panel. That was an excellent group of people that came together to help us, and I think they did the very best they did with what they had, and I think many of us expressed our concern about the pool of candidates that came forward, but I think, given what they were -- what they had to work with, they did an excellent job. I would like to give them the opportunity to work with a recruiter and to do it very quickly. I don't think this has to go out for three or four months.

Mayor Cason: Manny, what's your view?

Mr. Kadre: Well, you know, listen, the Citizen's Panel is really a panel to interview and to screen. You know, the reality is the most important part of this process -- and I think I mentioned it when I spoke to you before -- is, "A," whomever gets chosen, whether it's an individual Citizen's Panel or recruiting firm, has to have the ability to recruit, OK. The best and greatest people are often the ones who are working somewhere else and doing a great job somewhere else. People who are usually out of work are usually not good people to hire, especially for a job like this. And the second thing -- and this is where the process really,

really fell apart -- you have to rely on a vetting process, an internal vetting process. Today it is much easier to vet than it was years ago. But it's an embarrassment to this Commission and to the City, frankly, to have candidates enter into the process who have not been minimally screened for criminal backgrounds, for credit backgrounds. I mean, I would executive someone who is going to take a job of this magnitude to have an (UNINTELLIGIBLE) credit background done, right? It's -- I mean, I would want the citizens of this city putting their money in the hands of someone who, frankly, has had credit problems. I find that is a problem. It always has been a problem for me. But, you know, the reality is we have to be able to recruit and vet. You know, the problem with employing the sunshine -- and it is what it is. It's the law of our state, so we have to respect it -- is that how many people who are in current great jobs today -- so those are the people we want to hire -- are going to submit themselves when they think that they may not make it? They may not make it because you don't like them. They may not make it because the citizen's panel won't like them. It would be hard for someone who's in a comfortable job, doing a very good job, to submit themselves, even if our process had been smoothly the first time. It's now become incrementally more difficult because, you know, everyone's got a little egg on fair face. Let's call it the way it is. The process didn't go right. So, I mean, that's kind of the quagmire that you're in, but you should have -- The ability to recruit and the ability to vet are what is most important in this process, and we have to give the citizens confidence. I mean, right now the citizens probably don't have a great deal of confidence, and they're probably right.

Vice Mayor Kerdyk: I think the question, though, Manny, is who should be the one recruiting? Should the committee be recruiting? Should the City Commission be recruiting? Or should we go -- being -- going out and hiring a different person to come in, a recruiter?

Commissioner Keon: A recruiter.

Vice Mayor Kerdyk: Yeah. I mean, how do you see the process --? Because in my mind, there are a lot of talented individuals locally that we can go out and recruit, but what is your thought process on it?

Commissioner Lago: And let me just ask you -- just piggyback off that -- off the Vice Mayor's question. Like I mentioned before, let's say we do pick Mr. Parks, by the way, which I think was a travesty what occurred, when he stood here and he gave us incredible points and we didn't follow any of them. As a matter of fact, I spoke to him multiple times and he advised me. You know, we got that egg on our face, like you stated so eloquently. How do we avoid -- once we have chosen a firm or the ad hoc committee, how do we -- not avoid. I hate to use the word "avoid." But how do we make people comfortable enough with the process where the sunshine doesn't impede people from even at that point not wanting to get involved because they may --?

Mr. Kadre: I think that part of the flaw in where we've gotten today is that everyone is assuming that these two firm -- these two processes that, you know -- and I think that Commissioner Quesada and Vice Mayor Kerdyk do so in the best interest of the City, right. I think that everyone's assuming that these two processes are mutually exclusive and they're not.

Vice Mayor Kerdyk: Right.

Mr. Kadre: OK. I don't think that there -- these two processes should be mutually exclusive. The fact that you decide to go and hire a search firm -- and it needs to be done very streamlined; I agreed with all of you -- should not short-circuit, you know, the great people of this city and yourselves identifying another candidate who's not willing to come forward in the sunshine process and moving that candidate forward, if it's in the best interest of the City. So I do not think that

these two processes need to be mutually exclusive. At the end of the day, we have to do what's great for our great city.

Vice Mayor Kerdyk: Right.

Mayor Cason: I agree with you, because I think maybe one way to do this is to move forward with Frank's idea for, let's say, two weeks, see what you come up with, but at the same time look for an executive recruiting firm that could start as well. Because one of the problems with the executive recruiting firm, as we heard at the beginning of this process, is that they are -- they, as a matter of policy, don't go after people that they put in office two year -- I think for two years or more.

Mr. Kadre: But that's a ridiculous requirement. Known search firms should be, you know --

Mayor Cason: That's what I mean.

Mr. Kadre: -- (UNINTELLIGIBLE).

Mayor Cason: But that's one of the problems that --

Mr. Kadre: But that's ludicrous.

Commissioner Keon: Well, then, don't hire that search firm.

Mr. Kadre: Yeah. I mean --

Mayor Cason: That's what I mean.

Commissioner Keon: We don't hire that search firm. That's why you're asking --

Mr. Kadre: You know --

Commissioner Keon: -- for an RFQ.

Commissioner Lago: But there's a completely different, you know, set of guidelines for the private sector and the public sector, as Manny will tell you. He's hired hundreds of people. I've hired dozens of people. When you're in that position --

Commissioner Keon: But they're -- because the same people that do executive search in the public -- in the private sector also do it in the public sector.

Commissioner Lago: You have to go out and get the most qualified person to do the job, not a person -- not because you have some sort of contract with them because you placed them a year ago and you're not --

Commissioner Keon: That's right.

Mayor Cason: So maybe that there are --

Commissioner Keon: But they -- the people do the same thing.

Mayor Cason: -- search firms that don't have that policy that would -- that say, "Look, we'll go after anybody for you. You tell us what you want."

Commissioner Keon: Yeah.

Mayor Cason: That's what we need to do.

Commissioner Quesada: How about we just -- how about we just hire But Park as a recruiter. He knows our community. He's part of our community. We all like him.

Mayor Cason: I mean, that's part of -- your proposal is --

Commissioner Quesada: No. My proposal --

Mayor Cason: -- to go out and find somebody --

Commissioner Quesada: -- hasn't changed. I'm just trying to bridge a gap between Commissioner Keon and I.

Commissioner Keon: Right. I mean, I --

Commissioner Lago: And I --

Commissioner Keon: -- would gladly, but I don't know that we -- I don't think that's the sole source. Although, do we have the right to do that?

Mr. Leen: Yes, you can -- we've found that this is not subject to the procurement code.

Commissioner Lago: But let me ask you a question.

Mr. Leen: You can hire anyone you want.

Commissioner Lago: This is something that I just want to make sure we get clear and we flush it out, and I want Manny to kind of talk to us about this. What, in your opinion, is the best way, if we go down that route where we hire recruiter and it's not as invasive as this process was and we start looking and recruiting

individuals in this community who maybe are a little timid in regards to the sunshine. At one point, they're going to be exposed as potential candidates for the City of Coral Gables. How do we do it so -- this -- how do we do it so that they're more comfortable in the process where --?

Mr. Kadre: Well, listen, at some level, you know the person gets exposed --

Vice Mayor Kerdyk: Right.

Mr. Kadre: -- but, you know, candidly, that person should never get to first base without doing what every employer does this day.

Commissioner Quesada: Of course.

Mr. Kadre: And it is to run a search on the person. I mean, it really is not that difficult these days.

Commissioner Lago: You can do it on the Internet for like \$25.

Mr. Kadre: Well, but, you know, even beyond that. I mean -- you know, I work with tons of firms that do backgrounds, confidential backgrounds on people. You know, you can't -- you know, the problem with the search firm piece is you need to get it out of procurement process, candidly, because if you have to put -- go through the procurement process, it adds three months to the process. So I'm happy to see that you don't have to go through that. You are going to need some firm, recruitment or otherwise, to be able to run confidential backgrounds on people. I mean, this Commission deserves that; the citizens deserve that --

Mayor Cason: That's what we did this time.

Mr. Kadre: -- in the end.

Mayor Cason: That's what we did --

Mr. Kadre: Mayor, I think that we did do it, except we did it when candidates had already come forward; and, you know, candidly, you had already picked the candidate.

Mayor Cason: Right.

Mr. Kadre: So, you know, I think (UNINTELLIGIBLE) --

Commissioner Lago: That's -- I'm sorry to interrupt you, but that's where -- I mean, I guess we're not going to discuss this right now, but --

Commissioner Keon: (UNINTELLIGIBLE) permits.

Commissioner Lago: -- that, to me, is a big concern. How do you get to 15? How do you get to 5? How does -- these individuals, again, who have worked so diligently review all these documents? It's not their responsibility -- the search -- the ad hoc committee firm -- to look and do a background check. They're supposed to have information where they could come to me, my appointment, and say, "Vince, listen, I reviewed the background check, the thorough background check. I highly recommend do not put this person" -- "do not consider this person for "X," "Y" and "Z" reasons." Not only vet them based on the fact of whether they're capable and they've done a good job in their previous employment. I mean, we're talking about a background check, like Mr. Kadre said, credit and criminal background check, and these certain items came to light because we did our own background check, the City of Coral Gables.

Commissioner Keon: Right.

Commissioner Lago: That, to me, doesn't make any sense. If we're spending close to \$40,000 on having a firm come and assist us in providing, like the Mayor said, probably the most important position that the City's going to have, I mean, we should -- at a minimum, do what -- when we bring it down to 15 candidates at a minimum, if not do all 105. I just -- was that -- maybe it was something that we made a misstep or we didn't include it in the procurement process as part of the RFQ, but I think that's something that we need to make sure does not happen.

Mr. Kadre: Anyone who has not had a background done on them, candidates need to come to be minimally qualified to qualify. They have to come with a presumption of cleanliness. That's up to the standards of this Commission. I mean,

Commissioner Keon: Right. We --

Mr. Kadre: It's minimal.

Commissioner Keon: Mr. Cadre and I had a discussion, a very good discussion, and so I -- you know, he is a long-time friend and a very good advisor. We talked about, you know, the role of your private life. And when you enter -- step into the public arena, you give up your private life. Your private life now becomes a public life.

Mr. Kadre: Yeah.

Commissioner Keon: And you know, we -- that's a message that needs to be clearly given to -- you know, when you go to seek people out. I -- Mr. Kadre, you have been involved in executive searches and in recruitment before. And the

recruiters that you use, that go out in the industry, go out in the field to identify candidates that could fill the role that you're seeking, do they ask them to submit all kinds of records or do they interview them, talk to them, make a decision as to whether or not they would be appropriate before they have them submit all of the records that would then fall under the Public Records Law and come into the sunshine?

Mr. Kadre: Well, I will tell you this. Most of the searches that I have been involved in have not been in the sunshine. I served on three Governors transition teams. We did searches with the aid of search firms. Searched for airport director, for the school board attorney, and have done a few others. I have never seen a process where a Citizen's Panel -- forget about the Commission, because you guys are the final step, the final arbiter. I have never ever seen a process where a slate of candidates are brought to any panel where they have not been fully vetted. It doesn't happen.

Commissioner Keon: I know in the -- in a prior -- one here in the City that -- actually, Mr. Parks did the search -- they were fully vetted before they came to a citizen's panel. They were fully vetted. And I think there were maybe only three or four candidates that --

Mayor Cason: Well, how about --

Commissioner Keon: They're asked to make a recommendation, but I do believe that we need someone with the skill and the expertise and the independence --

Mr. Kadre: Well, what's wrong --

Commissioner Keon: -- to actually recruit.

Mr. Kadre: -- with Mr. Parks, just (UNINTELLIGIBLE) question respectfully?

Commissioner Keon: I -- pardon me?

Mr. Kadre: What is wrong with Mr. Parks?

Commissioner Keon: Nothing.

Vice Mayor Kerdyk: Nothing.

Commissioner Keon: Nothing.

Mayor Cason: Well, how about a suggestion that we combine both? I mean, you mentioned it. Your idea of going out and trying to target people and see if they're interested; they have to know that they're going to be in the sunshine, and they're going to have to know we want squeaky clean backgrounds in all the areas that are relevant; and then, at the same time, look for a search firm that doesn't have the policy that they don't go after people that they've placed in the last couple years; try to come up with a small number; run both tracks and see which one gets us where we want to go the fastest. That's a combination of both.

Vice Mayor Kerdyk: I don't have a problem.

Commissioner Keon: I have no problem with recommend --

Vice Mayor Kerdyk: I don't have none.

Commissioner Keon: -- with moving to have --

Vice Mayor Kerdyk: I don't have a problem with it.

Commissioner Keon: -- discuss whoever would talk to Bud Parks to see if he's willing to do it. And if he's willing to do it, I would give him the assignment. If not, that you have an RFQ. You ask the qualifications, whoever you want to invest in, whether it's -- whatever. I mean, we can vet them. One of us can sit on that committee. Commissioner Quesada, you have in your mind how you'd like that work; you can go through and look at, you know, the requests we get, along with HR (Human Resources) and maybe Mr. Kadre or someone else, you know, recommend a firm to us and move forward very quickly to do it.

Mayor Cason: I don't have a problem with that. I think that if we want to give him a shot at it or anybody else you have, but try for -- see what we come up with two weeks with that approach and then if not --

Commissioner Lago: I don't have an issue with that, at all, but I want to make something clear, because, you know, when we went through this process the first time, we appointed Mr. Parks, as a Commission, to be the liaison between the Commission --

Vice Mayor Kerdyk: Right.

Commissioner Lago: -- and the firm that we chose, and we did not heed Mr. Parks' warning. Well, not warning; maybe advice is a better word. He brought up the fact of -- many of the items we're talking about today, he brought them up. I think one of them, correct me if I'm wrong, was the issue of not hiring individuals who currently employed. I mean, to me, I think that's ludicrous. I mean, I put it on the record. I've had this conversation with Manny on a multitude of occasions. When I want somebody -- when I want to bring somebody --

Commissioner Keon: That's who you went after.

Commissioner Lago: When I want to bring somebody into my firm, what I do is I go out and find the best and I make them an offer. And if they're happy with our culture, if they're happy with the offer, they make the transition. It is what it is. Let's not hide from it. We're trying to basically pick somebody who currently has employment, because we feel that they're the best for our city and we only -- and our city and our residents only deserve the best. But look, I want to -- I just don't think Bud Parks will give us another shot, because I think he was pretty adamant in regards to --

Commissioner Keon: Well, I think you can ask him (UNINTELLIGIBLE).

Commissioner Lago: We can ask him again. We can ask him again. And I think we should do like you said, move forward; maybe pick somebody from the Citizen's Panel; maybe have somebody from this Commission; have Mr. Parks vet two or three different firms. Really, you know, get a robust breakdown of what we're looking for, delineated very clearly, move forward and try to address it as soon as possible so -- because I, personally, don't think that four months, three months the City can wait any further.

Mayor Cason: So why don't we ask him if he's willing to lead a small group to go out and look, as you say, for people that are city managers, that are -- that we really want; make him an off; see if (UNINTELLIGIBLE) interested; and if they can't find anybody, then go for a search firm that -- well, we'll look anywhere and do the same thing.

Commissioner Lago: Which, by the way --

Commissioner Keon: (UNINTELLIGIBLE) you not -- you contact -- Bud Parks is a professional recruiter.

Vice Mayor Kerdyk: Yeah.

Mayor Cason: Yeah.

Commissioner Keon: It's whether you choose to contract with him for this purpose.

Commissioner Lago: I mean, which is -- by the way, which is in line with what Vice Mayor Kerdyk was -- had two or three days to do, and at the end, he respectfully, you know, decided not to do it, but -- so we're basically back (UNINTELLIGIBLE) -- we're back to square one.

Commissioner Keon: Back to --

Commissioner Quesada: Well, actually --

Commissioner Keon: I mean, I'm comfortable --

Commissioner Quesada: -- after that motion, I reached out to Mr. Baenziger and I gave him three names, and he called those three names, and I believe two said that they were not interested at this time, but -- or -- well, if they all three said that they were not interested at that time; however, if we didn't select someone in process --

Vice Mayor Kerdyk: Yeah.

Commissioner Quesada: -- then they would have absolutely be interested.

Vice Mayor Kerdyk: Let me just clarify that, because I've heard --

Commissioner Quesada: That was the conversation I had.

Vice Mayor Kerdyk: I've heard from two or three of those people; the same thing. "Well, if the process doesn't go through, give me a call." Or "I may be interested" or "I'll help you find names" or something like that. So I think there -- again, I've said this repeatedly. I think there's names out there. I have no problem engaging Mr. Parks. I think, in the meantime, what we can do is with the committee, if there's some names out there we could vet through the committee as we're working with Mr. Parks or looking for another person to proceed forward and see if there's anybody that we can (UNINTELLIGIBLE)

Mayor Cason: Craig, do you have anything you want to say on this?

Mr. Leen: Yeah, a few things. First, on the issue of background checks, which I've heard a lot talked about, traditionally, the City has done the fingerprint background check when we have the last person. Obviously, that didn't work here. So I suggest that --

Commissioner Lago: What do you -- I'm sorry. What do you mean it didn't work here?

Mr. Leen: We -- Colin -- Mr. Baenziger --

Commissioner Lago: Yes.

Mr. Leen: -- did a background check on -- he did a limited background check on the 15 candidates and then did a more extensive background check on the 5 candidates. What he didn't do is the fingerprint background check.

Commissioner Lago: Did we do a financial background check in regards to lawsuits and in regards to certain, you know, personal and business related lawsuits? Did we do that or no?

Mr. Leen: I would defer to Mr. Baenziger, but no, my understanding is he did not look exhaustively into lawsuits. He did identify -- he did look into credit and he did look into the bankruptcy issue, which was disclosed by Mr. Beard, but he did not look into all the individual lawsuits. So, for example, what I would suggest is whoever we hire, for example, Mr. Parks, that he be required to consult with Elsa and me very quickly, and we'll put together a list of questions, which we've learned from this particular instance, may be good to ask. And that he make sure he consult with us on that. In addition, I think that before he brings back any names to you -- let's say he brings back three names. All of them should have to have a fingerprint background check.

Commissioner Lago: Craig, let me ask you a quick question. I'm asking these questions just to get a firm grip of things to avoid for the future. I guess we're going to do this for round two. The information I was provided by the search firm, Colin Baenziger, that information -- that background information was sent to HR?

Mr. Leen: It was sent to all of us.

Commissioner Lago: No, no.

Mr. Leen: Oh, I'm sorry.

Commissioner Lago: The background information in regards to the 15 candidates, then dwindled down to 5 candidates, was that sent to HR?

Mr. Leen: Yes.

Commissioner Lago: OK. Were they responsible to review that information, follow up on that information? Because if they weren't, I want to make sure that we add another layer to this, because we have a very good HR Department

Mr. Leen: We do.

Commissioner Lago: And let's make sure that we use those resources that, besides picking another firm and making it very clear to do an extensive, not a limited, an extensive background check, I want our great HR Department to get that extensive background and then do their own due diligence in regards to this, so we can have another layer --

Mr. Leen: In answer to that, they did not do that because the search firm was the one tasked with doing it.

Commissioner Lago: That's why I'm -- I just want to --

Mr. Leen: So, it was not through any fault of theirs. They just -- that wasn't -- (UNINTELLIGIBLE).

Commissioner Lago: No, no. I'm not blaming anybody, at all, please. I don't -- I just want to --

Mr. Leen: (UNINTELLIGIBLE) they will.

Commissioner Lago: I don't want to go a third round. How about that? I don't want to go a third round.

Commissioner Keon: I also think that you have -- sometimes you will have an

instance in doing a background check that you may be checking under an individual's legal name and sometimes action is taken under another name, which makes that very difficult. So I think there's other things that we can talk about in that, you know, there isn't -- we may not cast blame on -- or dispersion on the people that were doing some of the initial background check when -- you know, it was an unusual circumstance.

Commissioner Lago: No. I'm not -- I don't -- trust me -- and I want to put it on the record. I'm not passing --

Commissioner Keon: Right.

Commissioner Lago: -- aspersions on anyone. I just want to make sure that if we're going to do this a second time, I want to use every resource that we have at our disposal to make sure that this doesn't happen again.

Mayor Cason: Craig, you had something else you wanted to say?

Mr. Leen: In addition, the issue of the Sunshine Law. There is an exception to the Sunshine Law for what's called the "Fact-Finding Committee," but that committee can only go out and gain information. So, for example, they could inquire whether someone's interested in being City Manager and they can come back to you; that can even be a group of people. So, for example, you could appoint Mr. Parks, you could appoint a member of the Commission, and a member of the committee, and each of them are -- they're not on the same body. You have a Commissioner and a member of the committee, and they could work together to contact people. What they can't do, at least the three of them together, is recommend someone to you. Now one of them can. For example, Bud Parks could recommend. Or they could separately do that, but they can't do it as a body because then it stops being a Fact-Finding Committee and it becomes collegial body. Lastly, regarding the Public

Records Law. You know, one issue that's come up here is there is a lot of precedent which indicates that when search firms go out, that all that is a matter of public record. So the benefit of having a Fact-Finding Committee or people reaching out verbally is that it does not violate the Public Records Law because public records are not being created, so you don't have any duty to disclose them, and that's fully protected by Florida law. Ultimately, it will come to the Commission; there would be a sunshine meeting; there would be public records created; all those would be disclosed and both to the public, but at least (UNINTELLIGIBLE) the preliminary process is it's protected. So if -- I would ask two things then, in addition to being able to do the expansive background checks, I'd ask that you let me reach out to Bud Parks now. I'll go call him and I'll -- and to give me the authority to at least preliminarily discuss it with him and bring it back to you perhaps today, if he's willing, if you're interested.

Commissioner Quesada: Yes. Here's -- let me --

Mr. Leen: Otherwise, we have two weeks.

Commissioner Quesada: Let me jump in for a second here. I'm assume -- I said Bud Parks and I brought that thought up into what I proposed preliminarily, assuming that -- I believe he's retired -- assuming he would come out of retirement to be on our -- you know, on our group to do some heavy recruiting immediately, and we're all comfortable with him, at least I think we all are.

Vice Mayor Kerdyk: Sure.

Mayor Cason: Yeah.

Commissioner Lago: Yeah.

Commissioner Quesada: And he knows our community. We want someone who knows our community. I still -- whether we hire an outside search firm or not, whatever we decide to do here, I still think there should be a representative of the Commission on there to streamline things, say that -- and I don't -- I honestly could care less who it is on this panel. I think we're all -- we all know what we're looking for, at least the basics of it, and there -- and a representative from the Citizen's Panel. I think it's very tough to ask these executives, pillars in our community, to give more of their time to this process. So, ideally, I would -- I mean, if I had a choice, if we were going to have one or two of them there, it would be, you know, Manny Kadre, because he's shown so much interest, and he's been at the forefront of it on that panel, and Chip Withers, because again, he's got 20 years' experience, you know, sitting up here and going through these issues. So again, they're not making the final determination, but they are pushing where -- I mean, that's a good nucleus of individuals that know this community and that will be able to get and actively recruit the right types of people to get before us.

Mayor Cason: Yeah, I agree, I agree.

Commissioner Lago: I agree with you.

Mayor Cason: Why don't we take a ten-minute break? You can make your call and see if he's interested. We'll come back. If he says he is, then --

Commissioner Quesada: Instead of taking a break, why don't we just move on to another item?

Mayor Cason: If you want?

Commissioner Quesada: We haven't done anything yet.

Mayor Cason: All right, we'll --

Commissioner Keon: But we could -- you know, they can have this conversation, and when we have the budget hearing this evening, we could make a decision at that time. Does it have to be advertised or can we do it at the budget hearing?

Mayor Cason: We can continue the meeting -- can we continue that item?

Commissioner Keon: Continue this item till 5 o'clock --

Mr. Leen: You can continue this item into the budget hearing, yeah.

Commissioner Keon: -- into the budget hearing.

Mayor Cason: OK. You want to do that?

Commissioner Keon: That would give you enough time to maybe have all the conversations --

Mayor Cason: OK.

Commissioner Keon: -- that you want to have.

Commissioner Quesada: But we can make a decision today?

Commissioner Keon: (UNINTELLIGIBLE) conversation with --

Mayor Cason: Yeah.

Commissioner Quesada: We want to make a decision today.

Commissioner Keon: But we would make it later.

Commissioner Quesada: OK.

Commissioner Keon: But you may want to talk to Craig individually and --

Commissioner Quesada: OK, and you may want to talk to Craig.

Commissioner Keon: I'd really like for you --

Mayor Cason: Well, anyway, we're going to --

Commissioner Keon: (UNINTELLIGIBLE) in publicly --

Mayor Cason: After we --

Commissioner Keon: -- (UNINTELLIGIBLE) talking to you.

Mayor Cason: -- get through the consent agenda, we are going to take a five-minute break.

Commissioner Quesada: Yeah.

Commissioner Lago: Yeah.

Mayor Cason: OK, so let's -- Craig, you can make your call. And let's move on to the consent agenda.

