

**City of Coral Gables City Commission
Special Meeting
September 26, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

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

City Staff

**Interim City Manager, Carmen Olazabal (Absent)
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia**

Public Speaker(s)

**Linda Lawrence
Sandra Murado
Albert Sanchez**

Mayor Cason: OK. Welcome everybody to the September 26 Special Meeting to continue our discussion on the search for a new City Manager. Recall at the last meeting, we voted unanimously to ask Bud Park to move forward. We've had some negotiations. I'll ask the City Attorney to brief everybody where that stands, and then we can have a discussion and just move forward, if that's what we would like to do.

City Attorney Leen: Thank you, Mr. Mayor. The Mayor and I met with Bud Park, and we had a reasonably long discussion to talk a little bit about what we're hoping he would be able to do and how much he was requesting. You all know he sent a proposed contract, originally. The proposal was for \$50,000; \$40,000 of which was guaranteed. The Mayor and I let him know that, in our view, that was too high. We then -- understanding that he is a wonderful professional, but that, at this stage, we thought it was better to have a more -- a lower amount.

Mayor Cason: Yeah, and one thing is -- one thing he pointed out to us that, normally, in the kind of search that he does, which is for executives principally in the private sector, the normal fee is one-third of the first year's salary.

City Attorney Leen: Yes.

Mayor Cason: So he said if I went with a normal fee, it'd be \$120,000, and we said, Oh!

City Attorney Leen: He was talking about...

Mayor Cason: He started at 15.

City Attorney Leen: Yeah

Commissioner Lago: And that was my --

City Attorney Leen: And not just the salary.

Commissioner Lago: I mean, I know we're not -- maybe we should have Craig finish up, but that was also my understanding, was that when you were talking about 30 percent, if you're going based off, let's say -- I'm not sure if that is just salary, or if

you also put in the component of benefits, you're looking at close twenty-three hundred -- thousand dollars, which was the total package for the previous City Manager. So that number you're talking about, \$90,000 --

Commissioner Keon: One hundred thousand dollars, yeah.

Commissioner Lago: -- you know.

City Attorney Leen: Yes. And so I want to caveat everything I say by this is much lower than what Bud Park would normally charge anyone, and he is a well-regarded executive search individual, and I do have for you -- he asked me to provide this to you -- a number -- a list of his executive search assignments where he has successfully placed someone, so I -- let me pass that out.

Mayor Cason: Oh, and I should mention that Commissioner Kerdyk is in town, but in some meeting that he couldn't get out of. If required, he could break out of the meeting, but he would be here otherwise.

City Attorney Leen: Yes. The vice -- this meeting was noticed as an emergency meeting, so that we could address the situation as quickly as possible, and so it didn't have the typical notice, which is why he was unable to be here, but he wanted you -- he wanted everyone to know that we could reach him, but he had already had a meeting that was scheduled that he could not miss. So at this point, we talked with Bud Park. He came back yesterday. We had another discussion, and I spoke with him, and I explained that whatever he could do would be helpful for the Commission, and so he came back and he offered to charge a professional fee of \$25,000, payable upon signature of a contract. He would then, basically, give his best efforts to present three candidates within 30 days, and he would commit to presenting three candidates within 60 days. Once -- if the Commission is ready to hire one of the candidates and does so, he would get another \$10,000, making this a total contract of

\$35,000. If he's unable to do that, at that point we would renegotiate with him. We could either go a separate way, use another way to try to find a Manager, or we could contract with him to do a broader-base search. And what he indicated to me was this search would be -- he would follow up on leads from the Commission, the former Citizen's Committee, and his own contacts, plus others that happen to come in, and he's received a considerable number of these, he indicated. So what he told me was different about this proposal than his typical proposal; is that normally he bears the entire risk of finding a City Manager candidate. And what he said by that was that, you know, \$50,000, which is what he was requesting before -- for that he would stay with this process until the end, and he would find us someone, whether it took 20 days or 6 months or a year, and so he's bearing the risk to do that. With this proposal, in order to bring it down, what he's committing to do is do an intensive search to try to find someone as quickly as possible, but he's committing to stay with the search for 60 days. At that point, he would get to keep -- if he hasn't found someone, he would keep the \$25,000. He would not be paid the additional \$10,000, and we could then decide what he want to do. He said that either of those proposals is on the table for him, the \$50,000 one where he bears the risk, or this intensive one at the beginning where he doesn't bear the risk for the long-term, and those are the proposals on the table. So that was the first thing I wanted to mention. There was also a memo we received from Colin Baenziger. I didn't know if you wanted me to get into that at this point. Did you want to discuss --? He's offered to provide a refund to the City. I was planning to talk about that at the meeting. We could do it before or after you discuss -- OK.

Commissioner Lago: Do it after you -- can we -- would you guys like to discuss it right now?

Commissioner Keon: Well --

Commissioner Lago: Or you want to handle one issue --?

Commissioner Keon: Well, I think that we had already made the decision that we would not re-engage Colin Baenziger anyway; is that right?

Commissioner Lago: No. I mean, I'm --

Commissioner Keon: We're not --

Commissioner Lago: I agree with you.

Commissioner Keon: We're not going to re-engage him. So maybe we could we could talk about Bud Park and -- or who we're going to use, and then we could -- I don't care.

Commissioner Lago: I just thought maybe -- I just thought we would --

City Attorney Leen: Let me just say one thing.

Commissioner Lago: -- that we would close the door --

City Attorney Leen: Yes.

Commissioner Lago: -- on what we just went through.

Commissioner Keon: Yes.

Commissioner Lago: And what's going to be our future request in regards to the fees that were paid to Mr. Baenziger.

Commissioner Keon: Yes.

City Attorney Leen: Yes. He has formally withdrawn, Colin Baenziger, and he has proposed to us -- at our request, he has proposed to us a refund that he would give the City. He's basically -- he -- what he did was in the memo -- and we can talk about it after, but I just want you to be aware of it when you're making a decision about Bud Park, because we will be receiving money back from Colin Baenziger and you should know that. And what he is offering -- he presented to us what he did in the search. He tried to go step by step through it in his cost, and he's basically allowing us to determine how much we would request back. And he will -- he asked us to please consider the matter carefully and let me know what you believe to be a fair payment, and he will return the balance. So he's offering to pay up to the full amount. I read that as --

Mayor Cason: So it's a negotiating process then with him?

City Attorney Leen: Well, the way I view it is he wants us to determine -- he wants you to determine what is a fair payment to him, and he will -- I assume, if he agrees with that -- but he didn't even really say that. I think he's asking you to determine, and he'll pay the balance back.

Commissioner Lago: If you look --

City Attorney Leen: That's what he's committing to.

Commissioner Lago: If you look at the total amount of his contract, which is -- which we have here, \$33,000, and the breakdown in reference to this memorandum, the only static cost that I can see -- and correct me if I'm wrong -- is the ads that are run on the Wall Street Journal and New York Times, which are around \$4,600. Everything else, I guess, must be either leg work or phone calls or --

Commissioner Quesada: If you look at the second to last paragraph, it gives you --

Commissioner Keon: Right.

Commissioner Quesada: -- a little bit more detail.

Commissioner Keon: Well --

City Attorney Leen: And he had some costs and he had --

Commissioner Lago: I mean, his overhead --

City Attorney Leen: I think the thought -- the thinking that I'm -- was that we would probably always have him keep his cost, unless -- you don't have to. I mean, he's saying that he will do whatever you think is fair. But I'm not saying you necessarily have to decide that right now. Maybe you want to address Bud Park first, but all I'm saying is you should know that.

Commissioner Quesada: Well, we're looking at it right now, so let me give you my thoughts.

City Attorney Leen: OK.

Commissioner Quesada: OK. The morning of -- I think it's Tuesday -- of Tuesday morning, I was very perturbed. I was very bothered at the fact that -- obviously, I've been -- I felt that we didn't have all the full picture. We weren't given the full picture until you uncovered the full picture and I believe Elsa as well in a -- uncovered the full picture. And James Beard was here on Tuesday morning, and right before we starting the meeting, he came in and he said that he had disclosed everything and Colin maybe didn't. I'll leave the details at that. That's extremely disturbing to me.

That bothers me quite a bit. Look, I'm not here to cast aspersions on anyone, but I -- you know, it's just troubling the way it played out.

Commissioner Lago: But if I -- if I can interject one second. I mean, I know you don't want to cast aspersions on anyone, but the truth is the truth. I received a copy of that e-mail, which came from Craig. Craig notified me on Monday morning, I think it was, to provide me with the information stating that we had not been provided with all the information. And what bothers me is when I get contacts from media outlet's telling me that we knew all the information and we didn't.

City Attorney Leen: We did not.

Commissioner Lago: We did not. Under no circumstances was I aware of --

Commissioner Quesada: Certain details.

Commissioner Lago: -- certain details that I found out -- and I'm listening to my colleague here to the right, who motioned to me to, you know, kind of tone down for a second, which is the right thing to do, because there are certain things that we shouldn't discuss, but I think that we need to move forward on the process, and I think we need to decide whether what we're going to do here in regards to the refund.

City Attorney Leen: I could say this, objectively, if you compare -- objectively, if you compare the background report that Colin gave us to the one that we received from Jim Nelford and the other information we uncovered, there is significant material information that was not disclosed to the City. Now, who is at fault for that? Is that Colin or Jim Beard? That's between them. But, you know, my understanding is Colin disclosed to us -- from what he's telling us, I think his view is that he believes he disclosed to us what material information he had.

Commissioner Quesada: Well, but --

City Attorney Leen: Maybe Jim has taken the position that he disclosed it to Colin. We can't resolve that issue because it's between the two of them.

Commissioner Keon: No.

City Attorney Leen: But all I can tell you is Colin did not give us that information, and I can also tell you that he has a professional obligation to do a complete background check.

Commissioner Lago: Craig, I mean, I understand what you're --

Commissioner Keon: Do you think he -- I'm sorry. Do you think he did a complete background screen? Did Colin Baenziger do a complete background screen?

City Attorney Leen: No.

Commissioner Keon: Do you think? He didn't --

City Attorney Leen: No, because I compared the two reports.

Commissioner Keon: He didn't do it.

City Attorney Leen: Jim Nelford's report --

Commissioner Keon: No. He didn't --

City Attorney Leen: OK, his report in there significant amount of material information that was not disclosed to the City.

Commissioner Keon: And other information had come forward to us individually as Commissioners that brought some issues into question and went back to Colin Baenziger on three or four occasions and said, you know, I think you need to look at -- I think you need to look at this a little deeper. I think you need to look at this information. I think there's other things you need. And that Friday night at the Biltmore, you know, I spoke to him for a long time and said to him, I don't think you have all the information that we -- that is available, and you know, he said, "Oh, I think we've done everything. I think we've done everything." I think it's very clear now that they didn't -- he didn't, so --

Mayor Cason: The due diligence part was not done --

Commissioner Keon: No.

Mayor Cason: -- correctly and fully, and I think it was toward the end when we -- he said, "Well, you're not going to find anything else, other than what we've provided to you," and -- Remember?

Commissioner Keon: Yes.

Mayor Cason: Because our last step was our own --

Commissioner Keon: Right.

Mayor Cason: -- private detectives, equivalent to do, you know -- look for every possible thing.

Commissioner Lago: And by the way, what you are saying, Mayor, what we did is just a standard background check by our Police Department.

City Attorney Leen: There's two parts. There's two parts.

Commissioner Lago: But let me ask you a question -- and I know we don't want to get into a really, really, really -- you know, drill down on the details, but you provided me with an e-mail which showed that Mr. Baenziger's firm admitted to having an oversight in regards to certain items --

City Attorney Leen: Possibly.

Commissioner Lago: -- that you had requested --

City Attorney Leen: Yes.

Commissioner Lago: -- a few weeks prior to our decision of a City Manager. You had requested further information in regards to personal and business lawsuits. If there were any pending or --

City Attorney Leen: I don't know if I would say a few weeks. What happened was we learned of a case, a lawsuit, and I contacted Colin and said, did you check about lawsuits? And I said -- and he said, "No"; that they don't normally do that, unless they meet a very specific criteria. And I said, "Well, will you do that?" I need -- we need you to do that. Please check for the lawsuit. And then he sent me an e-mail, which I have, which I've given it to you.

Commissioner Lago: After the selection.

City Attorney Leen: And if I haven't given it to all of you, let me know; so much has been happening. But he did have an e-mail which said that he had forgotten to do that.

Commissioner Lago: Yeah. See that type of oversight and that lack of communication where, clearly, there was an issue where information was not provided. That type of information, you know, was very damning in the sense of we could have used that information when making a decision.

City Attorney Leen: But I want to be clear about one thing. There are two parts to our report. One was a fingerprint. It's a level-two FDLE (Federal Department of Law Enforcement) report. That, generally, Colin couldn't do without doing it in conjunction with the City and, normally, the tradition is that, that's done with the final candidate. That's going to change, going forward, because of what happened here. But in addition, we did hire Jim Nelford to do a full background check. He did not do the fingerprint check, and he was able to come up with a lot of information that did not come up in Colin Baenziger's report. And that report is a public record. It's been provided by Jim Nelford. We have a -- we've redacted the -- any sensitive information, and that's available; people can see, and you can compare the two and (UNINTELLIGIBLE) material public information -- publicly available information that --

Commissioner Quesada: Here's the key question for me. Under Colin's contract, was he required to perform that detailed background search?

City Attorney Leen: I believe that he was required to do a standard background search, and I think --

Mayor Cason: Does that include the same background search that Mr. Nelford performed?

City Attorney Leen: I would view that as the same. That's my view, yeah.

Mayor Cason: OK. So in other words, when Nelford's background report should have been duplicative --

City Attorney Leen: I mean, remember -- you may remember, we asked Colin to try to -- he said when -- when we asked him to bring 15 candidates, he did say, "On the 15, I'll have to do a quick or a faster background check." He did say that. But when he gets to the final ones, he still has the duty to do the full background checks.

Commissioner Keon: And he was going to do that, and he was to provide us with that information prior to that.

Mayor Cason: I would say that the information that we got on our own, had the Citizen's Advisory Committee had that, we would have had a different list of five, so that's --

Commissioner Keon: Yes.

Mayor Cason: That was another screen we had in place.

Commissioner Keon: Yes.

Mayor Cason: And they -- based on what they had, they assured us that any of these five could be --

Commissioner Keon: Right.

Mayor Cason: -- good City candidates.

Commissioner Quesada: OK. I think -- from what I'm hearing, I think we're in agreement.

Mayor Cason: Yeah, yeah, we're in agreement.

Commissioner Quesada: The only question is --

Commissioner Keon: And so what do we owe him.

Commissioner Quesada: If the reimbursement amount we feel is adequate.

Commissioner Keon: You know, I would ask -- I had asked Craig to ask him for -- what his, you know, out-of-pocket costs were for this contract. You know, what did he -- if there was some travel, if there were -- the cost of ads, the actual costs that he incurred, and he hasn't provide us with that, other than just for ads. And I would ask him to return everything else.

Commissioner Lago: And if I could just add onto that, maybe provide some receipts, because it's -- just to be clear.

City Attorney Leen: There is one thing, though, I would -- to think about. He did have 105 applicants. I do think Bud Park, for example, we would like Colin to talk to Bud Park --

Commissioner Keon. Right.

City Attorney Leen: -- regarding all those people that applied and his thoughts about them, the people that might be available, an assistant City Managers he might have looked at, and so I do think -- you know, Colin did put a lot of time into this. I think that's clear. He didn't do an appropriate background check.

Commissioner Quesada: What does --

City Attorney Leen: I think you have to weigh -- and, obviously, it didn't turn out well.

Commissioner Quesada: If we decide to proceed with Bud, what is the benefit of him reviewing the applicants that didn't make the top 15?

Mayor Cason: Well, it's a judgment call, because some of those may have been -- Bud may say some of these I know and some of these might be good. I mean, we don't lose anything.

City Attorney Leen: My thought was Bud may want to ask Colin if -- Oh, have you checked into this person? You know, he's going to have a list of contacts. Some of them Colin may have checked with and they weren't interested or some of them he may not have. Because remember, at the end, we did give him some names and things like that. That may not be that important. You make a good point. But I just wanted to raise that issue.

Commissioner Keon: I think you should ask -- I think only Bud Park could tell you that.

Mayor Cason: Yeah.

Commissioner Keon: So I think it -- that point --

Mayor Cason: He'll look that them and see if any of those...

Commissioner Keon: I mean, he can -- you can ask him. If we decide to move forward with Bud Park, I think he can let you know if he would -- if he feels he needs to talk with Colin Baenziger. If he does, maybe there is some additional fee and,

therefore, if he doesn't, you know -- if he -- you know --

Mayor Cason: Well, the list is ours --

Commissioner Keon: Requiring the candidates --

Mayor Cason: -- because we paid for it.

Commissioner Keon: -- and vetting the candidates --

Mayor Cason: We paid for them.

Commissioner Keon: -- are the two most significant issues that he didn't vet. So the fact that he acquired them, and he put us in a very, very uncomfortable position here, a very uncomfortable position.

Mayor Cason: So I think I'm hearing do we want to ask him to keep -- you keep your fixed costs; show us what you spent.

Commissioner Keon: Yeah, what you spent.

Mayor Cason: And we want to start off with this. We want the rest back.

Commissioner Quesada: I want to see an itemized -- I want to see his itemized expenses in order to make a decision.

Commissioner Keon: That is what he asked for.

Commissioner Lago: I asked for receipts.

Commissioner Keon: Well, he asked for --

Commissioner Quesada: Right. Do we need to make a motion on this, Craig?

City Attorney Leen: Depending on how much direction you want to give me, yes.

Commissioner Quesada: OK.

City Attorney Leen: I would be open to it.

Commissioner Lago: Pretty detailed direction is what I requested.

City Attorney Leen: I've heard a lot of direction.

Commissioner Lago: Pretty detailed direction.

City Attorney Leen: I would be open to it.

Commissioner Keon: Frank likes making the motion.

Commissioner Quesada: I'm going to make a motion --

Commissioner Keon: OK.

Commissioner Quesada:...that we obtain the itemized expenses of Baenziger and Associates...

Commissioner Keon: That were incurred.

Commissioner Quesada:...that were incurred in this process. I want to see all of

them, but...and then I would say that..how much authority to give you on this, and I want to be part of that decision. I think this Commission needs to be a part of that decision, what we cut and what we keep.

Commissioner Lago: Can we at least request for receipts for the major items?

Commissioner Keon: Well, you can -- you should be.

Mayor Cason: Yeah, (UNINTELLIGIBLE) probably have those.

Commissioner Keon: You can request receipts for --

Commissioner Lago: Just for major items.

Commissioner Keon:...everything.

Commissioner Lago: Travel, hotel --

Mayor Cason: Postage.

Commissioner Lago:...and rental car, postage. You know, something major.

Commissioner Keon: Right. I mean, I think that we owe him the costs that he incurred...

Commissioner Lago: Of course.

Commissioner Keon:...in doing this search. Beyond that, I think that is then negotiable, and I think that we should have as much of that returned to the City, so that we can move forward in paying for an additional search.

Commissioner Quesada: Agreed. So everyone keep -- everyone itemizes their expenses completely differently. I want to be able to see it before we make that decision. I don't want -- if he groups it, I want it itemized. I want it detailed so that we have a better understanding --

Commissioner Keon: No, itemized is included...there's an itemized per item, per charge?

Commissioner Quesada: Everyone does it differently. I just want to make sure that we look at it before we make the decision.

City Attorney Leen: OK. So what he has asked is for you to determine how much he should be paid and you would like to get this information before you make that decision?

Commissioner Quesada: Correct.

Commissioner Keon: We would like him to provide us with the information as to his out-of-pocket costs...

City Attorney Leen: Out-of pocket costs.

Commissioner Keon:...on this search.

City Attorney Leen: Do you include labor costs on that?

Commissioner Keon: No.

City Attorney Leen:...of his associates?

Commissioner Keon: No.

City Attorney Leen: No. I just need to know.

Commissioner Keon: His hard costs.

City Attorney Leen: Hard costs.

Mayor Cason: Hard costs.

City Attorney Leen: OK, ads, travel, things like that.

Commissioner Keon: Right.

City Attorney Leen: OK.

Commissioner Keon: And you want those costs substantiated.

City Attorney Leen: OK.

Commissioner Keon: OK?

City Attorney Leen: I got it. I will do it.

Mayor Cason: OK.

Commissioner Keon: And at that point, we will entertain --

Mayor Cason: Is there a need -- is that -- does that need to be a motion? No, I don't

think so.

City Attorney Leen: What I'm going to tell him is if there was unanimous consent --

Mayor Cason: Right.

City Attorney Leen: -- for this proposal, which you can act by a unanimous consent. I have your direction. I will let him know.

Mayor Cason: OK.

City Attorney Leen: And I'm going to ask him to make a very -- to give us a hard proposal. We basically -- I read what you have said to be that you would like it all back, except for the hard costs.

Commissioner Keon: Right.

City Attorney Leen: And you want to make sure to look at the hard costs to make sure you agree with them.

Mayor Cason: That's right.

City Attorney Leen: And I'm hoping he will come back and give us a number very close to the full amount, deducting his hard costs, and I'll bring to you -- with the itemized list and you'll agree to it.

Commissioner Keon: I mean, he has in this memo, he -- there are -- there's \$5,000 worth of ad costs...

City Attorney Leen: Yes.

Commissioner Keon:...in this memo.

Commissioner Quesada: And Mr. Attorney -- Oh, sorry.

Commissioner Keon: And there may be -- pardon me?

Commissioner Quesada: No, go ahead. I'm sorry.

Commissioner Keon: And there may be -- I mean, he may have received four travel or for postage and some other...

Commissioner Quesada: And we need that list, the latest, by next Friday, October 3.

City Attorney Leen: OK. And then you'll act on this at the next Commission?

Commissioner Quesada: Correct.

Commissioner Keon: And when you look at it, you can tell us --

City Attorney Leen: No, I'll tell you. I'll give you my opinion.

Commissioner Keon: (UNINTELLIGIBLE). That doesn't mean -- Yeah.

City Attorney Leen: I will send it to each of you --

Commissioner Keon: OK.

City Attorney Leen: -- and then --

Commissioner Keon: OK.

City Attorney Leen: I might ask him to --

Commissioner Keon: I'm fine.

City Attorney Leen: Based on what he's proposed, I think he will accept that.

Commissioner Keon: OK.

City Attorney Leen: Because he said that he would --

Commissioner Keon: And that he will --

City Attorney Leen: -- let us decide.

Mayor Cason: All right, you've got your marching orders.

City Attorney Leen: I do.

Commissioner Keon: OK.

Mayor Cason: Right. Let's move on to the second part of this, which is the proposal from Bud Park.

Commissioner Quesada: Mr. Mayor --

Mayor Cason: last time to go with him.

Commissioner Quesada: -- if I may?

Mayor Cason: Um-hum.

Commissioner Quesada: OK. So I see this little bit different than the last time around; not our last meeting, but from the last process we had. You know, Baenziger and Associates, they were tasked with going out and advertising and collecting resumes, almost like an RFP (Request For Proposals) process, and obviously, we went through that process. I think it's different this time around, and I think it's more difficult this time around, because we're actually going out and recruiting. I don't know if you guys have ever experienced being recruited. With attorneys, when you first start working, you get recruitment calls all the time. I'm sure the City Attorney can tell you he got them when he was working at Scatta in New York. I received a lot of those phone calls when I was a young attorney. I could speak no one is interested in me anymore. So those phone calls, they're interesting that -- the way they work out, my experience. And tell me if you guys had a different idea, the way this works. It's essentially a recruiter calling you selling -- almost being a salesman for the organization that they want you to join. And the scenario that I'm sure the City Attorney and I have experienced, they're selling a certain large law firm or mid-sized law firm or boutique law firm; they tell you the pros and potential cons and the compensation and how great it would be to work at a certain location. That's what I'm envisioning this next path to be. So if Bud Park -- if we were to vote to have Bud Park represent us in this process, he would be recruiting candidates who are currently in different positions, potentially in City Manager roles, potentially in other roles that are similar to the duties that a -- that we expect in a City Manager. So that's what I see the actual duties and responsibilities of that individual. So we need someone who really knows the City, who really knows what's going on, who really can give a clear, identifiable picture of what this is and to be targeting the lay people.

Mayor Cason: And as I understand from his discussion last time and the conversations we had with him, that's precisely what he plans to do.

Commissioner Quesada: OK. So --

Mayor Cason: He plans to target based on either information given to him about potential candidates or ones he knows. He's going to go out to people, people that have been associated with us and collect and target, and do exactly what you said.

Commissioner Quesada: OK. So when he first came to speak to us, when he gave us the -- one of the documents that we were given today, the -- well, April 21 of 2014, I guess was at that meeting.

Commissioner Keon: Best Practices. I asked him if he would send us --

Commissioner Quesada: Yeah, so --

Commissioner Keon: -- if he would send me that. He said --

Commissioner Quesada: When he came and he spoke that day --

Commissioner Keon: Yeah.

Commissioner Quesada: -- and -- I guess, let me preface this by saying, I have heard in the past -- and with attorneys, it's the same way; it's one-third. They typically charge one-third of what the starting salary, including benefits, will be. At least that's what I would hear from those instances where I was recruited. The -- what makes it tough for me with Mr. Park -- and I like him. He comes across very well. He's a resident. He seems to know the City well. The impression on April 4 -- on April 21, 2014 when he came to speak to us, the impression I got is that he was going to be doing everything for free was the impression. I know the --

Commissioner Keon: He --

Commissioner Quesada: Hold on. Well, let me finish. Let me finish. That was the impression that I got. I understand the circumstances have changed. I understand that he's retired. So when the first number was floated to me, the higher number than the number that we have today, I was an absolute -- absolutely no way was my thought. Obviously, he's come down some, so it's -- that weighs into my opinion, but it -- look, we want to do -- we want to hire the right person. We want to do it the right way. We want to have the right person representing us when they're recruiting in this process, but I -- it's not a process that I want to keep throwing money at, but I understanding it's probably the most important decision we make as elected officials, you know, to -- for the person to be the apex of our organization. I mean, you know, the corporation of Coral Gables, in the City of Coral Gables, our community. So that's the concern. And last time what I had recommended to this board was selecting someone from the Citizens Search Committee. Ideally, my opinion, that's -- my personal preference would be Chip Withers; just because he knows this organization and he's got -- he understands the legacy of the City better than anyone. He did this for 20 years. He's still somewhat involved. He was involved in the first process, and he's someone who truly believes in the City. The last time around, I had suggested also naming one of us to be on that committee. I don't want to be on it, but I just thought that would be a good idea. You know, thinking about it more, I thought that maybe we would have Craig involved in that process, because he knows all the details that have gone on. He's been very close. Or maybe Elsa, because she has been very -- or maybe Cindy. That way, we have people who can really push the City, sell the City, know the City well; that what you expect from a recruiter in the circumstance, exactly what a recruiter would do. They know the City better than anyone else. They know the City better than Bud does, because they work for the City and they're involved in the process and they're good representatives of the City. That is where my thought was. Obviously, him coming down on his price changes my opinion a little bit. That's where I am right now.

Mayor Cason: Let me tell you what he told us when we met with him. He said that, first thing he would do would be to meet with each of us individually to get our part of the pitch he's going to make, like we did when we started the process with Colin Baenziger when he -- we put together the -- sort of the perspectives on the City and what we wanted. He said he would go to each Commissioner and he would go to each member of the Citizens Advisory Board to ask for the same information. And that based on all of that, any leads he get -- he got, he would move forward and try to recruit based on the criteria. So that's -- did you get anything else, Craig? That's basically --

City Attorney Leen: What he indicated was that he would meet with each of you, get the contexts, just like the Mayor said, and the Citizens Committee. He then would -- he says he has a number of people in mind already, as well, that he would start contacting. But it was going to be on a contact basis, not on an advertising basis, was my understanding. So it was going to be more targeted. And under his new proposal, I don't think he would do the advertising until the 60-day point. I mean, that's only if we renegotiated with him at that point to have him do a broader search.

Mayor Cason: And he said he would reach out for anybody that thought they had good candidates who we're looking for and contact them, so I've had a few and we've had some other people who have been associated with the City recently who said that they would provide contacts as well.

Commissioner Keon: I think at the Commission meeting where Bud Parks came and spoke to us last April, I think someone asked him if he was interested. When he came, he said he came as a citizen, as a resident of the City. I know I have spoken to him. He is a well-respected executive search person. I had spoken to him even before this. He called me and said to me -- he asked me about Colin Baenziger, and he said, "Do you have some concerns about them? He is the one that placed the

Manager that you recently were glad to have resign.” And he talked about -- when Colin Baenziger spoke, he told us that he did not go out and target other Managers or anyone that was employed in any city; that he did advertising, which I thought was a huge problem in the beginning. And someone in -- as Bud Parks was speaking, someone said to him, “Are you interested in doing this?” Somebody asked him. And he said, “You’re concerned about what he wants. I would charge you far more.” So he -- I mean, I never was under the impression that it would be for free. He was here speaking to us about Best Practices. That’s what he provided us the information on and that’s all he spoke on. When you asked him, he also said he was retiring. And he did say -- and he made the comment at the time back in April that -- it’s about a third -- you know, “I would get at least a third of the package.” Now, I haven’t -- I didn’t go back recently with -- you know, and look at this, but I remember going back and looking at it when I heard someone say that he was going to do it for free. So I said, I clearly remember him never saying that he was going to do it for free, but saying that he was here as a resident; he was here because he had expertise in the field, and that he would charge far more than what was being discussed here anyway, and then went on to talk about, you know, what he would do and why he would do it. And he went on to say that -- and you know yourself -- within -- within a law firm, anyway, the recruiting -- the recruiters within a law firm cannot ethically go out and recruit other attorneys from other law firms. Now, partners can talk to them. You also have to hire a recruiter to do that. The same way -- and I -- I think that’s what we need to do. You know, this is the highest level executive position in this City, you know. This is the same as a CEO (Chief Executive Officer) of any company. I don’t think many companies are going to put their Human Resource people or their attorney or whatever else to go and do the executive recruitment for their CEO. We need to remember that city government is a business; our clients are our community and our residents, but this is a business.

Mayor Cason: I think even --

Commissioner Keon: And we need to --

Mayor Cason: Yeah. I agree with you. To keep it in perspective, he's -- Baenziger, he's down to about 10 percent of what the compensation package was for Pat Salerno, so it's probably a good deal. Minus whatever we get back from Colin.

Commissioner Lago: You know, I wanted to ask you a quick question.

Commissioner Lago: I've heard from Commissioner Quesada, and now the Mayor has stated that there's been a reduction in his fee request. I wasn't notified. From my understanding, it was \$50,000. Is that what he's still requesting or...?

City Attorney Leen: He...

Commissioner Keon: No.

City Attorney Leen: I'm sorry, Commissioner. At the beginning of the meeting -- I'm sorry. He brought his amount down to 25,000.

Commissioner Lago: OK.

City Attorney Leen: And then -- I'm sorry --

Commissioner Lago: And then 10,000 --

City Attorney Leen: And then a \$10,000 amount if he places someone.

Commissioner Lago: All right, perfect.

Commissioner Keon: Within 60 days.

City Attorney Leen: At all. But he's only doing this for 60 days, under this agreement.

Commissioner Lago: Just to concur with what Commissioner Keon was saying, it's interesting because as certain individuals in this community have found out that we're moving in a different direction in regards to looking for a City Manager, which, as everyone on this dais has mentioned, is the apex of executives for this firm, for our firm, which is the City. I've already been contacted by three individuals who, in my opinion, are very well qualified executives, who are in high-level positions at other cities, who are interested in becoming involved, if we go down this route. They did not go down the route -- they did not entertain becoming involved before because they thought that it was too public and that the process wasn't really to their liking. I just found that interesting, that they are keeping tabs in reference to what we're planning on doing in the City, and that they prefer that this be handled more in the light like Commissioner Keon said, which is -- by the way, which is the way I've been recruited in the private sector years ago. So it's interesting to see that people who did not entertain being involved before all of a sudden are because they see that this is a more of an executive recruiting tactic that we're going to...

Mayor Cason: In addition to that, I remember Baenziger said that their policy is -- to put it in quotes -- they don't "poach." In other words, there are people -- they placed 84 City Managers in Florida, if I recall. So 84 of those City Managers were off limits, because he put them in there, and therefore, he couldn't go after them. This approach allows our search manager to go anywhere and make an offer based on the parameters.

Commissioner Keon: Right.

Mayor Cason: And if -- I think it would be a lot easier -- why don't you discuss the

Sunshine aspect of this, Craig.

City Attorney Leen: Yes. One benefit to having an individual do it, either Bud or -- Bud Park or -- you mentioned Human Resources or someone like that, but do it on an individual basis, and probably -- Hello, Mr. Vice Mayor.

Vice Mayor Kerdyk: How you doing?

City Attorney Leen: And probably -- you know, to really -- because of the Sunshine Law and the Public Records Law, it's probably better if it's someone outside. Although, you know, the City Attorney could do it as you proposed or one individual in City staff. But the benefit is, is that if you reach out to someone and speak with them and don't receive anything from them in writing, that's not subject to the Public Records Law. And because it's one person who's doing this, it's not subject to the Sunshine Law. Now, at some point you're going to need that, either do the background check or get documents, and when you do, those will be subject to the Public Records Law. But it does give you more flexibility just to reach out and talk to someone, so -- if, for example, you talk to CEO "X" and CEO "X" says, "Yeah, I'd be interested, but I want to think about it." You can -- you don't have to disclose that you've made that contact. When CEO "X" says, "Well, you know, I would be interested. Do you think I'd be one of these final three?" And they talk about it, and they meet, but there's not documents that are produced, that's still not subject to the Public Records Law. Finally, if they submit their formal résumé or an application, it would be. But it does give more flexibility actually under the Public Records Law and complies completely with Florida law to do that.

Commissioner Lago: And that's important, to be very clear about that, because it complies with all the state laws in regards to Sunshine. But that goes back to what we were saying. It gives a lot of people who were interested in becoming potentially involved in this process the flexibility...

Mayor Cason: And also --

Commissioner Lago: -- and that's the few individuals that reached out to me.

Commissioner Quesada: But it's a --

Commissioner Lago: You talk -- let me ask you a quick -- nobody else has been reached out to recently.

Commissioner Quesada: No, everyone is calling us. But the thing is, eventually, we have to -- we're going to disclose to the public.

Commissioner Lago: I know it has to be.

Commissioner Quesada: We're going to do that.

Commissioner Keon: But usually what it is it's not 110 resumes.

Mayor Cason: That's the difference.

Commissioner Keon: It's three people. That's what it is. It's three people. And at that point, the individual that you have been speaking to or talking to at that point can make a decision whether or not they want to move forward. That's when you ask them for the documents. That's when it becomes a public record. And you can have a very long and a very in-depth and a very serious conversation with some very good people when it -- when you allow that to happen. Yes -- anybody that comes forward and applies could be the City Manager, is subject to the Sunshine Laws, and it is a full, open, transparent process. Prior to that is a conversation by which people entertain whether or not they want to move forward. Whether it's worth it to them,

it's what they want, or what they want to do. So I think it meets all of the requirements, and I think it's done in a very professional manner. So I would -- I would move that we hire Bud Parks under the terms that he has proposed.

Mayor Cason: Yeah. I agree with you, because that -- then it's only three. Before you had to put your name out -- 105 people and the odds that you would be chosen --

Commissioner Keon: Exactly.

Mayor Cason:...are low, and your boss would have known that you wanted to leave your city, or wherever it was. So when you're down to three, I think it's going to be a lot easier for people to come forward.

Commissioner Keon: Oh, do we have to have a public -- do we have to take public input before we make a motion?

Mayor Cason: Yes. I mean, there was two people who wanted to --

Commissioner Keon: OK.

Mayor Cason:...make some comments, so...

Commissioner Keon: So maybe before we make a motion, we would -- would you take the public...?

Mayor Cason: Yeah, we'll take Linda Lawrence and then followed by Sandra Murado.

Commissioner Keon: OK. We...

Mayor Cason: You're withdrawing?

Commissioner Keon: That before we made a motion, we would take public input.

Mayor Cason: You want to...

Commissioner Lago: Of course, of course.

Mayor Cason: I'll tell you, we'll take -- we'll start off -- because I got the first one was Linda Lawrence.

Commissioner Keon: Thank you.

Vice Mayor Kerdyk: Hey, Linda. How are you doing? Thank you.

Commissioner Lago: How are you, ma'am? How are you doing? Nice to see you.

Commissioner Keon: Thank you.

Linda Lawrence: Basically, I just wanted to say my husband and I are -- I guess you could call us stakeholders. I've lived in the City of Coral Gables for 22 years. My husband was raised in the City of Coral Gables at 4101 Palmarito Street in a house that his dad owned for 51 years. And my question to the Commissioner, if you will remember that when you were in the decision-making process of accepting the resignation of the prior City Manager, I reached out to the Commissioners and I asked -- and the Mayor and asked if there was any way that you would be able to reconcile your differences? I personally went and spoke with Mr. Lago and Mr. Quesada, and I spoke with Mrs. Keon on the phone. And my basic point was look at the track record of the man. We had him for five years, OK. We started out in a very bad downturn, economically, with no cash in the bank, and we ended up with \$28 million

in the bank. That was one thing that I liked very much, OK, that he was able to turn around the finances of the City in a very difficult time. The other thing, is as residents, we noticed that streets were getting paved, and we were getting new garbage trucks, and I went and I asked Mr. Lago and Mr. Quesada what were the reasons why they felt this man was no longer right for the job of City Manager in Coral Gables? And the issues that were raised to me just were basically management issues, management style issues, and also that he had not been quite as forthcoming as he should have been on some topics. I think one was the median on Ponce and the number of traffic possibilities that were happening because of the new landscaping. And in any mind, OK, the fact that he was able to run the City well for five years and put money in the bank outweighed those issues. So at that time, I asked and -- all of you, could you possibly reconcile your differences with Mr. Salerno and see if there were some way that you could keep him in the job?-rather than accept his resignation. Now we are five months later, all right; we've gone through a Manager search; what do we do at this point? Obviously, the search firm did not do a good job for us. I mean, clearly, whatever happened was a not good job. But we are now faced with what do we do now? Are we going to take a rush to judgment to get somebody into the job because it's already five months?-OK, with a vacuum at the top, all right, or are we going to take our time and get it right, possibly, and have maybe another five months with no leadership at the top?-all right. At this point, I would like to respectfully ask the City Commissioners and the Mayor if there is any way, instead of putting the City through another search, all right, that you could just possibly try to re -- we have, OK, a City Manager who's got experience in the City, all right, that we know has done a good job, and I'm just wondering if there's any way, instead of going through this all again, it's possible to get him back on board? Why do it -- I mean, why fix what I didn't see as broke, OK? So I'd like to respectfully suggest that you possibly consider, OK, reversing your decision. I mean, obviously, in life, nobody gets -- no -- not every decision is going to work out for people, all right. The important thing about making decisions is when you realize the decisions may not be working out is that you cut your losses and go back and fix what didn't work, so that

would be the first part. The second part -- and this is just a question that I'd like to bring up about the \$28 million that was in the bank five months ago. I hope that that money is still in the bank.

Mayor Cason: It was 29.8, ma'am.

Ms. Lawrence: Excellent, OK. Because I have an MBA from Wharton, OK, and I have been in the markets now for 37 years; 32 of those years I've managed money, and 19 years in my own business, and I'd like to tell you what I tell my clients. I think we're headed for a very bad downturn. It's going to be worst than 2007-2008. The American public is not making any money. There is no wage growth, OK. I have the statistics in here for you to read, all right. Basically, what the problem is is that the governments around the world are printing money. What happens is, there is no longer a reality between the price of assets, whether you're talking, bonds, stocks or real estate, and reality, because the underlying economies are very weak, but the stock market is at the moon. Just last year, OK, the Dow -- the S&P 500 (Standard & Poors) was up 30 percent and growth was 2 percent and corporate profits were up 6 percent. This is -- you got to ask yourself, what's there? OK. It was all money, money printing that went into these markets. Unfortunately, the biggest correlation that we've got right now between the [inaudible] and the S&P 500 is with the amount of money printing that is going on in the U.S. government. There's a direct close correlation between the amount of money that's being printed and the rise in the markets. What that means is when the markets go back to reality -- go back to reflecting reality instead of easy money, you're going to have a bad downturn. I'm saying we need to keep that money in the bank to deal with that.

Mayor Cason: Well, I think we've agreed on that, and we've all recognized that we are about a little less than 20 percent of our operating budget with reserves. We know we need to get them up. And we had that discussion in -- when we put together the criteria for a new City Manager. We wanted somebody with good financial

background, because we were looking either to hurricanes or other possibilities, so we agree with you on that.

Ms. Lawrence: Great. I'm really happy to hear that. And I would really respectfully request that you would consider rehiring or trying to get him to rescind his resignation because he's -- he did a great job. Thank you.

Mayor Cason: Thank you very much. Sandra. Somebody has their phone; will they please turn it off?

Ms. Murado: Hi. Good evening.

Commissioner Quesada: Hi.

Ms. Sandra: How are you? I decided this morning to be here after I got the e-mail blast, and so it's been a while since I shown my face, and I -- I'm happy to be here. I have some questions. I don't --

Commissioner Keon: Put your name and address for the record.

Ms. Murado: Yes, of course. I'm sorry. My name is Sandra Murado. My home address is 1503 Granada Boulevard, Coral Gables, 33134, and my business address is 901 Ponce de Leon Boulevard, Suite 504, Coral Gables. I'm a resident and a local attorney, business owner here in town for over 11 years. Pardon my ignorance for some of the questions that I may be asking you that I don't expect to have the answers too. I would just like, for the record, to ask some questions so that prior to you as a Commission making your determination, that you perhaps -- have you ever thought of those things or consider them and ponder them? I'm a person that likes to look at things from a big picture perspective, and I tend to consider myself somebody with common sense, which is not very common. So here are some of my questions, and

like I said, you don't have to answer them, but as I hear all of you today, and I've been reading the newspaper and the e-mail blast and what's been going on, I kind of scratch my head and ask these questions to myself. So I have some questions and I have some comments and then I'll sit down. Number one is, is there a budget allocation for the City Manager search? My second question is what qualifications are you each individually looking for in a recruitment firm? My other question is what direction, both verbal and written, does the Commission provide a recruitment firm regarding the educational and professional qualifications that you're seeking in a viable and good candidate that's a good fit for this position for this City? Now, here's a recommendation, and part of the reason that I say this -- and it comes from experiences -- that I'm a employment-based and family-based immigration lawyer, and part of my job entails criminal background checks and dealing with employers and employees and representing clients before the Department of Labor and Immigration. Now, the reason I say that is because before somebody can become a resident, you have to prove good moral character, and so I think that a candidate for City Manager needs to have good moral character. And so one of the things that the U.S. government does when a person applies for U.S. residency is to ask where they've lived for the last six months, to state all cities, all counties that you've lived from a certain age, and they go back to when you cannot really be charged as a minor. Now, the reason I say that is if, on a résumé or on a comprehensive application -- and I don't know what recruitment firms do. I'm not a recruiter. I'm not. But common sense says to me before anybody -- when you show an interest and you submit a résumé that's comprehensive and you look at it and you say, do they have the professional qualifications that we're looking for in a person?-and if they pass that initial step, before even going further, I would make them do two things: One, I would make them complete an application that lists every city, every county that they have lived and worked, and go back a certain number of years. Why? Because if a person has ever been arrested, the local police authority, whether it be a sheriff's office, a local city, whatever may be, has to register those arrests in an FBI (Federal Bureau of Investigations) national search. Just so you know, they're very simple to

go by, so if they put it in their budget, they cost \$18 per applicant. You get a fingerprint card. You have the applicant get their fingerprints. They're sent to the FBI. You could do it by credit card or by check. They're \$18. And in a few weeks, you get a Federal Bureau of Investigation background check on everybody's arrests, the adjudication, and whether anything proceeded on that case. You get infractions. You get people that have been arrested, charges. You get a picture, and it doesn't take very long to get. You all mentioned that the research firm or the recruitment firm looks at the FDLE (Florida Department of Law Enforcement). I'm assuming that's the Florida Department of Law Enforcement. OK, if our search is nationwide and people don't get arrested in Florida but elsewhere, you're not going to find it on the FDLE. I suggest a recruitment firm that does a very simple FBI check. The government does it for every applicant that comes into the United States. It's the least that we can do. We need to have somebody who's professional, who's qualified, and is going to be a moral pillar of what we want our values to reflect. Everybody that's sitting here is a reflection of what our community believes reflects our best interests, and our City Manager is the person who needs to have the ability to -- with respect and in a professional manner get along with everyone here and lead an organization where, from the top to the bottom, there is a corporate culture of respect, professionalism, and dignity. And so, at a minimum, I'm just making that suggestion that it's very simple. I'm not here to cast aspersions, but if I asked my 11-year-old daughter to Google somebody's name, she could probably tell me that this person had liens and arrests and had a problem, because I know that if you Google anybody's name, a lot of information comes up that's very basic. My last comment, with all due respect, I don't know who Mr. Bud Park is. I've never met him. But I do have a problem with one process not working and immediately trying to find a Band-Aid and saying we're going to vote on this person. Why is this person the only game in town? Do they have a conflict of interest? Have you evaluated what he's going to be doing? What qualifications? I personally right now just hearing, and I have to do recruitment for the Department of Labor for candidates when a U.S. company is looking for a candidate that an American can't fill. You have to advertise. You

have to go out there. You have to put it all sorts of place. How can you rely on someone who's going on word of mouth? That doesn't make sense to me. If you're going to find a quality person, how can you rely on someone who's going on word of mouth and contacts that they have? I think that if -- you need to open it up to everybody, and I think that, at a minimum, you need to evaluate a recruitment firm and what steps they take -- and what steps they take before giving you a name, so that this City doesn't have to waste its time, its resources, and then go through an embarrassing process that's all over the newspaper. And what does that say about us? So thank you for your time.

Commissioner Quesada: Thank you.

Mayor Cason: Thank you.

Commissioner Quesada: Can I address her point?

Mayor Cason: Yeah.

Commissioner Quesada: If you don't mind. I'm going to work backwards through your points. Bud Park. Bud Park was here -- we actually -- we interviewed -- was five, six, seven recruitment firms?

Commissioner Lago: I think it was five.

Commissioner Quesada: Five recruitment firms. He was here for that. He is a retired recruitment specialist, executive search specialist, and we have a list of his qualifications and the people he's landed in the last I don't know how many years here. He also gave us back in April -- at that April meeting when we were actually interviewing all the different recruitment firms, he gave us the Best Practices, and I think I speak for all of us -- he impressed all of us. He was retired, so he wasn't

putting his name in the hat, but he was telling us what he thought of every different search firm that had applied. He told us the pros and cons of each one of them. And I was very impressed by him throughout that process. And I'll be glad to give you copies of these documents after the fact. So we did hear his qualifications at that time. We did hear extensive conversation. We engaged in extensive conversations with him on that day back on the 21st when we were looking at, again, five different search firms.

Commissioner Keon: He was also --

Commissioner Lago: And if I can just interject one second. We went through an RFP process, which was in the Sunshine, which everyone who was interested that had the abilities to provide the executive search that we needed, provided their information. We dwindled that down to three firms. They presented amongst -- in front of the Commission. It was a public -- everyone in the public could come, could attend. The decision was made to go with Colin Baenziger out of the three firms, and that's where we stand, and that's why they were chosen to fulfill the first search for the City Manager. What else?

Mayor Cason: I think the other point is that we put together the Commission consensus, what we were looking for in a City Manager. The first thing is the absolute ethics we started off with, so all that's in there. We could always take a look at it again, but I think it reflected the consensus. I still think that, that document is the document that would be used by the person we choose to guide his or her search.

Commissioner Lago: As a matter of fact, I think one of the firms that we interviewed out of the five or seven that were dwindled down to three, I think one of the firms was from outside the state, correct?

Vice Mayor Kerdyk: Yeah.

Commissioner Lago: So we even reached out to firms who are experts in recruiting executives from outside the state, because they provided, you know, a background in reference to certain people that they had recruited through -- in different municipalities.

Mayor Cason: I think the other thing, too -- we don't want to have a debate here, but I think they the Craig, would you talk about the...

City Attorney Leen: Yes.

Mayor Cason:...about what we do in terms of background checks?

City Attorney Leen: Regarding the background checks...

Ms. Murado: I'm sorry. I didn't (UNINTELLIGIBLE).

City Attorney Leen:...Regarding...

Ms. Murado: Let me ask a question.

City Attorney Leen: Regarding the background checks, we did a level-two FDLE check, but that is not just in Florida; that's nationwide. I'll read to you what it is. Level-two generally refers to a state and national fingerprint-based check in consideration of disqualifying offenses and applies to those employees designated by law as holding positions of responsibility or trust. Section 435.04 Florida Statutes mandates Levels 2 security background investigations be conducted on employees that find as individuals required by law to be fingerprinted pursuant to Chapter 435." That background check was done by the City. That was not done by Baenziger...

Ms. Murado: OK. But shouldn't that be something that is done initially and not at this point? Because after you exercise all of that time, then why are you going to find out now that the person has a record?

Commissioner Quesada: Agreed.

Vice Mayor Kerdyk: That's the problem.

Commissioner Keon: We had expected that a background check ...

Commissioner Quesada: That's what --

Ms. Murado: I mean, when you go on a date you want to find out if the person... before you go out, you want to know if they're a criminal.

Commissioner Keon: We inspect...

Ms. Murado: No, I'm not going to find out after the fact.

Commissioner Lago: That's why we're -- that's why we're...

Commissioner Keon: We had expected that (UNINTELLIGIBLE).

Commissioner Quesada: That's why we were upset.

Commissioner Lago: That's why we were upset.

Commissioner Keon: Yes. And we were told that they did a background check.

Ms. Murado: OK.

Commissioner Keon: It turned out that they didn't do what we...

Mayor Cason: Yeah.

Ms. Murado: OK. And so my question is -- and I'm sorry for my ignorance. But was Bud Park on your top three lists back in April?

Commissioner Quesada: He didn't put his name.

Commissioner Lago: He didn't submit his name.

Ms. Murado: He didn't put -- submit his name.

Commissioner Keon: He did a City Manager search for the City some number of years ago, where he was fully vetted and went through a competitive process and whatever else and did...

Ms. Murado: OK.

Commissioner Keon:...a very, very good job. So he is well-known. He's well recognized.

Ms. Murado: Thank you.

Commissioner Keon: And he is experienced and he has done it in this city before, so he knows the process. And I think because we're looking to expedite this process, it is within our procurement code to be able to do that.

Mayor Cason: Yes.

Commissioner Keon: Because it is an expedited process.

City Attorney Leen: It was not a formal RFP under the Procurement Code, but that we did go out and look for some firms and we had several come -- three, I believe, actually present -- and it was exempt. It's exempt under our Procurement Code. The Procurement Code doesn't apply. The complete authority to pick a City Manager rests in the City Commission. And in addition, it fell within one of the exemptions, but they -- there was a competition. They did come and they spoke and...

Ms. Murado: Well -- OK -- I mean, that's...

City Attorney Leen: And it was similar to...

Ms. Murado: OK, I'm not talking -- I'm sorry. I'm not talking about the recruitment firms, because I want to believe that you all did -- that they came forward, that they did their best, that you analyzed each -- at this point, I'm past that. My only question is what's the criteria for the companies to pick? I think it's common sense...

Mayor Cason: Oh, I think you need to look at...

Ms. Murado: -- before you walk in the door, you do an FBI check. If somebody passes...

Commissioner Quesada: Agreed.

Ms. Murado:...the initial test.

Mayor Cason: That what we'll be doing earlier this time. That's for sure.

Ms. Murado: OK, thank you.

Commissioner Quesada: Yeah.

Mayor Cason: Thank you. OK, Albert Sanchez, and that will close the public input.

Albert Sanchez: Good evening.

Mayor Cason: Hi.

Commissioner Quesada: How are you?

Mayor Cason: Will you give your address, please?

Mr. Sanchez: My name is Albert Sanchez. I live at 619 Camilla Avenue with my wife and two children. It's my strong opinion that any executive search firm that works on behalf of this City and its residents should not have any inherent conflict of interest. Unfortunately, such is not the case with the firm being proposed. It's well-known that there are ties between this firm and his family being at the forefront of lobbying for the opening of the for-profit charter school at the site of the former University Baptist Church. Given the likelihood of the school's continued determination to increase its student body will, once again, be presented to the City for deliberation, I believe it's imperative that any new City Manager approach this issue in a totally objective manner. It stands to reason that the person championing the new City Manager's naming will enjoy undue influence. Coral Gables has experienced a tumultuous several months. It is time to gather ourselves and recognize that we can make things right through a thoughtful, patient, and

deliberative process. I encourage you to select an executive search firm that demonstrates absolutely no conflict of interest with City issues and one that will leave the City's residents confident that no potential quid pro quos are in the (UNINTELLIGIBLE).

Commissioner Quesada: What's his connection to it?

Commissioner Keon: His son-in-law is...

Vice Mayor Kerdyk: Architect.

Commissioner Keon: What's his first name? Zamek is the last name who is the individual --

Vice Mayor Kerdyk: That's his daughter...

Commissioner Keon: That's his son-in-law is the individual who was one of the people...

Commissioner Quesada: Paul (UNINTELLIGIBLE). Paul. I remember him from the process.

Commissioner Keon: That -- right. But, you know, I -- Mr. Sanchez had e-mailed me with this same question, and I responded to him, and I know him actually through campaigning and having been on the Planning & Zoning Board, and he knew my stance and my feeling with regard to Somerset. So we have much in common with regards to the enrollment at Somerset. And I said to him that, that is a son-in-law, and as a parent of grown children, I will assure you that you have little control over who your children marry; and they are more than entitled, whether your child or it's your son-in-law, to what they support and what they don't support and what they are

in favor of, and it doesn't mean that you do that also. I think Mr. Park has great integrity, and whoever he hires, he will hire based on the information that we looked forward, and anything to do with Somerset is not up to the Manager. Anything that changes. Anything at Somerset is through this Commission. So it is this Commission that you really need to worry about, and that's why I hope that everyone in this City knows and understands when they vote who and what they are voting for. But that has nothing to do with the City Manager, and I really don't believe there is any conflict at all.

Mr. Sanchez: I respect your opinion. I think that we are already working under a cloud, and it's a cloud that we don't need and now -- and knowing that there were two other firms, not including this firm, that were vetted, why aren't we going to a second place?

Mayor Cason: I think I will answer that and -- the firms we went to before had a different approach. Their approach was...

Vice Mayor Kerdyk: Right.

Mayor Cason:...going nationwide asking people to apply. We're moving away from that now because of all the problems with Sunshine and the fact that people didn't come forward. And we had even a second opening where we had a couple more weeks asking people to come forward. This is a different approach. This is going to City -- in most cases, it'll probably be the City and the City Manager and assistant City Managers and trying to convince them to come to the Gables. Totally different approach and that's -- what we decide at the last meeting that we would move away from that early approach to a targeted approach that would obviate some of the -- or not bring forth some of the problems we had in the first round. Thank you for your --

Mr. Sanchez: But then it seems then open it up now that you have a new approach that we should open up to new set of search firms that were interested in and not just selecting one because -- I don't understand why -- how he was selected.

Mayor Cason: We chose to --

Commissioner Lago: Well, he hasn't been selected.

Mr. Sanchez: OK.

Commissioner Lago: But --

Commissioner Keon: But he will. I will make a motion to select him. I will tell you that now.

Mayor Cason: We'll be doing that...

Commissioner Keon: And we should --

Commissioner Lago: I mean, we went --

Commissioner Keon: You can open it up to an RFQ (Request For Qualifications).

Commissioner Lago: Just to answer your question. I mean, and I -- I want to be very careful when we speak about someone here on the record and we make any comments in regards to persons not here to defend themselves. I don't -- I can't go down that route personally. I was on the Planning & Zoning Board when that issue came forward. I mean, you can look it up. It's pretty clear, I mean, what my decision was. And I hate to speak for Commissioner Keon, but we were in the same -- took the same stance.

Commissioner Keon: Yes.

Commissioner Lago: I don't make decisions based on -- or no one on this dais makes any decisions based on what's going to influence them or, you know, what's going to benefit them. You know, we always do everything in our power to represent the residents and the businesses community. And that -- you can rest assured of that. We already brought forward several firms through an open call, through an RFP process. I think it was five or seven firms. I can't remember exactly how many. I don't know why I keep saying five or seven. It's something like that, right? We dwindled it down to three. That process did not work for us. I don't think we reached out and got the most qualified individuals to come forward and potentially hold the highest position in the City of Coral Gables, in an executive level. No decision has been made yet. We probably will make one today. We'll take a vote and we'll see how everything plays out. But in reference to your concerns about University Baptist Church, I mean, you caught me off guard. I mean...

Commissioner Quesada: Same here.

Commissioner Lago:...you know, I have to be frank with you. You truly caught me off guard. I mean, you may have concerns in regards to -- like the nice lady who spoke before, but I think that these concerns are a little bit more salacious than what we're dealing with today, and I think that we shouldn't really focus on those. What we should focus on is moving forward to find a City Manager in the most transparent way, which we have been doing for the past five months, and we just hit a -- we hit a little roadblock, but we're going to keep pushing forward on that issue.

Vice Mayor Kerdyk: Yeah. Let me just say to you, Robert. We've had several conversations, and if I thought there was a conflict of interest, I would not go down that path. I mean, this gentleman will hopefully bring us three good people, and at

that point, we'll make the decision. I mean, I see where you're going on it, and I see, you know, the connection, but knowing the individual and knowing what I think I know as far as this process goes, I just don't -- I think it is a stretch as far as that's concerned. But I do appreciate your comments, and I understand the sensitivity that you have to that issue there, and I think that I've shared that with you on numerous occasions, and -- but at this point, I think that we need to move forward on this process and, hopefully, this is the individual that will bring us to fruition here, because it's been a rough process.

Mayor Cason: Yeah.

Vice Mayor Kerdyk: I mean, a rough --

Mayor Cason: Thank you.

Vice Mayor Kerdyk: -- and this has not been a -- this has not been a good day in the City of Coral Gables life cycle. I'll tell you. But we're going to bring it over. We're going to move forward and bring a good City Manager here. Thank you for your comments.

Commissioner Quesada: Thank you, sir.

Commissioner Lago: Thank you, sir.

Mayor Cason: And back to Linda Lawrence's point of view, I think the Manager resigned, and I think he's -- his -- I think he's moved on. I think he's got other things he's looking at. I don't think -- No, I can't speak for him, but I have no indication that he would reconsider his resignation. And I know he's actively looked for things elsewhere. So I appreciate what you had to say.

Ms. Lawrence: One last thing when I hear “expedite the process,” OK, I understand where you're coming from, because you're five months into the search and you’ve still got to go back and do this again, OK. But when I hear expedite, I get a little nervous, because that could involve a rush to judgment.

Mayor Cason: No. We don't mean sloppy.

Commissioner Keon: We're not rushing.

Vice Mayor Kerdyk: It’s funny --

Mayor Cason: We understand.

Vice Mayor Kerdyk: It's funny you were going to say that, because I was just going to say the same thing. I was going to say the City is running fine. We're moving forward on a lot of fronts, and whether it takes two weeks or four months, you know, we're going to make the right -- we have to make the right decision.

Ms. Murado: I'm happy to hear that.

Vice Mayor Kerdyk: Yeah.

Commissioner Keon: I would also like to add that I don't -- there is not -- we don't have a Manager in place. It would be good to have a Manager in place, but there is not a vacuum at the top. The Interim City Manager and the staff around the Interim City Manager have very, very well and very successfully moved projects forward in this City over the last five months.

Mayor Cason: And they're all professionals, so --

Commissioner Keon: And they all -- all --

Mayor Cason: So make sure when you expedite, it doesn't mean sloppy, and we were going to be doing some deep background checks --

Commissioner Lago: And I just -- just to go off what my colleague has said. I mean, I think that the Vice Mayor, who has been here the longest -- and I say that with all due respect -- I mean, he can tell you that over the last five months, we have accomplished, this Commission, in regards to projects, you know, resolutions, ordinances, sustainability plan, I mean, there's been a multitude of projects that have come before this Commission, and we voted on them to really move this City forward. And you know, we're going to keep doing that. And I just -- now we're just going to move forward on this process also.

Mayor Cason: OK. So, Pat, you --

Commissioner Keon: I would like to make the motion that we hire Bud Parks to conduct the search for the City Manager under the 60-day provision that we -- or I -- is it under that provision or --?

City Attorney Leen: Yes, under the alternative proposal.

Commissioner Keon: Under the alternative proposal that he gave us.

Mayor Cason: OK. We have a second?

Vice Mayor Kerdyk: I'll second.

Mayor Cason: All right. So Commissioner Keon made the motion and the Vice Mayor seconds it. City Clerk.

City Attorney Leen: Mr. Mayor, I ask that you would authorize me, as part of that, to -- because I'm going to contact him immediately; ask him to get started. We'll finish the written agreement. He's ready to start working this weekend, but I would want that authority to be able to reach out to him and get those terms finalized and signed as quickly as possible. Thank you.

Mayor Cason: City Clerk.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Yes.

Commissioner Lago: Yes.

Commissioner Quesada: Yes.

Mayor Cason: Yes. Thank you very much. Commission...

City Attorney Leen: Mr. Mayor, one other thing. I just want to -- the Vice Mayor's here and just to bring back the issue with Baenziger and Associates.

Mayor Cason: OK.

City Attorney Leen: Because I want to make sure to be able to tell him there was unanimous consent, the Commission felt this way. What we are doing is we're going to go back then -- he's offered to let us decide how much we think is appropriate. And what we are going to do is tell him that what we think is appropriate is his hard costs and we'd like to see those hard costs, and then they'll be a decision at the next Commission meeting, and other than the hard costs, there would be no other payment made to him. That's what I plan to tell him.

Vice Mayor Kerdyk: I'm OK with that.

Mayor Cason: OK.

Vice Mayor Kerdyk: Thank you.

Mayor Cason: Thank you all very much for attending, for watching and...