

**Citizens Advisory Committee
June 24, 2014
Coral Gables City Hall
405 Biltmore Way
Coral Gables, FL 33134**

Committee Members Present

Rudy Fernandez

Chip Withers

Cristine Moreno

Manny Kadre

Jose Mas (via teleconference)

City Staff

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Public Speaker(s)

Merrett Stierheim

Representative Dave Collier

Murray Greenberg, Esq.

[Meeting began at 2:42 p.m.]

Craig E. Leen (City Attorney): (INAUDIBLE). We have Murray Greenberg, who has been County Attorney and also advisor to a number of different government entities. And Murray's going to give you some thoughts on what you're about to undertake and the type of qualities you might look for in a County Manager – pardon me, a City Manager, and then give you a chance to ask some questions, and then you're going to – Ultimately, it's your committee. You're going to decide what the process will be going forward. I just had one word from the Mayor, and this also came up at the Commission meeting. What they would like is for this group to look through all the different applications we received in our nationwide search, whittle that down to 5 to 10 people; not give them a rank order, you know; give them several people that have your stamp of approval, and then let the Commission make the final decision, which they'll do in their sovereign capacity. So with that, the first thing is we have Jose Mas on the telephone. And

according to at least the Attorney General opinion, if he's going to participate by phone – this is a Sunshine Committee – there needs to be a vote of the committee to allow him to do that.

Chip Withers: Gosh, I don't know. What do you guys think?

Rudy Fernandez: I move that we do that now.

Mr. Withers: Oh, OK.

MOTION 2014-01

**TO ALLOW COMMITTEE MEMBER JOSE
MAS TO PARTICIPATE BY
TELECONFERENCE AT THE JUNE 24, 2014
INITIAL MEETING OF THE CITIZENS
ADVISORY COMMITTEE.**

Moved: Rudy Fernandez

Second: Manny Kadre

Unanimous Consent vote

Jose Mas: Thank you.

Manny Kadre: I think we all agree.

Mr. Fernandez: Yeah.

Mr. Kadre: Jose can participate by phone.

Mr. Leen: OK, so unanimous consent. And then second, you should select a Chair.

Mr. Fernandez: I nominate Cristina to serve as our Chair.

Mr. Kadre: I'll second that.

Cristine Moreno: I think that's because I'm the only woman on the committee?

Mr. Fernandez: Right now (UNINTELLIGIBLE) ourselves –

Mr. Leen: Is there a unanimous consent for that?

Mr. Fernandez: Hmm?

Mr. Leen: Do – is there a unanimous consent?

Mr. Fernandez: Yeah.

MOTION 2014-02

**APPOINTING CRISTINA MORENO AS
CHAIRPERSON TO CITIZENS ADVISORY
COMMITTEE.**

Mr. Leen: OK, Cristina, you are now the Chair.

Mr. Withers: Yes.

Mr. Leen: So you will be directing the meeting going forward.

Ms. Moreno: OK.

Mr. Fernandez: So with that –

Mr. Withers: That means you get to do all the paperwork.

Ms. Moreno: Do I get paid for that one?

Mr. Leen: No, you will receive no pay, whatsoever. You'll receive the gratitude of your City.

Mr. Kadre: Get paid twice as much as the rest of us.

Mr. Leen: So with that, if it's OK with the Chair, I'm going to turn it over to David?

Dave Collier: Good afternoon. My name's Dave Collier, and I work with Colin Baezinger & Associates. Actually, I work with Colin most of the time. And in this particular case, he's taking

a well-earned vacation, so I got this assignment. And I've been working – I came down about when the contract was approved and they – the City went ahead – decided to go ahead with a recruitment and also to create the group that you're on now. So let me tell you where we are in the process. We have done advertising, and we did it to get the ball rolling, and we're beginning to get applicants in. And normally, what we do is tell them to go to our web site and either read or copy this material that's been prepared. Now, there are two things I'd like to do today for sure is, if not today, over the next few days, for you to have a chance to read this. And if you have any comments you think could improve it, especially on the issue of trying to recruit somebody who isn't from the City Manager profession – because that was one of our assignments, was to broaden the search. We'd love to bring you a couple of generals and maybe four hospital administrators, if you have – Gee! Can't get in on the machine. That's a – that's old.

Walter J. Foeman (City Clerk): I need to record what you're saying.

Mr. Collier: OK. So we would like you to look at that. And, if you have any suggestions for improvement, it's still a document that we can change as we go along, cause we keep it on our website.

Mr. Withers: One suggestion: You might want to update some of the photos in here, because you have the old Mayor and the old Commissioners on...

Mr. Collier: OK.

Mr. Withers: ...and I don't know if that'll sit well with the current Commission.

Mr. Collier: I would say not. And if you see anything else or any suggestions you would think that would make this brochure more appeal – make the job more appealing on the way the brochure is prepared as far as people from the management field, but not from the city management. The second thing is to run through where we are. We put adds out in our usual places and a few more, and you can see that we've gone to New York Times and Wall Street Journal, which we normally don't do. One of the things today is to get your suggestions on other sources that we could go to, especially – and Colin emphasized me with this item, and that is when it comes to local people, be it a Bar Association or an Association of Hospital Administrators or whatever, if you think might have people who would be interested in being candidates, we would appreciate getting contact person's name, so we can work out an advertisement in that, because frankly, the only one we've added since we put this together, and it was my suggestion – back to the time my dad, years ago, was a management consultant and worked with the America Association of Association Executives, and they have a – both an

advertising for open positions, and they also have people who are members who are looking for positions, and I thought maybe that's a group – because many of those people work in associations that deal with local government a lot, and they might have somebody who would be interested in making the jump over to the public sector. So if you have anything you can help me with on that, either we can talk about it today or, if you want to e-mail (electronic) me – Colins' web address; I'd be happy to pick those suggestions up and do with it what I can. Now, one final thing for your discussion. Let's see. I'll go to the Attorneys here. I picked up on the Mayor's suggestion on how to do the search, and it raised a red flag for me immediately. And I turned to the Mayor (UNINTELLIGIBLE) too and said, "Mayor, isn't that a red flag for a problem with the release of the names of those people that will become public record when you have that information?" So my suggestion is we follow the way we normally work on it. When we feel we've gotten – if there isn't a rigid close date, or even if – There's never such a thing as a rigid close date in our firm. Don't tell anybody, but if we get a great application one day after the close date, we'll certainly add it to the list. We're trying to get the best candidate; not be bureaucratic about it. But the other thing is we put those applicants' resumes together. We go over every one of them, three of us, and then we work together to call it first – usually go to about 15, then do about 10, and then do about 5. And we have all those lists, so you really have the top 15 if that's the way you want it. Normally, we give – five or six is our recommendation, and those are the only ones that are notified, if it's going to become a public record as soon as we advise the City Commission and give them our recommendation, along with these candidates' references. All the rest of the people never see their name in the paper, and that's one of the reasons why you use a private search firm, cause they have the ability to do that, and I'd recommend you do the same thing here. You will get copies of all however many come in. We'll give you a full set, but we'll also give you a recommendation as part of it, if that's acceptable to you all. Because if you –

Ms. Moreno: Aren't we going to interview them?

Mr. Collier: Hmm?

Ms. Moreno: Are we not going to interview them?

Mr. Collier: My feeling was that's up to you and how the City Commission wants to do it. But you're going to have to limit your interviews to a small number, and I don't really see how we can jump from names on a list, which we certainly can give you – Well, no, we really can't even do that, cause those names on a list all become public record.

Mr. Leen: No. When you do – you can interview. It's up to you. You can interview however many of them you like, but if – that will all be public record.

Mr. Kadre: Well, the application process is public, so anyone can apply.

Mr. Leen: Yes.

Mr. Kadre: So, you know, listen, people do this all the time. There is a list of people who apply; that will become public.

Mr. Collier: No.

Mr. Kadre: Why not?

Mr. Collier: What becomes public is the list of recommended candidates we normally give the Commission. The other names are not part of the public record.

Mr. Fernandez: Because they're applying through the search firm.

Mr. Collier: Um-hmm (i.e. yes).

Mr. Fernandez: They're not applying directly through the City. Is that –?

Mr. Collier: Right, that's exactly the difference, and that's why it allows the candidates to maintain their privacy. And we operate – we never release resumes to a Commission based on our recommendation without first checking with an... applicants to make sure they're comfortable with that. It's only their (UNINTELLIGIBLE).

Mr. Leen: There's always a legal issue. Someone could request all the names that they received. The City would – they're going to have to defend – if they're going to not disclose those, which is, I assume, your business practice, they're going to have to defend that in a public records suit if it was ever requested. The law in Florida has been moving more and more toward even service provides having to – anything they do on behalf of the City could be a public record, but the law is much more protective of them. Once it comes into the City, it's clearly a public record at that point. There's no possible argument that it would not be. Now, if you verbally receive a name or you speak to someone and you want to verbally, obviously – well, that's the way you speak. But if you want to speak to the search firm, that's not a public record, but anything put in writing can

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Mr. Fernandez: Can I ask a question? Go ahead, Manny, go ahead.

Mr. Kadre: No. I was just going to tell you, if the search committee isn't going to interview candidates, there's no purpose in having a search committee.

Ms. Moreno: Absolutely.

Mr. Collier: Well, there's a way to do it. What happens is we notify the applicants if we're turning over the information to a search committee for the top-rated whatever number you decide you want to have listed. We will – we can – can we provide them with copies of the written résumé – no, because if they get a résumé and a reporter ask for number 99 on the list, they have to provide –

Mr. Leen: No, no, all that – Once it's turned over to you, it's all going to be a matter of public record. You can interview people. I think – in fact, a number of the Commissioners were hopeful that you would, to the extent I have an opinion on this. I would think that that would be your role, to a large extent (UNINTELLIGIBLE).

Mr. Collier: I mean, certainly – we can make the break point where we tell the candidates “you're now on the public record and the public will get a hold of you,” at the time we provide you with our recommended list.

Mr. Kadre: Your point is you may get 500 people apply for this, and your process protects the 475, let's say – we'll give you a number up to how many people...

Mr. Collier: Exactly.

Mr. Kadre: ...we want to come to us.

Mr. Collier: Right.

Mr. Kadre: You'll protect the 475 from being part of the public record is essentially your point, right?

Mr. Fernandez: The one question I have is – You've already posted ads. Do we have a sense for how many people have applied for this already, formally, through you?

Mr. Collier: I think I've counted 14 in the last summary. We do a spread sheet that we keep – they keep updating, and also they give us the individual resumes, and I've gotten four e-mails with resumes attached and one spread sheet that I looked at before I came here, and I think there were 13 applicants. So it – and I've gotten four phone calls.

Mr. Kadre: So one of the questions for us is do we want to see the entire list or do we want you guys paring it down so that we protect some people?

Mr. Collier: I think that's the issue. And equally, how far down do you pare it? Now, the other thing I can see that could be done is say we give you a list of 10, and you go through the list of 10 and you decide you want to interview 6. And somewhere in the interview process or along the way, you say, "You know, none of these people have background in 'X.' Please go back to your list and see if you can bring that" – "bring anybody in with more experience in that area?" That happens a lot. And we go back over the list, and if there's somebody on the list that we think meets that criteria, which is getting a little more light than it had originally, we'll bring those – we'll notify the candidates, and we'll bring those names into the discussion.

Mr. Mas: So the point is the person's name become public?

Mr. Collier: The person's name becomes public when we submit to the City a list of recommendations and the resumes attached to that list of the candidates we're recommending.

Ms. Moreno: And in that case, we are the City?

Mr. Collier: You are the City, yes.

Mr. Mas: So, is there a case where an individual will drop out because they don't have (UNINTELLIGIBLE)?

Mr. Collier: Yes, that happens. And sometimes, if it's a candidates we think highly of, we'll make an attempt to convince them that it's worth taking that chance, but we certainly going to respect their opinion, cause many of them are sitting on hot seats in other communities, and they don't need the switch thrown on them.

Mr. Leen: One other thing.

Mr. Mas: So another question. You were able to break that list down to five, six, seven candidates. Would you be able to interview them and then invite the Commission to listen to the interviews (UNINTELLIGIBLE) that it be done in public?

Mr. Collier: I don't know. I'll have to defer to the attorney on that. I don't think so.

Mr. Leen: No.

Mr. Collier: But there is no reason that where the process of names being available for the press comes at the point that the City is provided the material that we would normally give them for the Commission, but in this case, it's understood it's for you, as a committee, to review them and interview those you wish to review or interview them all.

Mr. Kadre: Do the interviews have to be public or just the deliberations?

Mr. Leen: The interviews in front of the Committee as a Whole are public under the Sunshine Law. If you meet with someone individually, it doesn't have to be public. Although, you can't – just remember, you can't say – they can't like try to get your vote, obviously. They can't tell you what another person's thinking; you know, the Sunshine Law applies, but you're allowed to meet with them individually. We do not have a Cone of Silence on – this process is not under our Procurement Code; it's exempt, and the procurement rules apply, so you're given a lot of leeway in what you can do individually in meeting with people or interviewing people.

Mr. Kadre: So why does the Sunshine Law apply?

Mr. Leen: Because it's a committee of the – under our Code, it's an advisory committee of the Commission. Any collegial body that's appointed by a Commission that has any sort of authority is generally within the Sunshine Law. There's a very limited exception for fact-finding committees, but you've been given a greater scope of authority than that. You're actually meeting with people, and you're going to be making recommendations to the Commission, so it's – one, it's much more protective. It's certainly – it's more careful to call it a Sunshine Committee, but also legally, because of the scope of authority that you've been given. In my view, it is a Sunshine Committee. We'd be taking a lot of risk – you individually and as a group – if we tried to treat it as not a Sunshine Committee.

Mr. Kadre: Yeah. I just think that the Sunshine process is not – I mean, you're the City Attorney and you need to decide that. But the Sunshine process is not conducive to getting a great candidate, and it's not conducive to getting a great candidate because anyone who has a job – in

my book, the greatest people are those who are employed, most of the time, all right. People are who are ordinarily looking for jobs are not the greatest people. And if it's a person who's currently employed, they're not going to want to lay themselves out, so it's not conducive to getting the best candidates.

Mr. Collier: There's no doubt about it, and that's one of the things we struggle with. And I wanted to add that our normal process for Commission interviews – and I think we could extend the same procedure for you – is we have two interviews. We have a public interview with all the Commissioners present to ask questions and all, and then we have an afternoon spent where all – in fact, I've had the job of wrangling them around and making sure they went in the right pen at the right time, and they got a half-hour, 45 interview with each Commission and each Commissioner got to interview all the candidates. So that can help because there may be issues you want to discuss that you don't want to discuss in a full room. At least you can solve for yourself that information. The problem with the Sunshine, you're left – you saw – you know all the answer, but you can't communicate it with them, so it's...

Murray Greenberg: Madam Chairman [sic], let me just jump in a minute. Thank you all for listening to me. Probably going to have to bring this down. To answer Manny's question, the Sunshine Law is a trap. It goes against human nature. The legislature, which passed it, exempted itself from it, cause it doesn't make sense in the way human beings work. I've advised that to the County Commission, to all sorts of committees, like you all, over the last 35 years. That said, it's a law, and Florida has the strictest Sunshine Law of any state in the Union. Everything Craig is telling you is to protect you all, because the penalties of it are fairly severe. So all I can tell you is listen to Craig, follow it. At some point later on in this discussion, I'm going to tell you a little bit more about the traps. You all have been covered by the Sunshine Law since the moment you were appointed by the City Commission. Don't communicate with each other. I saw Craig's e-mails; at the bottom in the big letters saying "Don't send your replies to anybody else." Just – I'll come back and – you won't like me at the end, cause I'm going to just tell you a lot of things you can't do.

Ms. Moreno: Can I ask you to clarify something for me?

Mr. Greenberg: Sure.

Ms. Moreno: Because – So it would be OK if Candidate “A” met with me, then met with Manny, met with Rudy, met with Chip, met with Jose? Individually, we could each meet with them without violating their privacy, but we can't talk to each other about our meeting?

Mr. Greenberg: The answer is, there's that Volusia County case that I'm worried about. There is a case out there out of the Fifth Circuit up in Daytona Beach – my long-term memory is great; I don't know what I did yesterday. It said if you go around – if a candidate meets (UNINTELLIGIBLE) with everybody, there's a problem. If there is a specific question – what I could suggest to you to do before you have that set up is speak to Craig or speak to me and we'll try to give you the best advice. I've never lost a County Commissioner or a committee member to jail in all the years I've been doing this. Even a few of them who I wouldn't have mind losing, I never was able to lose. I'm totally liberated. Retirement is just a very liberating event. I can say almost anything. I wouldn't recommend that, Madam Chair.

Ms. Moreno: OK, so that's not – what I'm trying to understand is how you balance the privacy of the candidates with the Sunshine Law. And what you're saying to us is that it's almost impossible because –

Mr. Greenberg: It is very difficult. I think the candidates have to be made aware – and I assume they are – that if their name gets recommended and it becomes public, they are putting their own current position probably in some jeopardy, depending on how secure they are where they are. That's a risk of doing it.

Ms. Moreno: Now, if a candidate contacts me individually, what is my obligation? Do I need to immediately tell Craig that the person contacted me? Do I need to disclose it and make it a public record? What happens?

Mr. Greenberg: No. If the candidate – And, Craig, correct me if I'm saying anything you don't like, because it's been seven years this month – look who's counting – since I ever had to really worry about this. If the candidate initiates a call to you, you can respond and meet with him or her, but you can't be the initiator. That's the difference.

Ms. Moreno: And then, what do I do about that meeting?

Mr. Leen: You know, the tradition in the Gables, Coral Gables – even when I applied for City Attorney, I didn't meet with each individual Commissioner. I remember talking with the County Attorney at the time, and there is some – some City Attorneys or County Attorneys don't like the individual interviews. My understanding of the case law and the position I'd be willing to defend, if we were ever challenged, is that they can meet with you individually as long as you have a group interview afterwards and you select the person after the group interview. And if there's nothing sort of secretive that's what's leading to the person being selected. I'll talk to Murray about what you just said. My experience has been that you could – we were going –

because this is outside the Cone of Silence, we were OK with you initiating contact with different candidates, but I – you know, I tend to find that he's often correct, so I wouldn't want to talk (UNINTELLIGIBLE).

Mr. Kadre: I wasn't looking to challenge your interpretation of the Sunshine Law. I know it's right. I was looking to...

Mr. Leen: I know.

Mr. Kadre: ...or guidance as to whether the Sunshine Law applies or not. Because, listen, I've been in this process, and Cristina's problem is a big problem. Whenever I sit on these committees – and I'm unusually the only one who takes this position, so – but it's personal, because it's a slippery slope. I take the position that I don't meet with individual candidates. I do that on the Judicial Nominating Commission, because the minute that I start meeting with a candidate, it's a slippery slope, OK. So I take the position that I'm one of two people on the Federal Judicial Nominating Commission that takes the position. I don't meet with individual candidates, because if I'm going to be bound by either a Cone or some type of Sunshine Law, it's just better not to do that, because you're just walking yourself down a path.

Merrett Stierheim: If I can enter my two cents here, I agree with you. Sometimes you're better off not. I'd be surprised if you're not going to be lobbied by local candidates. So you're going to have to determine whether you want to sit down and talk or whatever, or whether you want that process to go and have a very professional search executive now. I'll give you a list of however many you want, and if that person's in there, then fine. But if not, you know –

Mr. Kadre: Chip, you've been on –

Mr. Stierheim: Depends on what your rules are.

Mr. Kadre: What do you think is a good number for the committee to evaluate?

Mr. Withers: Can I ask a couple of questions before I get to that?

Mr. Kadre: Yeah, sure.

Mr. Withers: I just want to – As a group, we're not supposed to violate Sunshine, I understand that. In fact, in regards to candidates only? Or could we discuss process or anything like that, other than candidates?

Mr. Leen: Well, Murray – I've asked Murray to act as your counsel, and of course, I'm your counsel as well, and so – you know, he – I – my experience with Murray is that he takes a little more conservative stance than toward these things probably than I do. He's very protective. He has a lot of experience, so he's seen a lot of, well, alleged violations, probably, during his time. Well, maybe not; hopefully not. But he's –

Mr. Murray: I've never seen a violation.

Ms. Moreno: (UNINTELLIGIBLE) go to jail.

Mr. Leen: (UNINTELLIGIBLE) stories of things that could occur that he's probably concerned about. My own view on that is that you should – everything, though, is subject – I think Murray and I would agree on this 100 percent. Anything processed, substance, I wouldn't talk to each other about; anything that could come before this group. You can talk about anything else, but I wouldn't talk about that.

Mr. Withers: As far as (UNINTELLIGIBLE), who's our City – is Walter (UNINTELLIGIBLE) going to be taking notes at every meeting and you're going to be our staff liaison? Is Walter? Who's our...?

Mr. Leen: The – Walter, who's going to be the staff liaison?

Walter J. Foeman (City Clerk): We're going to rotate between three members of my staff.

Mr. Leen: So the City Clerk's Office will do that?

Mr. Foeman: We'll cover as far as the minutes.

Mr. Leen: Yes. And then if there's any issue with the City, you can always contact me, either through Marie or just directly. And under the resolution that sort of adopted this process, they gave me the authority to sort of serve in the transition to try to shepherd this through. I'm going to take more of a role now, OK.

Mr. Withers: Time frame –

Mr. Leen: Part of the reason I want Murray to be able to be your counsel.

Mr. Withers: What's the Commission's time frame on this? Did they say they want to be –?

Mr. Leen: The Commission will (UNINTELLIGIBLE) in September.

Mr. Withers: September they want to vote on it; they want to stay interviewing contestants? What do they want to do in September?

Mr. Leen: My impression was they want to pick the position in September, if possible.

Mr. Withers: So that means we have to be done by August, because they're going to need a month to do their first and second interviews that they normally –

Mr. Leen: Yes.

Mr. Collier: Let me explain the interview process that we go there, and I think it worked pretty well. Normally, what we do is we have the Commission meeting in the morning and all the candidates sit in that room and make a presentation to the full board and answer questions (UNINTELLIGIBLE) all the applicants' resumes are in front of the Commission. In the afternoon, there are individual interviews. There's no further meeting until the meeting where they decide on a candidate. And this is not a meeting that takes 15 – well, I've seen one take 15 minutes, but that's cause they had one super person. The rest of them oft times go three or four hours, because that's where you can speak up and say, when I spoke to so and so, I was concerned about de da da da, and you can share that at that point with the rest of the members of your Commission. That's what normally happens.

Mr. Withers: You might want to get some clarification, cause in speaking to my Commissioner, the understanding that I thought the process would be, would be that we were to come up with the list of five. You bring us a list of 15; we whittle that down to 5. They interview each of them individually; they whittle it down to two or three, and then they publicly interview those two or three, and then make their decision. So it's a little – I don't – you know –

Mr. Stierheim: Well, it could be four or five –

Mr. Withers: – I don't know if it makes a difference, but the number that I heard in my mind was we were – you were going to bring us 15 or so candidates, and we were supposed to whittle that down. Now, it's up to the group however we want to do that. But let me ask – before we do that, one of the things we ran into before was salary. There were quite a few candidates which were

high on the list, but then when we found out they were getting paid minimum wage, they withdrew their names. So are you disclosing a salary amount prior to the final?

Mr. Collier: Yes.

Mr. Withers: OK.

Mr. Collier: If you look at the brochure, you'll see that the information is contained there, so at least they have some guidance (UNINTELLIGIBLE) –

Mr. Withers: OK.

Mr. Collier: (UNINTELLIGIBLE).

Mr. Withers: Actually, I didn't see it in here. It's not in here.

Mr. Kadre: Neither did I.

Mr. Collier: It's very near the (UNINTELLIGIBLE).

Mr. Withers: It says, "Compensation: The City is looking for only the best and will provide compensation commensurate with ability and experience."

Mr. Collier: I'm sorry. You're right and I'm wrong. Normally – I don't know why it wasn't (UNINTELLIGIBLE). Normally, we put the salaries of the...(UNINTELLIGIBLE) Manager (UNINTELLIGIBLE). They have (UNINTELLIGIBLE). And I think, actually, when City Manager's Association takes an advertising, you have to show the mana...the salary of the previous administrator.

Mr. Kadre: Well, I was surprised that you didn't have a range in there for the salary, but –

Mr. Collier: Yeah.

Mr. Withers: I just – I mean, we can –

Mr. Kadre: I mean, ordinarily, the salary of the previous Manager or previous person acts as guidance, right?

Mr. Withers: I don't know if that's a Commission decision or not and –

Mr. Leen: No, I think that that would be something that you could also weigh in on, at the very least, as to whether we should be putting the prior – it's a matter of public record anyway. The salary was –

Ms. Moreno: I would definitely put it in.

Mr. Leen: The salary was 190, and he had a very good – he had a number of benefits that were very good.

Mr. Stierheim: The danger of just pure salary is you've got a lot of perks on the other side.

Mr. Kadre: Yeah, I wouldn't do it.

Ms. Moreno: I would (UNINTELLIGIBLE).

Mr. Kadre: (UNINTELLIGIBLE) upper end.

Mr. Fernandez: Whole benefit package.

Ms. Moreno: Yeah.

Mr. Kadre: I would put a range in the package. I mean, that's ordinarily the – I've worked with Murray on a couple of these in my life, so I'm – usually, you provide a range on what the prior person was making, and you don't want to put shackles on the Commission. If they find a superstar and want to give them an extra \$25,000, you know, fine.

Ms. Moreno: But I think you can say what you've got in there, but then just add “the prior City Manager was making this and had these benefits.”

Mr. Kadre: Yeah.

Ms. Moreno: You can say that they're willing to consider something else, but, you know, if somebody's making \$5 million a year, they're not going to come and apply for this, so –

Mr. Collier: I have to tell you an experience I had. It was a period (UNINTELLIGIBLE).

Unidentified Speaker: I was (UNINTELLIGIBLE) that.

Mr. Collier: There was a fellow a few years younger than I. (UNINTELLIGIBLE) employed as an assistant. And we kept going to the interviews together, and he would say, “All you’re going to get is (UNINTELLIGIBLE) – he would get the first (UNINTELLIGIBLE) and he’d lose every one of them, because when he got to the point of saying, will you feed my dog for a month? Will you pay all moving expenses, including (UNINTELLIGIBLE) and by the way, (UNINTELLIGIBLE). (UNINTELLIGIBLE) a house with a pool. (UNINTELLIGIBLE) look around and say, what are we getting ourselves into? Now, my time is spent (UNINTELLIGIBLE). My time is spent saying, you can’t keep doing this, because you make a great impression, you’ve got a great résumé, and then you blow it when you get into talking about salary and benefits. So I think most managers in the private side and probably even on the public side understand where they – where the bounds of good sense and (UNINTELLIGIBLE).

Mr. Kadre: Yeah, but I mean –

Ms. Moreno: We’re asking for non-public people, so –

Mr. Collier: As I said, I think most nonpublic people have a pretty good idea that this is a public job. The one's I've spoken to have all said, I know I'll probably have to take a pay cut to get that (UNINTELLIGIBLE). I mean, that's built into the system at this point.

Mr. Greenberg: But let me just add. And the most recent one, Manny, that you and I were involved with, you set out the range, and then you let – it will probably be the Mayor in this case, ultimately – decide what the actual salary will be. There’ll be a contract, and it’ll be brought back to the Commission. You want to evaluate for the Commission based on merit and talent and a few other things that we're going to talk about today.

Mr. Stierheim: Let me (UNINTELLIGIBLE) kind of weigh in on (UNINTELLIGIBLE), right? I mean...

Mr. Withers: Well, no. I just want to say, my whole question of salary was that I don't want to bring a candidate to the forefront just to have – be left at the altar because they say “I’m not working for that.” That's my whole point about the salary issue.

Ms. Moreno: I agree.

Mr. Greenberg: There should be a range, but somebody knows what it is, but a range or something. (UNINTELLIGIBLE) the last one (UNINTELLIGIBLE) and subject to –

Unidentified Speaker: (UNINTELLIGIBLE) benefits.

Mr. Kadre: Right.

Mr. Leen: The Commission has indicated in their meetings that they're looking at a range that's higher than the last salary. They want to do this nationwide search. That's what they said.

Mr. Stierheim: I would let – I would put out a range – you never know in these pro – in this process where you're going to end up. I would just put out a range and say that, you know, the candidate – their final comp package is subject to negotiations with the City and approval by the Commission. That's the way it works.

Ms. Moreno: But we don't want to waste our time...

Mr. Kadre: Right, so.

Ms. Moreno: ...interviewing people and talking to people who are going to say, "Hey, this is just too big a pay cut."

Mr. Leen: What I suggest is why don't you do a motion just recommending that we include either a range or some salary information or range, if it's what you prefer. I will take it back to the Mayor and to the individual Commissioners, and I'll try to put something together with the search firm and we'll add it.

Mr. Fernandez: So moved.

Mr. Kadre: Second.

MOTION 2014-03

RECOMMENDING THAT THE CITIZENS ADVISORY COMMITTEE INCLUDE A RANGE OR SOME SALARY INFORMATION (I.E. INCLUDING THE TOTAL BENEFIT PACKAGE), FURTHER REQUESTING OF THE CITY ATTORNEY, ALONG WITH THE SEARCH FIRM OF COLIN BAEZINGER TO PUT TOGETHER SAID INFORMATION IN A FORMAT TO BE PRESENTED TO THE MAYOR AND COMMISSIONERS FOR ITS CONSIDERATION.

Moved: Rudy Fernandez

Second: Manny Kadre

Unanimous Consent Vote

Mr. Withers: And that range will include the total benefit package?

Mr. Kadre: Yes.

Mr. Stierheim: Normal benefits, yeah. Can I explain why I'm here?

Ms. Moreno: Yeah. I think –

Mr. Stierheim: Because I'm going to have to leave in –

Ms. Moreno: Jose, do you agree?

Mr. Kadre: I thought you were applying for the job, Mayor?

Mr. Stierheim: No, I'm not. I...

Unidentified Speaker: He hung up?

Ms. Moreno: Yeah.

Mr. Stierheim: ...wasn't even going to be here until about 10 or 11 o'clock this morning when the City Attorney asked me to –

Mr. Leen: We're just trying to get Mr. Mas back. So that was unanimous consent (UNINTELLIGIBLE).

Mr. Leen: Unanimous decision.

Mr. Stierheim: – asked me to come and share with you just based on my experience, because – Who's got a phone? Anybody?

Ms. Moreno: We're calling Mr. Mas.

Mr. Stierheim: Oh, I see.

Mr. Mas: Sorry about that.

Mr. Stierheim: OK. I am under contract with the City as a management consultant advisor to the Interim City Manager, and I've been helping her with collective bargaining. In fact, we were in collective bargaining this morning. And also with the budget; I've been sitting in on all the budget meetings. Your discussion today is very timely and – cause you're right on the Genesis of starting this search process, and you have a competent professional here. He's done, I would say, 70 or 80 percent of the searches for professional managers in the state. I don't know exactly what the number is, but it's a lot. And I started jotting down before I read the brochure that has been prepared; it's very professional, incidentally, and so there may be some redundancy. But the idea of confidentiality is critical. I've been recruited for a lot of positions and – Los Angeles County; Tucson, twice; Dallas, and so forth. And when you're in a city and you're happy and you're working well with your Mayor and elected officials, it's a tough call whether to be interested or not. Usually, I tried to position it where I was recruited as opposed to me applying, and then, at some point, I would sit down. If it looked like it was going to get close, I'd sit down with my Mayor and the Commissioners individually and say, you know, I've been asked to look at this, and I think I owe it to my family and so forth and so on; try to position it in such a way that I didn't endanger myself. But many managers have been fired, because they got their name in the hopper, and you may have had a Commissioner or two that had differences and used it to say, “Well, if you're not happy here, goodbye.” And so, that's a risk that professional managers face. And so, the idea of confidentiality up until the tipping point – and that tipping point comes when the list is supplied and made public. And before that list is made public, Colin will notify them that now you're going to be in the Sunshine, so be prepared. They better do their

homework with their elected body and make sure they're not going to be in trouble in the city they – or county they serve, if it's a public service position. I listed the things that I would be looking for if I was in your position and knowing Coral Gables. I've been here for 55 years or so; started in the City of Miami, City Manager's Office, for eight and-a-half years, and I served in many capacities publicly. I would say the number-one thing is ethics and a strong moral compass, trustworthy, honest. That's critical. You want a leader. You want a visionary, someone that looking at the big picture, taken care of details, so forth. You want an effective communicator, somebody that can get up and – on their two feet and make a speech effectively and deliberate. And written communication is also critically important. If there's a word that describes my management style and what I'd like to see is "empowerment". You want a manager that empowers people, that trains them, gives them delegation, gives them authority, and let's them grow; tells them to take risks; try to solve problems. Don't – and I think your brochure talked about that. Don't necessarily criticize somebody if they took risks and maybe made a mistake. People will make mistakes, but you're not going to get people growing unless they can take that authority and power. They have to have a proven respect and support for diversity. That's critical. No blemishes. Obviously, financial and budgetary acumen; being able to read a financial report, a balance sheet, a budget document, an audit; a lot of financial responsibility. You want a personable person, somebody that's friendly. He's fair or she is fair; interpersonal skills, no arrogance. Try to avoid that, if you can, at all possible. I would look for someone that has a professional commitment to the profession, somebody that's a member of ICMA (International City/County Management Association); is active in the local, state; and also supports young professionals, encouraging them either within the organization or being available to help; demonstrated management in leadership experience is obvious; respect for the electoral democratic process. We elect our political leaders, and you have to work and respect that process. Some of them will be more difficult than others. Some of them will be a challenge, but still, they were elected by the people, so you better have a lot of respect for them. You want a happy person. I like being around people that are happy, and I think that says a lot. And I like someone that has a fire in the belly, someone that wants it. It's kind of hard to gauge that, but you know, someone's got the fire in the belly, you've got somebody that's eager. The other thing I would say is that not every manager is right for every city. Coral Gables is a well-established historic city, primarily developed pretty much. There's still things that can develop and so forth, but this city doesn't want to move too fast since timing is important. There's a time to move and a time not to move, and it takes skill and experience, I think, to know the difference. One other thing you might consider – and I don't know how Collin feels about this; we didn't talk about it. But many cities and counties and so forth will send someone to the jurisdiction that they managed or last managed. So you're checking not just with the references that the applicant has put on the table, but you go to the local editor of the paper, you go to the president of the Chamber of the Commerce, you go to neighborhood associations. You know, there are a lot of

people you can go and just get a feel and say, how – what kind of a job did she or he do? What kind of a manager? Would you rehire them, whatever? That's about it. Again, I'm not part of this process. I'm happy to be invited. I think the City Attorney checked with the Mayor, and he said, "Yes, by all means," so that was nice. And if I could help you in any way during this process, I'm close by; I'm here not every day but most days. That's it.

Mr. Kadre: Thank you. Thank you very much.

Mr. Withers: Madam Chair, could I continue with a few more questions here, and I promise I'll be brief. As far as the process goes, will Walter be submitting minutes to the Commission? Is that how we communicate with them? So we need to have minutes approved before the next Commission meeting, I guess, of this meeting? I'm just thinking of logistics here.

Mr. Kadre: Walter, are you going to prepare a verbatim? Is that how it would happen?

Mr. Foeman: Yes.

Mr. Kadre: OK.

Mr. Withers: OK so we need a process. Can we approve them online, or do we have to approve them as a group?

Mr. Leen: You'd have to approve them as a group. But what we could do, you could at this point – I could give the draft minutes to the Commission as we get them...

Mr. Withers: OK.

Mr. Leen: ...and then you could approve them at your next meeting.

Mr. Withers: OK.

Ms. Moreno: OK.

Mr. Withers: So we can't be circulated individually and vote on them?

Mr. Leen: No.

Mr. Withers: And then – We have to do it as a group to meet – to accept...

Mr. Leen: Yes.

Mr. Withers: OK.

Mr. Stierheim: Before I leave, I (UNINTELLIGIBLE) deal with one thing, then I –

Mr. Kadre: Yeah, any – go ahead, sir.

Mr. Stierheim: In answer to your question, on your position, you may want to collectively say, if you agree with this, that you're going to avoid discussions with local candidates and let them go through the process. May be difficult for you, but it is a slippery slope and (UNINTELLIGIBLE).

Mr. Withers: Are you – before we see our final list of 15, is there any background checking that you're going to do? Are you going to do any criminal or financial background checks before we see the final 15, or is that going to – When is that process going to come into play?

Mr. Collier: What we normally do is we do a quick background check, the simple ones you can do, and we also do a search of the newspapers in the community where the person has been active to see if there's anything there that crops up in review. We found more out of a newspaper than we usually do out of a more formal background searches, but that's what we do before you see any names. If we've got a – if we've got any – we were just going through another search, and we got into a situation where data from different checks didn't compute, didn't come together. And we basically said we're dropping this person, cause we can't get to the bottom of what the (UNINTELLIGIBLE) the problem is.

Mr. Withers: So if you see any DUIs (Driver Under the Influence) or you see any bankruptcies or things like that, does that automatically end your criteria, throw someone into the heap?

Mr. Collier: It really depends. I've been involved in searches where the pickings were so poor that we had to go ahead with candidates where we specifically said – and we did it after talking to them, saying this person was involved in a – 10 years ago, in a bankruptcy (UNINTELLIGIBLE) dealing with something, but we recommended them cause we felt that this – it's an issue that's behind them, or something like that. If you have an abundance of candidates, I think we'd normally say you don't need to deal with that.

Mr. Withers: I don't know how the panel feels, but I'm just wondering, there's a point in time where I know the City will do more extensive background checks, as you move – as you rack it up and get down to your final choices, but I don't know where we feel with our final 15, where we want to go with that (UNINTELLIGIBLE).

Mr. Fernandez: Have we decided on 15 being the number?

Mr. Withers: I don't know. I just threw that number out there.

Mr. Leen: Well, that's one thing I was hoping you would provide. Two pieces of information we would like from you: Is what number do you want presented to you as resumes, and then what number do you think you will want to interview? I understand there's some flexibility there, depending on what you see.

Ms. Moreno: Could I ask – ?

Mr. Leen: For planning purposes...

Ms. Moreno: Can I ask...

Mr. Leen: ...that would be good to know.

Ms. Moreno: ...a question. Given what Merrett Stierheim just told us, are we getting any kind of a letter or expression of interest from these candidates as to why they think they would be a good manager and why they want to be a manager for Coral Gables, kind of a college essay, if you will?

Mr. Collier: No. Many of them write fairly long cover letters when they submit their application.

Ms. Moreno: That cover those points?

Mr. Collier: I can't say that they're written to our format. They're written in the format the candidates use.

Mr. Kadre: To Cristina's point, I mean, I think the – in this process, we have to have a – at least minimally a résumé from the candidate and an expression of interest as to why they want the job and think they could be good at the job.

Ms. Moreno: Yeah. Because I think one of the things – I agree that one of the things we want is a person who communicates well succinctly, and if you ask them to provide us with a letter of why they would be good, that would be indicative that they're able to communicate in correct English succinctly and with fire in their belly. So to me, I thought the points were very well made, and I'd like to see that as part of the search process, unless I'm missing the point totally, since I haven't done this and you have.

Mr. Withers: No, no, I think you're right on. I mean, every – you know, I kind of chuckled when I read this, cause it says you want the person to be of high ethical character. Well, I think everybody's going to say they're of high ethical character.

Ms. Moreno: Exactly.

Mr. Withers: If they wanted to be a good communicator or – they're not going to say I'm a bad communicator. That – you know, they're going to be a team builder, I would think, you know, so is that – I guess my point is is that your criteria for moving someone along, is these points in here, or do you have some other criteria that you move people along?

Mr. Collier: No, those are the points we use. And we usually find a way to get information, whether we interview people that have worked with them or whether we ask him to provide names of people he's worked with that we can deal with issues, like team-building or whatever. We do what it takes to get to a point – this is our goal. We're not going to embarrass any of our clients, and we're going to make sure that when we recommend somebody for an interview, you're not going to have headlines in the paper saying that he was found naked upside down hanging from a telephone pole.

Mr. Withers: I guess what I'm saying is you're going to probably get 50 to 100, 75 – you know, I bet you that's the number. So I would like to see what your criteria is for moving someone into that top group that maybe we want to look at. I mean, what – do you have a, you know, bullet point 10 percent for this and 5 per – do you have a – how do you score your people moving them from the pile of 80 to the pile of whatever we decide on?

Mr. Collier: Well, if you did one, you'd see how it happens. The first thing is on the first pass of the 100, you'd probably drop it to 30 just based on lack of experience, badly written résumé, not enough education to match the basic criteria that you show in the application. And then after that, it gets down to more of “is the experience applicable to the community that we're recruiting for” and then work from there down through the characteristics that are listed in the thing. So it's

not a scientific process. It's not by the numbers. Now, there's a lot of intuitive judgment goes into it, but everybody's working on the process. All we have right now are the three I'm working with, including Colin, who probably have over 100 years experience in working with managers in local government, so we (UNINTELLIGIBLE) over the time can pick it out. Now, that's not to say we don't make mistakes every once in a while.

Mr. Withers: No, I understand.

Mr. Collier: Normally, we – and I have to say in the – it's going to be harder when you're dealing with people who don't come out of past experience in local government, cause one of our best themes is what you hear through people who know you and trust you. I mean, I've actually gotten phone calls saying I see so and – I heard so and so's going to apply; I wanted to tell you this, but I think it might save you an embarrassment, or something like that.

Mr. Kadre: To that last point, the direction that you received from the Commission when they retained your firm, though, was that they do want to – they don't want to limit it to people that are your traditional candidates only, right?

Mr. Collier: Very clearly. And that's one of the reasons I'm here today; was to try – as I said earlier, to try and get your suggestions; how we can improve that recruitment process to bring other groups in that we – frankly, we don't have experience. I mean, it's easy enough to go the Wall Street Journal and run an ad, but especially in this area. If you could give us names of organizations or individuals that you'd recommend us to contact to see if they know of anybody who might be interested in applying, we'd greatly appreciate that. But if we don't come with that

–

Mr. Kadre: Well, to move us along a little bit, I think that – you know, I don't want to get off the point. The reality is, I think that – to Cristina's point, I think we'd like to – I'm going to make a motion to require that everyone that you submit to us, at a minimum, have a expression of interest, a letter...

Mr. Collier: Yeah, I (UNINTELLIGIBLE).

Mr. Kadre: ...expressing interest and a detailed résumé.

Mr. Withers: I'm sorry; a what?

Ms. Moreno: Yeah.

Mr. Kadre: Detailed résumé.

Ms. Moreno: But I think what I'd like from them, because – one of the problems that I have with the way that this is described is that if I am not in local government, if I am a – you know, a good management in a private firm, the way you describe the job and what is an ideal candidate would discourage me, because it says – you know, for example, it says, “The ideal candidate will have worked in a community of at least 40,000 in an urban setting with its own thriving downtown.” Well, you know, what if I've been the manager, you know, the CEO (Chief Executive Officer) of IBM (International Business Machines)? That would exclude me because that's not what I did. So I think I'm making two different points. One point is I would like to have a letter that expresses why the person would be good for the City of Coral Gables as a City Manager. What criteria – you know, what in their background and in their experience and in their personality makes them a good candidate, regardless of whether they have city experience or not? That résumé will tell me the city experience; the letter, I'm looking for to see why they think that they would be good. That's one. And number two is, you know, after hearing you, I'm looking back at this, and I think this needs to be beefed up in some way to attract non-public sector candidates, if that's what we want to do.

Mr. Collier: Well, you just gave us one good recommendation, and we will revise the brochure to re – to move – to take anything that's written in such a way that it assumes that a City Manager is the only person that is going to apply (UNINTELLIGIBLE). We'll go through the whole document to make sure there's nothing in it that obviously would make somebody from outside the manager profession doubt that there's any interest in them.

Mr. Leen: And then the way I understand your motion is that when these names are presented to you, it'll – they'll come with, at the very least, a name and a résumé, and then whatever else, as part of the file.

Ms. Moreno: It will come with a...

Mr. Leen: A letter.

Ms. Moreno: ...a letter with an expression of interest – not just an expression of interest in the job, but an indication of why they would be a good candidate, given the criteria that has been established.

Mr. Leen: So even they submit one right now and they don't have such a letter...

Mr. Collier: We will –

Mr. Leen: ...before it comes to them, you'll ask for the letter and then it'll go to you.

Mr. Collier: And we will modify the job brochure to make that a requirement.

Mr. Kadre: Let me ask you this. What other – besides the résumé and the letter, which I agree with my colleagues are a minimum so that the type of information that I would want to get – what other information do you traditionally provide clients about, you know, the final list that you pass on to a search committee, such as ours? In my role at the university, we – you know, we deal with a lot of searches, and they have worked with a lot of firms, and they also will, you know, provide a summary sheet as to your assessment. You know, you may have had conversations, you may have talked to some other – you may have talked to other people within the profession or the community that have feedback. That type of information will be helpful. 'Cause I can – you know, I see a lot of people that can write a – not to discount Cristina's point, but that could write a great cover letter. I'm interested in what other due diligence you traditionally do as an expert in this field, and then what other information you would traditionally provide.

Mr. Collier: Yes. We will make sure – Now, there again, I think from our viewpoint, we'd probably not want to put that in writing as part of a submittal, because we have to deal with a whole bunch of people who come back to us for jobs. Many people have been hired two or three times in a 20-year career through searches that we've done, and we don't want to put down on paper we really think that the fellow might have a problem with "X." But we certainly will get you that information.

Ms. Moreno: But do you do things, for example, to avoid the very public problems that have happened with coaches that say that they've graduated from "X" university and it turns out they graduated from, you know, "Y" community college? Do you check into the resumes, at all?

Mr. Collier: We're not going to give you any name that doesn't pass our initial check. We check all the educational...

Ms. Moreno: OK.

Mr. Collier: ...(UNINTELLIGIBLE), and we're not going to embarrass ourselves or you by having somebody...

Ms. Moreno: Yeah.

Mr. Collier: ...And (UNINTELLIGIBLE) –

Ms. Moreno: No, I wasn't implying that you would. I didn't know if you did the checking.

Mr. Collier: No. I read them, and I think “why would anybody do that. They know, sooner or later, they're going to get checked.” But they do.

Ms. Moreno: They do.

Mr. Kadre: So I think we've got that issue resolved now, right, the issue of –

Mr. Collier: Yes.

Mr. Kadre: – the requirements for the – getting us candidates. I think that the next issue is the number of applicants that we would like to see in the initial round.

Mr. Withers: Are you going to send us, individually, the group, right? the – whatever number, and then we will, before our meeting, study those and come back and discuss –? We don't – we're not going to see them for the first time as a group?

Mr. Leen: The thinking would be – what I was thinking was whatever number is going to be presented to you – let's say it's 15 or 12 – will be presented to you in advance of your meeting, like an agenda, a packet that you'll have. You'll meet. You'll pick which of those people you want to interview, and then you'll have another meeting where you'll interview them is the thinking.

Mr. Withers: I'd rather have them ahead of time, wouldn't you? I mean, wouldn't you want –

Mr. Withers: That's (UNINTELLIGIBLE).

Mr. Leen: No, no, you'll have it ahead of time. Before you meet to pick which of the 12 or 15 you're going to interview, you'll have like a week with them –

Mr. Kadre: Yeah.

Mr. Leen: – to think about it individually.

Ms. Moreno: A packet, a packet.

Mr. Kadre: You'll have a packet of information on each of those –

Ms. Moreno: We'll have – read the résumé, the letter, and their (UNINTELLIGIBLE).

Mr. Collier: You'll have everything that a Commissioner gets in our recruitment process.

Mr. Withers: Yes. And we can contact their references.

Mr. Collier: (UNINTELLIGIBLE) about –

Mr. Withers: Yes.

Mr. Collier: – that thick.

Mr. Leen: You can contact their references. You have any problems with contacting references?

Mr. Kadre: The one thing I would like –

Mr. Withers: Can we discuss the references at the public meeting?

Mr. Greenberg: Sure.

Mr. Leen: Sure, you can.

Mr. Greenberg: (UNINTELLIGIBLE) public, you can do virtually anything.

Mr. Fernandez: So we can con – just to be specific, since we have your great assistance. We can – you know, once we receive the packets, we could contact the reference and wait until – then, if we have feedback, we could allude to that private conversation in the public meeting?

Mr. Greenberg: Right. What you can't do is privately –

Mr. Kadre: And to call Manny.

Mr. Greenberg: – (UNINTELLIGIBLE).

Mr. Withers: – beforehand or Chip –

Mr. Greenberg: And let me just clarify something. If you want to tell someone to apply for the position, you can do that. You know someone good out there, let them no know. And let me just add, Cristina, one thing to what you said; it was a good idea. Every great thought does not come from the local government world, but people who come from the private sector – and I've seen this multiple times – you have to try to make sure they understand that being a CEO of a governmental agency for cities in Florida is different from being the CEO of Fortune 500 Club; that you have to competitive bid; that you have to comply with Government in the Sunshine and the Public Records Law, even if getting that new car or new bus system is going to be more expensive because you have to bid it. So just make sure they understand, cause I've seen CEOs get in trouble when they've tried to apply their private sector experience to the public sector, and there have been some very good ones that have come from the public – from the private sector. And the way to do it is just make sure you have one whose ego is not the size of Taj Mahal, who is willing to delegate, and it's especially important that they communicate with their legal counsel. I've seen situations where there's friction between the two, and it's not good for the City. They have to be willing. You – Coral Gables happens to have a very abled City Attorney, and I can say it because I trained him. I hired him, and I trained him, and I recommended him when he applied here to the then-Mayor, and I wrote letters to the then-Commissioners on his behalf. And if you have questions – as opposed to Merrett, I think the understanding is I'm supposed to be at all your meetings, and I will be –

Mr. Leen: Yes.

Mr. Greenberg: – when I am in town. It's summertime, and I'm retired, and I'm not here all the time. I'll let Craig know when I'm not. But if you really – I'm sure you picked it up already. If you want the answer you'd like to get more often than not, call Craig. If you want the more conservative answer – I know that's not helpful, and I'm semi-facetious. I mean, we can talk. You can talk to us as much as you want (UNINTELLIGIBLE) the professionals on – who are doing the recruiting for you. But I'm just letting you know there'll be some – just out of common courtesy, I'm letting you know I'll be out of town probably for some meetings, but I will communicate with Craig and through you all, and you have my contact information if you want me.

Ms. Moreno: I'm sorry. What – to the point that Murray is making, are you going to tell the CEOs of the Fortune 500 that they've got to check your ego in at the application process?

Mr. Withers: Good luck on that one.

Mr. Collier: Only if their ego shows.

Mr. Greenberg: As you all should do. I mean, (UNINTELLIGIBLE) suggested (UNINTELLIGIBLE) do it.

Mr. Kadre: I don't think you have any bashful people on this committee.

Mr. Withers: No, I don't think you do.

Mr. Kadre: I'm the most bashful.

Mr. Greenberg: One of the things that I know is that I don't think we could –

Mr. Leen: So one other thing I wanted to say at the – you know, I talked to Murray about some of the questions at the beginning. You know, we agreed that our advice would be that obviously, you can speak to anyone you'd like, except for each other, about this process. If someone reaches out to you and wants to meet with you, you're free to meet with them. We're not going to recommend that this committee interview, individually, people that will come to you each individually. We would recommend that you meet – you interview them as a collective group. However, on an informal or sort of ad hoc basis, where it's not one person meeting with all four of you one after the other, if you just want to meet with them and talk with them over coffee, get some information from them, tell them a little bit about what you're looking for in a City Manager, that's perfectly fine.

Mr. Kadre: I'm going to try to drill down and get us very structured here, because we're going to go all over the place.

Mr. Withers: OK.

Mr. Kadre: OK.

Mr. Leen: By the way, this – you can check your own rules, though, too. If you want to make it clear that you want all the meetings to be in the Sunshine, you can do that. If you want to make it clear that you can meet with people individually, you can do that as well.

Mr. Kadre: I think that you have very smart people on the panel; everybody can make their own decision.

Mr. Leen: OK.

Mr. Kadre: I'm not about to – trying to restrict colleagues. But I want to try to get us structured so – you have, I think, the direction now on cover letter and transmittal of résumé and a statement as to why they would be good for the job, so I think we're clear on that. The second item we need to discuss is how many people as candidates we would like to see?

Mr. Collier: Can I interject here, cause I have a suggestion for you? Our process, normally, we do a review of about 10 or 12, and then we do – that's when we do the internal checks and get it down to five to pass onto the government, and I say five. It could be seven, depends. We're not limited. If we feel that there're seven good candidates that are all equally close, we'll give you seven, not five.

Mr. Kadre: Well, I think we're going to give you a larger number so that ...

Mr. Collier: But let me finish. What we don't do normally, though, is when we're up at 15, we don't do all the background checks, cause it's expensive; it takes a lot of time. And if you see the initial group of 15 and you – whatever the number is – and you say, I'd like somebody who specializes in cooking that might help us, we can go back and look at that.

Mr. Kadre: I think we're going to give you some time to do background checks and the time between you give us 15 and that we whittle it down to how many –

Mr. Collier: That's exactly what I'm asking.

Mr. Kadre: OK, so I think that that's fine. Is 15 OK? I make a motion for 15?

MOTION 2014-04

**ESTABLISHING THE NUMBER OF 15 AS THE
NUMBER OF CANDIDATES THAT THE CITIZENS
ADVISORY COMMITTEE WOULD LIKE TO
INTERVIEW.**

Moved: Manny Kadre
Second: Rudy Fernandez
Unanimous Consent Vote

Mr. Withers: I'll move 15, Madam Chair.

Mr. Collier: OK.

Mr. Withers: I'm fine with that.

Ms. Moreno: Jose?

Mr. Mas: Fifteen's good.

Ms. Moreno: OK.

Mr. Kadre: I'd like to sort of talk about a date by which you would give us these 15 names, and I want to suggest July 30 as a date.

Mr. Collier: I just want to make sure that – now, we have July 12 or 11th down as the date to get your applications in.

Mr. Withers: I'm sorry; I didn't hear you.

Ms. Moreno: What date?

Mr. Collier: We have on our current brochure July 11 to get the applications in, and you're talking the 20th?

Mr. Kadre: No, no. I would like to move it – I would like the date – the deadline within which you can give us applications is July 30 or 31st. Let me look at a calendar.

Mr. Collier: We can meet that. If our deadline is to receive applicants – applications is the 11th, it unusual takes us about a week after that.

Mr. Mas: That's fine.

Mr. Collier: But we don't do anything else.

Mr. Kadre: Yeah. I would try to move your deadline within which people could apply a little bit out more.

Mr. Withers: Back a week or two.

Mr. Kadre: Yeah, back to July 18 to give yourself more time to get better applications.

Mr. Collier: Yeah.

Mr. Kadre: I would like that, by July 31, you'd be ready to make the 15 names public. And I would ask that the City Attorney and the Clerk post the names, OK? and encourage public input on the names.

Mr. Collier: And that date again is?

Ms. Moreno: July 31.

Mr. Kadre: July 31.

Mr. Leen: So by post a name, you mean like on our web or like in (UNINTELLIGIBLE)?

Mr. Kadre: You know, I think that the ideal thing would be to post them on the website...

Mr. Withers: OK.

Mr. Kadre: ...and allow – and encourage public input at that point. You'd be –

Ms. Moreno: And publicize it in the E-Coral Gables News that we all get.

Mr. Kadre: OK.

Ms. Moreno: That they're posted and that we would like comments.

Mr. Leen: And then we – I would say that it is the selection committee. The advisory committee is asking for public comment.

Ms. Moreno: Yes.

Mr. Kadre: And to get it by a certain date. When do you want that by?

Mr. Withers: But not the public comments in a blog format. You're talking about public comments directed toward us or how do you want (UNINTELLIGIBLE)?

Mr. Kadre: The item. You want (UNINTELLIGIBLE)...

Mr. Kadre: You know, I would say – you know, the members of the committee would encourage public input and provide the e-mail and...

Mr. Withers: They'll get it to Walter and then Walter will distribute it amongst us.

Mr. Kadre: Walter will distribute it, OK?

Mr. Withers: That way, it's a public record.

Mr. Kadre: Yeah, that makes sense.

Ms. Moreno: And then we would meet when?

Mr. Kadre: OK. I think we would then try to meet during the week of August 18, if that's feasible for everyone? Murray, you're not here?

Mr. Greenberg: I'm not here that week (UNINTELLIGIBLE).

Mr. Kadre: Are you here the week of August 25?

Mr. Withers: So how many do we want to pass for – is there a magic number to the Commission?

Mr. Kadre: Five.

Mr. Fernandez: Five.

Mr. Withers: Is it five?

Mr. Mas: Five.

Mr. Kadre: I think five is the right number.

Mr. Withers: OK.

Mr. Collier: I wouldn't – I'd recommend that you just say, we'll review them and we'll recommend a candidate (UNINTELLIGIBLE).

Mr. Kadre: Such really good ones and we can't decide on six...

Mr. Collier: That's correct, if you –

Mr. Kadre: ...you would pass on six, is your point.

Mr. Collier: Just leave a little (UNINTELLIGIBLE).

Mr. Kadre: Yeah.

Mr. Withers: So the Commission wants to interview them on the 12th and 13th. Is that what this means here? Interviews are anticipated to be on September 12 and 13th. Is that the Commission interviews?

Mr. Kadre: Yeah.

Mr. Withers: So that's a – OK.

Ms. Moreno: So then we want to meet August 18 or the week before.

Mr. Fernandez: No. I think August 18 or 25th?

Mr. Withers: 'Cause if they're meeting on Tuesday, the 12th –

Ms. Moreno: I'm gone that week of the 25th. I could do the 25th, but I'm gone after that.

Mr. Kadre: OK. Is...

Mr. Collier: You might want to double check it.

Ms. Moreno: The week of the 18th I'm free.

Mr. Withers: When is Labor Day. That's the first, right?

Mr. Greenberg: In September.

Mr. Mas: Yeah, (UNINTELLIGIBLE). The 18th is the first day of school for all schools.

Mr. Kadre: Well, let's just back up one second. I think we need to have two meetings: one to decide how many we're going to interview.

Mr. Withers: And then the interview meeting.

Mr. Kadre: Yeah, and one to do the actual interviews, right?

Mr. Leen: Yes. And then you're going to have to basically pick the list. Are you –?

Mr. Kadre: So we will get a submission of 15, and then we need to publicly meet, cause we can't do this in private, during the week of the 18th?

Mr. Fernandez: I think you need to try to meet earlier. If we're getting the information from the search room by the 31st, you know, we should try to meet...

Mr. Kadre: We could meet during the week of the 11th, if you guys like...

Mr. Fernandez: Yes.

Mr. Kadre: – but that's not going to give you a lot of public comment.

Ms. Moreno: You guys have 10 days, 11 days.

Mr. Kadre: Ten days, yeah.

Ms. Moreno: That's OK.

Mr. Kadre: We could do it.

Mr. Withers: What's the – if we do decide to interview someone from Bismarck, North Dakota, what's the City's policy on the move flying them down and putting them up for a day? Is there any City policy on that yet?

Mr. Leen: No, not yet. I think that the Commission – if it were before the – before the Commission for a final selection, that'd be something they –

Mr. Withers: They would do that, but they don't want us flying people in.

Mr. Leen: I don't know. I mean, I'm going to ask. I will ask. I think that –

Mr. Greenberg: (UNINTELLIGIBLE) interviewing is (UNINTELLIGIBLE).

Mr. Kadre: I think that that's an issue we could probably discuss when we know if we have anyone from Bismarck...

Mr. Withers: Right.

Mr. Kadre: ...Dakota, so let's – why don't we do this? Why don't we try to pick a date on the week of the 11th, then, for the initial paring down? August 14 or 15th?

Mr. Leen: If I can give you my – you know, I'm thinking about that a little more. It's such an important choice for our City. I do have some flexibility here in my own budget and things like that. You know, I think, if you want that done, I can always talk to the Mayor and individual Commissioners.

Mr. Withers: You mean flying someone in.

Mr. Leen: Yeah. I mean, it's not that expensive to do it for something of this import, so –

Mr. Kadre: Yeah, I just think, you know, we don't need to cross that bridge right now.

Ms. Moreno: OK, so we're talking August 14.

Mr. Kadre: I'm...

Ms. Moreno: Jose?

Mr. Leen: To be clear, that's a nondepartmental (UNINTELLIGIBLE).

Mr. Mas: August 15th.

Mr. Collier: I think you do need to touch that, cause we're going to get a question –

Mr. Kadre: I think that that's fine, but, you know, we don't need to cross that bridge until we get there. I mean, if there's no one who applies, we don't – you know, on the 15th, we can decide – you know, I think that it's obvious that if there's a superstar candidate out in the Los Angeles that wants to move to Miami, the City's going to find a way to fly him down. I mean, I would be shocked if the decision were different than that.

Mr. Fernandez: So we're talking about the 15th, Manny?

Mr. Kadre: Yeah. Is the 15th OK with everyone?

Ms. Moreno: That works for me.

Mr. Kadre: Jose?

Mr. Mas: Yes.

Mr. Withers: Morning, afternoon, what time do you want to do it, coach?

Mr. Kadre: I can do it at any time during that day. The 15th is a Friday, August 15.

Mr. Withers: August 15.

Mr. Kadre: Any preferences?

Mr. Withers: August 15.

Ms. Moreno: Let's do morning so that we...

Mr. Kadre: Nine a.m.

Ms. Moreno: Nine a.m., August 15. Everybody OK with that?

Mr. Mas: Yes.

Ms. Moreno: OK. And then the next meeting the next week? That would be the interview meeting, right, based on your structure, Manny?

Mr. Kadre: Yes.

Ms. Moreno: Let's try August 22.

Mr. Kadre: Yeah.

Mr. Fernandez: Which one?

Mr. Withers: I'm sorry; what date is – what date?

Ms. Moreno: You can be on the phone, like Jose.

Mr. Mas: I think (UNINTELLIGIBLE).

Mr. Kadre: Murray, I think it's more important to have you on the 15th than on the 22nd.

Mr. Withers: Yeah.

Mr. Greenberg: (UNINTELLIGIBLE) the time.

Ms. Moreno: Yeah.

Mr. Leen: I can cover the other one.

Mr. Kadre: Yeah, I think it's more important to have Murray...

Mr. Withers: The 22nd. He's talking about the 22nd.

Ms. Moreno: Yeah, the 22nd, also at 9?

Mr. Withers: That's fine.

Ms. Moreno: That's the interview day, so OK.

Mr. Withers: So that's probably going to be, what, about a –?

Mr. Fernandez: It depends how many people we'll interview.

Mr. Withers: How long – well, how long do we want to – how do we – we'll figure the logistics out of that.

Mr. Collier: I think you're going to spend a whole day.

Mr. Withers: Yeah.

Mr. Kadre: Yeah. I think that that's –

Ms. Moreno: To block the date.

Mr. Kadre: Yeah, let's block the 22nd.

Mr. Leen: Can I raise something with you that just came up? You know, the more I think about it, the Commission was so intent on having a nationwide search. I think it's implied that we would be able to fly people down.

Unidentified Speaker: Yeah.

Mr. Leen: So what I would like, though, is a motion from the committee, and then I'll handle it, and I'll get the necessary authority.

Mr. Kadre: I would like you to – I mean, I don't know if we need a motion, but the expression that the committee –

Mr. Leen: The expression of your desire.

Mr. Kadre: Yeah. The committee would prefer that the Commission be flexible on flying very qualified candidates down.

Mr. Leen: I think it's already implied in what they've done by doing a nationwide search and – we do have – I believe we could take it out of a nondepartmental fund, so I – I'm just telling you right now, I think we'll be able to do it, but I'll report back to you at the next meeting –

Mr. Kadre: OK.

Mr. Leen: – through Murray.

Ms. Moreno: OK. And then at the end of our interviews, we're going to pare it down that same day, so we just need two days: 15 and 22?

Mr. Kadre: By the way, just a – as a matter of question – and I know what Murray's answer to this is, so I'm going to ask Craig, since I've known Murray so long. So we will interview the candidates all in this Chamber, correct?

Mr. Leen: Yes.

Mr. Kadre: No candidate would be precluded from another candidate's interview.

Mr. Leen: No. Although, you can ask them not to sit in...

Mr. Kadre: Yeah.

Mr. Leen: ...the Chamber.

Mr. Kadre: I –

Mr. Leen: But you can't compel them.

Mr. Kadre: Yeah. So, you know, I am going to want to request...

Mr. Leen: Yes.

Mr. Kadre: ...from the candidates that they not sit in...

Mr. Leen: What's your view, Murray? Same?

Mr. Greenberg: (UNINTELLIGIBLE).

Mr. Leen: Same to you.

Mr. Kadre: 'Cause I think it's a very unfair disadvantage.

Mr. Leen: I think so, too. So we're going to request...

Ms. Moreno: And if they sit in, that's a black...

Mr. Kadre: Yeah. I mean...

Ms. Moreno: ...mark against them.

Mr. Leen: I don't think you could say it that way, but I do think it shows you that there's someone that's not likely to work well with the board, you know. They won't even do that, so –

Mr. Collier: I think the other thing is a housekeeping thing. You need to have five places where the members of the committee can interview privately, correct, whatever time that they (UNINTELLIGIBLE)? In other words, you're going to have a full interview with the can – one – committee with one candidate or you're going to have private interviews with those candidates? 'Cause that's the normal process we follow, so you have a chance to talk more privately than you do (UNINTELLIGIBLE).

Mr. Kadre: I don't know how we can do that in the Sunshine.

Mr. Collier: Oh, it's very simple. When you're meeting individually, you're not in the Sunshine. It's when you're in a group that (UNINTELLIGIBLE).

Mr. Fernandez: Yeah, but I think the advice Mr. Greenberg has, you know, in his conservative, which I like, has told us that, you know, (UNINTELLIGIBLE) to set up that process of individual meetings is something that you would discourage us from doing.

Mr. Kadre: Yeah. I mean, I think that that sets up such a cumbersome situation, because it would be natural for me to come back into the Chamber and want to express my thoughts on what my private interview with the person was like.

Mr. Leen: I think it would be better if you want to informally set up something with them (UNINTELLIGIBLE) and talk to them, that would be fine, but it shouldn't be a formal part of the

process. We did do that when – with the City Attorney. I remember I had individual interviews. I looked at it at the time. You know, I figured as a – someone who wanted to be the City Attorney, I should check. You know, what about that sort of process. And, you know, my view was because each – I was meeting with each Commissioner separately, but then meeting with you as a group, and then you did the group interview and then you selected the person, I felt it was fine. It was legal. Although, I know that Murray might have discouraged it. I know a couple of people at the County Attorney at the time said, “Ah, I don't know if we would have set it up that way.”

Mr. Kadre: The difference –

Mr. Withers: I do think the Commissioners appreciated the ability to speak to me individually, though.

Mr. Fernandez: But the difference between you're – the search for the City Attorney and what we're doing, we're not the final step in the process, so the city Commission could always reserve the right to go and do it individual meetings with the finalists.

Mr. Leen: Yeah. I don't want to expose you to any sort of –

Mr. Kadre: Yeah.

Mr. Leen: You know, what you're doing is a public service. You're not paid to do it. If you want to meet with them individually, we said that you can do it. But I don't know if we should do that – like in the Chamber on TV (Television), have you go outside and speak with the person. I just think it looks a little strange. I mean, I'd be curious what a Commissioner Withers thinks, cause you have a lot of experience.

Mr. Withers: You know, we have the right to speak with the candidates beforehand.

Mr. Leen: Yeah.

Mr. Withers: Can we pick up the phone and call them?

Mr. Leen: Yes.

Mr. Kadre: Yeah. So, listen –

Mr. Withers: We can interview them if we want, anyway. I mean, we don't need a structured interview to do it, do we?

Mr. Leen: I think the concern with the case that Murray was talking about was when the person would – they'd actually – that was formally a part of the interview. They'd go and meet one at a time with each person and then there was a selection.

Mr. Kadre: Yeah.

Ms. Moreno: Yes.

Mr. Leen: And there's a concern that there's something un (UNINTELLIGIBLE).

Mr. Withers: And we always – and, you know – Manny, we can always – if Friday gets to be too cumbersome, we can always do Thursday evenings for local candidates, couldn't we, if we (UNINTELLIGIBLE) people?

Mr. Kadre: Yeah, or a Saturday morning.

Mr. Withers: Or a Saturday morning. I mean, we can (UNINTELLIGIBLE).

Mr. Collier: OK, but what time are you going to start on the 22nd?

Ms. Moreno: Nine.

Mr. Kadre: Nine.

Mr. Withers: Nine.

Mr. Fernandez: Nine.

Mr. Collier: Nine. And what about the 15th?

Ms. Moreno: Nine.

Mr. Withers: Nine.

Mr. Kadre: Nine.

Mr. Collier: Thank you.

Mr. Kadre: I think that – Listen, if there is a candidate – just to get back on the issue of individual stuff. As a matter of course, I don't think that, you know, I want to be sitting in front of particular candidates and interviewing them privately. But I will tell you that if there is a candidate whose background is either doubtful to me or it's a candidate that has a particular issue in their background, I may call that person privately to address it.

Mr. Leen: Yes, you can do that.

Mr. Withers: That's what I mean.

Mr. Kadre: And that is something, you know, that I will do. But I don't think that I'm going to encourage people to have a lobbying, you know, sort of effort to...

Ms. Moreno: There's no unfairness to meeting with two people privately and not meeting with the other 13? There's no issue of that?

Mr. Leen: No, there's no issue.

Mr. Kadre: Well, there's a huge – see, the reason that I don't do this is because when you're doing a national search, OK, you know, if there is a guy in North Dakota who I think – or a woman in North Dakota who is very, very qualified, OK, and there is a Miami person who I think is very, very qualified, you know, it's a unfair advantage to ask the guy in North Dakota to get on a plane and come see me for a one-on-one interview when, you know, the very qualified woman in Miami can just come to my office to see me. So it is sort of – it's a fairness issue for me.

Ms. Moreno: Yeah, but you could do both by phone.

Mr. Kadre: Yeah, you could.

Mr. Kadre: You could require both – that's why I think we need to be flexible, and I don't want to have hard-and-fast rules.

Mr. Leen: I just want you to know and give you a public legal opinion that if someone calls you and recommends someone, you're free to talk to them and you're free to talk to that person – you

don't have to feel bad about that, at all, and you can mention that at the public meeting later. The one thing you should know, though, is if you do – if someone calls you earlier in the process, before this goes into the Sunshine, and you send an e-mail, even to their firm, that's very likely a public record. So if you're going to – if you have a name – if someone calls you and says, Oh, we think that they – you should look at this person. You should call him and tell him, Oh, take a look at this person. That, under the Public Record's Law, is not a public record. But if you put it in writing, in an e-mail, or in a letter, that becomes a public record, because you are acting on behalf of the City.

Mr. Kadre: And the other thing –

Ms. Moreno: So, do we have to say who called us to recommend somebody?

Mr. Leen: No.

Mr. Kadre: No.

Mr. Leen: You don't have to.

Ms. Moreno: OK.

Mr. Collier: Well, I have to say we do have, at times, when we give a list of names and somebody will bring up another name and we'll say, it's close enough; we'd recommend you add him to the list. I mean, this is not rigid, if there's a reason to try and get a better candidate along the way.

Mr. Kadre: If you're scratching your head between 15 and 16, don't give us 16.

Ms. Moreno: Yeah.

Mr. Kadre: Fifteen is guidance

Mr. Collier: I said I would, OK.

Ms. Moreno: OK. OK, so are we finished for today?

Mr. Leen: Anything else that you want to (UNINTELLIGIBLE)?

Mr. Fernandez: Can I go back to something that Manny raised about the invitation for public comments? I mean, how do you envision people opining, cause –?

Mr. Kadre: You know –

Mr. Fernandez: And is this the best step in the process, Manny, as opposed to when there's finalists before the City Commission?

Mr. Kadre: I think that any time that you're searching for something and it's a process in the Sunshine especially, not to invite public comment is a huge mistake. Because if you invite public comment and someone doesn't speak out, and then they want to be critical of – ultimately of the Commission, the Commission can say we invited public comments.

Mr. Fernandez: No. And I agree with the substance of that. Do you envision people...

Ms. Moreno: The timing –

Mr. Fernandez: ...e-mailing – what's the vehicle by which...

Mr. Withers: I don't agree – I don't agree –

Mr. Fernandez: ...we're inviting them?

Mr. Withers: I don't envision many responses.

Mr. Mas: ...Or (UNINTELLIGIBLE) for all 15 candidates versus (UNINTELLIGIBLE) people that we select to interview.

Mr. Kadre: You know what, Jose, that's a very good question. I would invite public comment the minute that – you know, the minute that the search firm makes the 15 or 16 names public – because I have had situations in my life where I've been on these committees, and I have learned stuff through public comment that we've been able to verify independently that would make me never ever vote for that person, despite the fact that they looked qualified on paper.

Ms. Moreno: I think we need the public comment before we whittle down the list. I agree with him.

Mr. Kadre: Yeah.

Mr. Withers: And if you're worried about, you know, cleaning up the public comment, keep it off the blog, make it official, like addressing it to the City Clerk, you know, with an address and a phone number. It can't be an anonymous, you know...

Ms. Moreno: Yeah.

Mr. Kadre: I'm getting after process to try to keep it clean and keep it working too.

Mr. Withers: And keep it organized. It has to go –

Mr. Leen: (UNINTELLIGIBLE), we'll put that in the –

Mr. Withers: Yeah.

Mr. Fernandez: – (UNINTELLIGIBLE).

Mr. Withers: And signed.

Mr. Greenberg: And signed with an address.

Mr. Withers: With a name, yeah. In the – yes.

Mr. Withers: And that'll get rid of all the nuts.

Mr. Greenberg: (UNINTELLIGIBLE) name.

Mr. Leen: You can put rules.

Mr. Greenberg: (UNINTELLIGIBLE) with an address (UNINTELLIGIBLE). It can't be relevant if it comes from someone (UNINTELLIGIBLE) –

Mr. Withers: Exactly.

Mr. Greenberg: – (UNINTELLIGIBLE).

Mr. Withers: In North Dakota, exactly.

Mr. Leen: This is not what's called a quasi-judicial process, but it is something where you can set the rules. So, if you're only going to consider submissions from people that signed them and put their addresses, perfectly fine. We can give instructions, put it in the advertisement, and they can go to Walter and he can make it available to (UNINTELLIGIBLE).

Mr. Kadre: You know, and I'm wondering when we invite public comment, I mean, so that we don't put an inordinate amount of pressure on the Clerk's Office, if it shouldn't be public comment to the committee members with a copy to the Clerk.

Ms. Moreno: No, I'd rather it just go to the Clerk.

Mr. Kadre: Just the Clerk. I agree.

Mr. Withers: Then the Clerk has to disseminate it to us.

Ms. Moreno: Yes.

Mr. Kadre: OK.

Ms. Moreno: OK, so let's make clear what we've decided. We're inviting public comment, the commenter has to put name and address, but the commenter does not have to be a Coral Gables' resident. It can be anybody who has an interest. In fact, we welcome people from outside the Gables giving comments. The comments go to the Clerk's Office. The Clerk then disseminates it to us...

Mr. Leen: Yes.

Ms. Moreno: ...in a formal commentary proceeding, not simply anonymous comments on a blog.

Mr. Kadre: Does everybody agree?

Mr. Fernandez: I agree.

Mr. Kadre: Yeah.

Mr. Greenberg: Let me just suggest this. What another city has done is given each member of this committee – there are only five of you – and ad – a Coral Gables e-mail address so that when

Walter disseminates it, it just goes to you and no way are people picking up your either business or personal e-mail, whatever you want. I mean, it's up to you all.

Unidentified Speaker: Would you like that?

Mr. Withers: We could do that.

Ms. Moreno: I think that would be much better for me.

Mr. Leen: The benefit of that is in every e-mail you receive on this topic, it's automatically going to be in our system –

Ms. Moreno: Yeah.

Mr. Leen: – so you don't have to worry about (UNINTELLIGIBLE).

Ms. Moreno: That would be much better for me.

Mr. Kadre: I've seen it done in a number of ways. I've seen a site created where the Clerk would just post and we could come in and out, so –

Ms. Moreno: But may – what – the beauty of what Murray's suggesting is that it would not just be the public comments; it would be anything that has to do with this committee –

Mr. Kadre: Yeah.

Ms. Moreno: – which, right now, I'm trying to chase and put it all into a folder so it doesn't get deleted by our regular perch process. If we had a Coral Gables' address, that would eliminate a lot of work for me.

Mr. Fernandez: We have to be careful with the reply, although, I guess, huh?

Mr. Greenberg: Yeah.

Ms. Moreno: Yeah.

Mr. Greenberg: (UNINTELLIGIBLE) done have (UNINTELLIGIBLE).

Mr. Fernandez: Yeah, maybe –

Mr. Kadre: Yeah. I mean – so, I've seen it done also by committees where they've – so they post – the Federal Magistrate Committee does this the best, by the way, so the federal courthouse. So they have a site. They each give us a password. They post everything on there. They put the applicant's application, the letter, the references, and all the Commission member has to do is log into that site with their password and you can see anything on the process.

Mr. Collier: Well, I think when you get the material, we can give it to you in electronic form, the same material we're giving you in writing, and there's no reason that can't be posted wherever you want to post it.

Mr. Greenberg: The problem, Manny, with that is the feds don't have to worry about Sunshine and Public Records, so –

Mr. Kadre: No, I realize that, but it's all there.

Mr. Greenberg: Oh, of course.

Mr. Withers: We can – well, you know –

Mr. Kadre: It ensures that everybody's looking at the same information.

Mr. Leen: We don't have to put a password. I mean, we could just make – give you a link and other people could link to it if they want to. I think that's Murray's concern.

Mr. Kadre: It avoids us responding to e-mails, which is, I think, what we're worrying about.

Mr. Greenberg: (UNINTELLIGIBLE) your e-mail that's going out there (UNINTELLIGIBLE) checking on what the Clerk is doing (UNINTELLIGIBLE).

Ms. Moreno: I definitely request that we...

Mr. Withers: Look, I'll create for you each an e-mail.

Ms. Moreno: ...have a Coral Gables e-mail.

Mr. Leen: You don't have to use it. We're not saying you have to use it. If you prefer to use your other e-mail, you can. (UNINTELLIGIBLE).

Mr. Kadre: No, no, I'm fine with (UNINTELLIGIBLE) e-mail.

Mr. Leen: But we'll create an e-mail for each of you.

Ms. Moreno: Yes, please.

Mr. Withers: OK.

Mr. Kadre: We can have all the Coral Gables e-mails set up. I don't care. That's easy.

Ms. Moreno: That's a very good idea.

Mr. Leen: Any other thoughts? So let's just briefly recap. So what we've decided today and I'm going to go forward and do is, first, the search firm is going to make a couple of changes to the brochure. They're going to add the salary range information and benefits. What else is being added to the brochure?

Mr. Withers: You're going to change the photo of –

Mr. Kadre: Change the photo.

Mr. Withers: ...of Don Slesnick and Ralph Cabrera.

Mr. Greenberg: Just one more (UNINTELLIGIBLE).

Mr. Collier: (UNINTELLIGIBLE) ...ask you for a photo.

Mr. Leen: We'll get you photos.

Mr. Collier: OK.

Mr. Leen: Any other things with the brochure?

Mr. Collier: No, I didn't see anymore.

Ms. Moreno: No. I think you were going to do something to beef up non...

Mr. Collier: The language, yes. Written to remove City-specific comments (UNINTELLIGIBLE).

Mr. Leen: To try to get more private.

Mr. Collier: I know what that means.

Ms. Moreno: Yes. I'm not sure that I would remove City-specific, because those would be good candidates, but would say "we're also interested in," or something like that.

Mr. Kadre: Yeah. You know, a statement that you encourage members of the private sector to apply, especially those that have significant managerial experience.

Mr. Leen: OK, so you got that. Two –

Ms. Moreno: It does say that in the very first paragraph. It was just, you know – the way it says the ideal candidate.

Mr. Collier: In the back of the packet, we got (UNINTELLIGIBLE) our (UNINTELLIGIBLE).

Ms. Moreno: Yeah.

Mr. Collier: We need to be more careful.

Ms. Moreno: Yeah.

Mr. Leen: Two: The goal is to put together for you a list of 15 candidates, which will be presented to you in advance of the next meeting, at least a week.

Mr. Collier: By July 31.

Mr. Leen: By July 31. OK, that will be presented to you in advance. We will then have a meeting. What we're doing the public comment before that meeting, too, right?

Mr. Kadre: Well, the public comment...

Ms. Moreno: On July 31 we would get the name of the candidate, the résumé, the letter of interest, and the search firm's criteria recommendation summary, whatever it is that they're going to provide us.

Mr. Leen: And then we publish a list for the public.

Mr. Kadre: Yeah, the Clerk would say, please be advised that the following 15 people have applied for the position of Manager of Coral Gables. The public – the committee would invite public comment.

Mr. Leen: OK, that...

Mr. Kadre: And the public comment should be in "X" form, you know, with a name and address, anonymous...

Mr. Leen: ...Cannot be anonymous; has to be signed, addressed. Is it at that point?

Mr. Withers: Not anonymous.

Mr. Leen: Not anonymous. Can't be anonymous. At that point, then you're going to have a meeting. You're going to pick. We haven't decided exactly how many, but maybe five or six, somewhere around there. (UNINTELLIGIBLE).

Mr. Kadre: On August 15...

Mr. Kadre: Yes.

Mr. Collier: (UNINTELLIGIBLE).

Ms. Moreno: We'll decide how many we will interview.

Mr. Leen: Yes.

Mr. Kadre: We will convene to discuss the applications and decide how many people the committee would like to interview. Those interviews will occur on August 22, at 9 a.m.

Mr. Fernandez: Let me ask one question. This goes back to something that both Manny and Chip raised. We're meeting on the 15. Then, we're paring it down to the number that we want to

interview. But you said that you're not – that the searcher will not conduct background checks on the 15.

Mr. Collier: What I wrote down is for the 15th, we'll give you a basic background check.

Mr. Fernandez: OK.

Mr. Collier: And by the 22nd, we will have completed all our background checks and we'll give you a full –

Mr. Fernandez: And that's enough time for you?

Mr. Collier: That's enough time.

Mr. Fernandez: OK.

Mr. Leen: OK, one other thing. When you have the meeting where you interview people, are you going to take public comment?

Mr. Kadre: We should.

Mr. Leen: There's a new law in Florida which says that at some point in this process – it could be before the Commission; it could be before you – we do have to open the Florida public comment on this matter. I'm just curious whether – you are taking written comment? Are you going to take public comment or not?

Mr. Kadre: We should.

Mr. Withers: It's up to you because as long as our esteemed Chair can keep comments of 30 seconds or less, I have no problem listening (UNINTELLIGIBLE).

Mr. Kadre: Well, I...

Ms. Moreno: I think, if you have – if you've given written comments, that should be it. You've given that opportunity.

Mr. Leen: The law is we have to allow public comment at some point, and probably the Commission would allow public comment. That's been my experience with this Commission. So you don't have to.

Mr. Kadre: Well, we are allowing...

Mr. Leen: They can do it.

Mr. Kadre: ...public comment in writing.

Mr. Leen: You are allowing public comment in writing.

Mr. Kadre: So that complies with the law, correct?

Mr. Greenberg: (UNINTELLIGIBLE) have to be oral.

Mr. Leen: Yes.

Mr. Kadre: It has to be oral.

Mr. Leen: There's a statute which that says at some point during the process, there has to be a...

Mr. Kadre: If that is the case...

Ms. Moreno: Then we don't have a choice.

Mr. Kadre: ...Well, if that's the case, we don't have a choice, but my preference would not to be – to create a circus atmosphere and have one person interview and then have comments on that person. So my preference is at the end of the interviews that day, OK, whatever to reserve half an hour or whatever time the committee wants to reserve, to go ahead and allow the public to comment on any or all of the candidates.

Mr. Leen: Do you want to set a time limit now? It can be short. You can set, I would say, at least a minute.

Mr. Kadre: Well, we will set the time – I think we'll set the time when we know how many people we're interviewing?

Mr. Kadre: OK.

Ms. Moreno: No, but there's two different questions. Your question is how long the comment. I would say no more than two minutes.

Mr. Kadre: OK. You'll decide (UNINTELLIGIBLE).

Ms. Moreno: I'm going to get an hour glass.

Mr. Kadre: Understood.

Mr. Leen: The benefit of doing that is that the Commission then will not have to take public comment, if it doesn't want to. If you do it at one point, then they don't have to.

Mr. Kadre: OK. Well, I'd like to give them that flexibility.

Ms. Moreno: OK. And then the second question is when are we going to take that public comment? And I think what Manny's suggesting is that we do it at the end of the process. How we know what the end of the process will be, I think, will depend on how many people we interview.

Mr. Leen: Yes.

Ms. Moreno: So we won't be able to say when that will be until we've decided we're interviewing 5, 10, 6, whatever number.

Mr. Collier: Yes, you'll have the list pared down to whatever that number is...

Ms. Moreno: Yes, I agree.

Mr. Collier: ...at the end of that meeting.

Ms. Moreno: So at the end of August 15, we'll have, more or less, an idea of how many people we're going to interview and, you know, we'll say, hey, public comment will be at 2 o'clock in the afternoon, or at 3 o'clock in the afternoon.

Mr. Kadre: I think on August 15, once we deliberate and give you a list of names, that deliberation is going to come on a list saying, "Please be advised that these are the people that

are going to be interviewed on the 22nd.” This is the structure of the interview. The interview's going to last half an hour. We're going to have a three-minute opening statement. We're going to have a three-minute closing statement, which the candidate can then – they can waive either closing or opening. And I'm just using benchmarks. I'm not suggesting that we do it. And that, again, will be posted, so that everyone's aware. And in that posting, we will have – at the conclusion of the interviews, we will have a half-hour allocation, an hour allocation to invite public comment on the candidates and their interviews.

Mr. Withers: I just – that makes sense. That's exactly what we should do, if it's OK with all of you.

Ms. Moreno: Yes.

Mr. Leen: Commissioner, I was just curious with the public comment. You've had so much experience on the Commission. What do you think?

Mr. Withers: Had experience.

Mr. Withers: No, I mean, it's someone – it's always someone packing the Chambers with 10 or 15 people just saying how great a person it was, and this person was. I mean, I don't know that we're interested in that. I mean, the local candidates obviously have a huge advantage when you ask for public comments, because if they have their supporters there – I don't – honestly, I don't – I didn't get swayed that much by public comments, and I don't think any of these people are going to be swayed by public comments either. I mean, each one of these folks knows the community well, and I think each of us will have the ability to...

Mr. Kadre: OK.

Mr. Withers: ...you know.

Mr. Leen: It just has to be allowed. If no one comes up and speaks, then – it's not a public hearing. It's just – there has to be a (UNINTELLIGIBLE) public comment.

Mr. Withers: On the buy bio – and if I'm stepping into violations of labor law here, let me know, cause I certainly – OK.

Mr. Leen: Sure.

Mr. Withers: Are we requesting photos with the bios? Or...

Mr. Collier: No.

Mr. Withers: ... are we allowed to request photos or do we encourage people to bring photos in, or we really don't care about photos?

Mr. Collier: We don't care about...

Mr. Withers: We don't care or we don't allow to do it or what' – ?

Mr. Collier: We don't do it.

Mr. Withers: OK.

Mr. Collier: We feel that that's treading on the edge of EEO and there's no reason to.

Mr. Withers: OK, just a question.

Mr. Kadre: (UNINTELLIGIBLE) a suggestion, cause this issue rarely comes up. These – this used to be a big issue in the old days. Now it's not a big issue. Because if you look – want to see what a particular candidate looks like just because you think you know the name from somewhere...

Mr. Withers: Right. That's my reason.

Mr. Kadre: ...whatever you (UNINTELLIGIBLE).

Mr. Withers: Google.

Mr. Kadre: (UNINTELLIGIBLE) you could Google and if a picture of that candidate does not come up...

Mr. Withers: Then you know you're...

Mr. Kadre: ...the likelihood that they're a legitimate candidate (UNINTELLIGIBLE)...is remote.

Mr. Withers: That was my main reason, if I...

Mr. Leen: The technical answer, though, is it's not illegal. You can ask for a photo, but it's generally not recommended...

Mr. Withers: OK.

Mr. Leen: ...anyway.

Mr. Withers: Understood.

Mr. Leen: But it's not – there's nothing illegal about it. Any other comments? And then we're going to get each of you an e-mail address.

Ms. Moreno: OK.

Mr. Leen: So...

Ms. Moreno: So, Jose, do you have anything before we close?

Mr. Mas: No, I'm good.

Mr. Withers: Do you need our Chair to go to the next Commission meeting to report or anything?

Mr. Leen: If you'd like to come to the next Commission meeting, you can to report to the Commission how it's going. It's up to you, or you can designate someone from this.

Mr. Withers: I just know that...

Ms. Moreno: I think I'll designate Mr. Withers.

Mr. Withers: No, no, no, no. Seriously, no, no, no, no. You should go.

Mr. Kadre: (UNINTELLIGIBLE) motion.

Mr. Withers: You should go. But I think – when I was on the Commission, we kind of want to know – OK, we hear from staff and we believe staff and we believe our hired guns and everything, but it's always nice to have...

Mr. Kadre: When is the next Commission?

Mr. Leen: July 22?

Ms. Moreno: OK.

Mr. Kadre: Are you here, Murray? – no.

Ms. Moreno: Yes...

Mr. Kadre: (UNINTELLIGIBLE) get that (UNINTELLIGIBLE).

Ms. Moreno: ...I'm here. What time?

Mr. Leen: Starts at 9. If you let me know what time would be best for you, I'll get you a time certain.

Mr. Withers: You can get her on early.

Ms. Moreno: OK.

Mr. Leen: Yeah, we could put you toward the beginning.

Ms. Moreno: OK. I'll call you.

Mr. Leen: Great. And then the last thing, which I'm going to look into getting a budget so that we can fly people, if you decide you want to interview someone from out of state.

Mr. Fernandez: Before the Chair, you know, moves to adjourn, I want to thank each of you. This has been very helpful.

Ms. Moreno: It was – it's been great. Thank you very much.

Mr. Collier: Yeah, and don't forget, if you've got any ideas to help us look for nongovernmental officials to interview or put an application in, please contact us; give us anything you can get to help us, because we've got a tough job.

Mr. Leen: And, really, we should be thanking you. We really appreciate what you're doing for us. It's a big choice for the City, so.

Mr. Kadre: It's always great to see Murray.

Mr. Withers: Good to see (UNINTELLIGIBLE).

Mr. Greenberg: (UNINTELLIGIBLE) conservative about something.

Mr. Kadre: It's not my experience with you, Murray.

Ms. Moreno: What about contacting the University of Miami Business School for potential leads on where to...?

Mr. Collier: We could do that if you have a name of somebody that we could contact.

Mr. Kadre: I will get your name.

Mr. Leen: If each of you over the next few days could take a look at this over the next few days, and if you have any suggestions for ways that we can enhance our looking for people, please give the search firm a call or you can give me a call and I could pass it on or Murray. One other thing, I just want to reiterate it again. If you get a name and you want it to be protected under the Public Records Law, you have to call. You know, if you send an e-mail, it does make the name public, and you will...

Mr. Kadre: You have to call the search firm.

Mr. Leen: You have to call them and give them the name verbally. Just remember that.

Mr. Fernandez: Madam Chair, will you entertain a motion to adjourn?

MOTION 2014-05

**MOTION TO ADJOURN THE JUNE 24, 2014 MEETING OF THE
CITIZENS AD HOC COMMITTEE, AT APPROXIMATELY 4:11
P.M.**

Moved: Manny Kadre

Ms. Moreno: Yes, I will.

Mr. Withers: All right, we're off and running.

Ms. Moreno: OK, thank you. Thank you, Jose.

[Meeting ended at 4:11 p.m.]