



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, November 26, 2018
12:00 PM

Special Meeting

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a special meeting at 12:00 p.m. on Monday, November 26, 2018, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER, and PETERS were present. The Acting City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

Mayor Treece explained they would go into a closed meeting for a bit to give the Council a chance to consider the City Manager's letter of resignation and to interview the Acting City Manager before any appointment to Interim City Manager. After the closed meeting, they would come back out to the open meeting to handle the other agenda items, and once they adjourned, his expectation was that they would come to the podium as a Council to address any questions the public and media might have. He pointed out this was still a personnel issue so there were items that were privileged, protected, or confidential to which they might not be able to respond, but they wanted to be as transparent with their answers as possible.

II. SPECIAL ITEMS

SI15-18

Motion for the City Council of the City of Columbia, Missouri, to immediately go into a Closed Meeting in Conference Room 1B to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as authorized by Section 610.021(3) of the Revised Statutes of Missouri, and individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment as authorized by Section 610.021(13) of the Revised Statutes of Missouri.

Mayor Treece made a motion to immediately go into a closed meeting in Conference Room 1B to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as authorized by Section 610.021(3) of the Revised Statutes of Missouri, and individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment as authorized by Section 610.021(13) of the Revised Statutes of Missouri. The motion was seconded by Mr. Trapp and approved unanimously by roll call vote with Mayor Treece, Mr. Ruffin, Mr. Trapp, Mr. Skala, Mr. Thomas, Mr. Pitzer, and Ms. Peters voting yes.

At approximately 12:05 p.m., the Council went into Conference Room 1B for the closed portion of the meeting pursuant to Sections 610.021(3) and (13) of the Revised Statutes

of Missouri.

At approximately 12:48 p.m., the Council returned to the Council Chamber, and Mayor Treece made a motion to adjourn the closed portion of the meeting and continue with the remainder of the open portion of the meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

III. NEW BUSINESS

R188-18 Authorizing a mutual severance agreement with Michael Matthes.

The resolution was read by the Clerk.

Mayor Treece explained the mutual severance agreement had been part and parcel of the 2011 employment agreement between the City of Columbia and the City Manager. All of the terms of the severance agreement were consistent with and identical to the terms the previous Council had executed with the City Manager in 2011.

Ms. Thompson pointed out that agreement had been amended in 2012 and 2015. The original employment agreement had provided for a six month severance. The amendment in 2015 had extended it to one year.

The vote on R188-18 was recorded as follows: VOTING YES: TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R189-18 Appointing an Interim City Manager.

The resolution was read by the Clerk.

Mayor Treece commented that per the Acting City Manager policy of the City of Columbia, John Glascock as the Deputy City Manager with the most seniority had become Acting City Manager effective Wednesday. He noted the Council had taken the opportunity to meet with Mr. Glascock to consider his appointment to Interim City Manager.

The vote on R189-18 was recorded as follows: VOTING YES: TREECE, RUFFIN, TRAPP, SKALA, THOMAS, PITZER, PETERS. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

IV. OTHER BUSINESS

Mr. Pitzer commented that he wanted to discuss the process going forward in search of a new city manager. He thought it would behoove them to start moving as expeditiously as possible and to move with some urgency while they also ensured a thorough and comprehensive process. He believed one of the first issues they should discuss was whether they needed the assistance of any outside party, i.e. a search firm, which he understood had been previously used. He thought it would be great to hear whether staff would recommend that again and to be provided some options. He explained he would love to have clear direction by the end of the year. This meant they would have something posted in terms of an application process or that they had hired someone who was able to begin a search prior to the end of the year or at the beginning of next year. In looking at their schedule over the next couple of weeks, they had a regularly scheduled meeting on Monday, and asked if there was anything scheduled for that work session. Ms. Amin replied there had not been anything when she had looked this morning. Mr. Pitzer suggested they use that time to discuss the important qualifications they wanted. He believed there were certain items that were fairly standard, but felt there might be some strategic aspects they might want to discuss for inclusion for the job description.

Ms. Buckler provided a handout, and explained it was a synopsis of all of the steps involved in this process. In 2005 and 2010-2011, the City had used executive search firms to help with the selection process for the city manager position. She stated the handout included an outline of all of the steps that needed to happen to get to the point of

having a new employee. She suggested they first discuss how they might do that. If the Council chose to use a search firm, she thought it would need to be let as an RFP in order to make an award. It would be a 30-day posting, and the Council would then have a process to select the firm they wished to use. As part of the 2010-2011 process, from the point an agreement had been signed with the consultant, there was a 90-day timeframe by which the search/recruitment was conducted. She commented that there were a lot of moving parts and there was a lot to do regardless of how the Council decided to proceed. She reiterated the Council should decide if they planned to use a firm or not first, and noted she had the scope of work that had been used in both of the previous processes along with the RFP that had been used the last time. She explained she could send that to the Council via Ms. Amin or Mr. Glascock. She stated the alternative was to go through the regular application process. Regardless of how the Council decided to proceed, they would need to come up with a profile of what they wanted in terms of a city manager. In the prior processes, each council member had met with the consultant with regard to what each was individually looking for in that position. They had asked department heads and employees for input in that regard as well. They had also invited civic partners, such as the Columbia Public School District, Boone County, some of the major businesses in town, etc., to provide individual input of the characteristics that were desired. She noted there had also been open forums or online options for citizens to provide input. There was a lot of process involved that could go toward building the profile of the type of person they wanted to do the job.

Mr. Pitzer asked how much the previous searches had cost. Ms. Buckler replied the last one involved a \$20,000 fee and a not to exceed \$6,000 expense. In 2005, it had been around \$24,000.

Mr. Pitzer asked Ms. Buckler for her professional opinion with regard to the quality of candidates they would receive through that route versus doing it on their own. Ms. Buckler replied there were pros and cons to either. She noted the executive search firms had a pool of people along with access to people that were actively looking. In addition, they had a lot of contacts by which to network. She stated they generally had a stable of people they knew were looking for a job and would recruit people based on the profile if they knew of people that might fit the profile. She could not say whether they would be better candidates. The City's regular recruiting process would involve all of the professional city management organizations and other places the Council might want to look or advertise. She reiterated she could not say whether it would be a better pool or not. Another resource the consultant had that the City did not was the ability to do a more thorough vetting in terms of backgrounds. They also did the negotiations on the employment agreements. She reiterated it was up to the Council as to how they wanted to proceed.

Mr. Pitzer asked if they posted the RFP for 30 days if they could use that time to develop the profile. Ms. Buckler replied yes.

Mayor Treece asked if the time frame for the RFP could be condensed from 30 days to two weeks, and asked if multiple search firms could present to them at their second meeting in December. Ms. Buckler replied yes. Mayor Treece asked how much lead time would be needed to accomplish that. Ms. Buckler replied they could alert those submitting RFPs.

Mayor Treece stated it was important to him to not have only the Council's input with regard to the characteristics of the next city manager, but to also have an authentic civic engagement in terms of what the community wanted in the next city manager. As a result, the sooner they were able to get the process started, the sooner they would be able to have that civic engagement.

Mayor Treece asked the Council if they preferred a 30 day RFP or if they wanted to back it up to two weeks so they could further discuss it at the second meeting in December if that was the path they chose. He thought January was a time people were looking to change and move.

Mr. Pitzer commented that if they had the search firm candidates in at the second meeting of December, they would still have to approve any contract at the first meeting in January. That would allow the consultant to proceed in January, and the Council would have the month of December to develop a profile and have that civic engagement.

Ms. Peters asked for actual dates because she did not want to rush the process. Although she wanted to move aggressively, they would be within the holiday season, which would impact civic engagement. She reiterated she did not want to rush through the process, but noted she also did not want to move too slowly.

Mr. Skala stated he agreed with Ms. Peters. He thought it was essential for them to obtain public input. He asked if they could proceed in an expedited process with a professional firm with which they had a history while also looking for opportunities through the Human Resources Department. Ms. Buckler replied she thought it might be difficult to retain a firm and have the Human Resources Department doing something at the same time. Mr. Skala asked if the contract would stipulate some exclusive opportunities. Ms. Buckler replied she was not sure about that, but felt if both of them were recruiting for the position, it might create confusion in the community of people that were interested. She thought it would need to be one way or the other. Mr. Skala understood a decision would have to be made. Ms. Buckler stated a generic RFP could be issued tomorrow.

Mayor Treece asked if they would do an RFP as opposed to an RFQ. Ms. Buckler replied they could do either one. Mayor Treece asked if an RFQ would require a 30-day process. Ms. Thompson explained Columbia used RFP to be synonymous with a request for qualifications or proposals to perform a particular type of work. She noted it was a little different than what was done on the statewide level. She thought there might be some terminology confusion. What staff wanted was to understand what the Council wanted, and if it was a request for qualifications, it really came in the form of a request for proposals. Ms. Buckler reiterated they already had a very generic scope of work.

Ms. Peters understood the RFP would be a request for an executive search company. Ms. Buckler stated that was correct. She explained the scope of services would be emailed, but they would basically help with the profile, compensation, recruitment, screening, and narrowing of the candidate pool. In the last couple of processes, the consultant had provided a report with 10-12 candidates, which had then brought to the Council for review. The Council then narrowed it down to a smaller group. The consultant would conduct the preliminary reference checks, assist with the interview process, conduct the background investigations, negotiate and follow-up with regard to salary, etc. The Council would then only need to worry about the actual adoption of the agreement and how it was announced.

Mr. Skala asked if in the prior two cases the same firm had been utilized. Ms. Buckler replied no. It was Affion Public in 2010-2011 and the PAR Group in 2005.

Mr. Trapp thought the question they needed to answer amongst themselves was whether they wanted to review the scope of work or if they were comfortable with what had been used last time. It appeared as though it would be a 30-day RFP process. He asked if they wanted to put out the RFP immediately to start the process or if they wanted to look at the scope of work at the work session.

Mr. Thomas asked if there was a 30-day requirement for the RFP. Ms. Thompson replied no. She explained the 30 days was a suggested time frame. It could actually be less than that. There was not anything in the City Code that required a waiting time of 30 days. If the Council authorized putting the RFP out on the streets tomorrow with the suggested scope of services, there could be a requirement that proposals be submitted prior to the second meeting in December. This would allow time for review and either the narrowing of the interview pool or the selection of the consultant, depending upon the circumstances. They could then either have a contract or interviews for the first meeting in January or select another time to do that. She pointed out the scope of services with the consultant could be negotiated, and noted RFPs were very flexible. The suggested scope of services was just that, and the proposal itself would address the firms' capability

of doing those items and anything else they would perform for the City in terms of services. At that point, the Council could negotiate the scope of services. She reiterated there was a great deal of flexibility with an RFP.

Mr. Thomas stated he wanted to look at the scope of services, but did not feel they needed to spend a lot of time debating it. The advertisement for the city manager position would be something they would want to spend a lot of time thinking about along with making an effort to obtain community input.

Mr. Ruffin asked if the selected company had facilitated the public engagement process in the past. Ms. Buckler replied they had.

Mayor Treece asked if the use of an executive search firm would create any barriers to transparency other than the normal expectation of privacy for candidates that might be applying. Ms. Buckler agreed they generally would not announce who they were considering until those people were coming to Columbia for the interview process. In the last two processes, the firms had been willing to do all kinds of things with the public in order to obtain input. She noted the Council would want to make that clear when they met with or selected the firm.

Mr. Skala commented that in some ways they had come a long way with the strategic plan and issues of equity, and asked if that had been a part of the last search in terms of the scope of services. Ms. Buckler replied the City had not had a citywide strategic plan then. She thought it could be included in the profile.

Mr. Pitzer stated he was comfortable with using the prior scope of services because he thought that was fairly standard, and noted he wanted to see that posted as soon as possible. He also indicated he would prefer to have the interviews prior to the end of the year even if they had to schedule a special meeting as it would allow them the opportunity to approve the selection of a search firm at the first meeting in January.

Mr. Thomas understood Mr. Pitzer preferred to make the decision before the end of the year.

Mayor Treece asked if there was any objection to emailing comments to him and Ms. Buckler within 24 hours or so. Ms. Buckler stated she could send the scope of services to them as soon as she got back to the office.

Mayor Treece thought it was fair for everyone to have the opportunity to look at the scope of services, and believed it would likely reflect what they wanted in a firm. They could then address any specific issue with the firms as part of a final scope and contract. Ms. Buckler stated she would email the Council the generic sheet, the actual RFP, and the responsive RFP that had been awarded the last time.

Mayor Treece understood the goal was to release an RFP on Wednesday with the thought of interviewing or reviewing 2-3 firms at the December 17, 2018 meeting. Mr. Pitzer asked if they would have to have a meeting to narrow it down to 2-3 firms. Ms. Buckler replied they should.

Mr. Glascock asked Ms. Buckler if she could have the RFP out by Wednesday. Ms. Buckler replied yes.

Mr. Pitzer asked Ms. Buckler for the minimum amount of time it should be posted. Ms. Buckler replied she thought two weeks would be okay.

Mr. Trapp asked how many proposals Ms. Buckler expected to receive. Ms. Buckler replied they had received 8-9 the last time. She noted they had a long list of firms that did this type of work and the Purchasing Division would notify them of this RFP.

Mayor Treece asked Mr. Pitzer if he had a suggestion with regard to the closing date and when the proposals could be reviewed. Mr. Pitzer replied that if it was posted for two weeks, it would close on December 12. They could then narrow it down at the December 17 meeting and hold a special meeting later that week. Ms. Buckler stated they could include in the RFP that they expected to interview possible firms on a certain date or a certain week. Mayor Treece suggested that be included so they were on notice for a video or in-person interview. Ms. Buckler commented that she would include the week of December 17. Mr. Glascock pointed out the pre-council meeting scheduled for

December 17 was full with union items and the Human Services Commission. Ms. Buckler noted it could be figured out and stated they would include in the RFP the expectation to do in-person interviews the week of December 17 so those bidding knew ahead of time.

Mr. Thomas understood the December 17 pre-council meeting already had items scheduled, and asked if they would discuss the applications for this search firm position during the pre-council meeting or the regular council meeting. Mayor Treece replied it would be like every other contract, but the Council would be the purchaser. He assumed it would be a closed meeting. Mr. Thomas thought they would want to review the RFPs between December 12 and December 17, and then have a discussion to narrow down the list of firms to 2-3 on December 17 to actually interview later in the week. He asked if it was possible to reschedule some of the agenda items. Ms. Buckler replied they could politely ask the unions to move to another date. Ms. Peters asked if they could start the meeting at 4:00 p.m. instead of 5:00 p.m. to allow time for this discussion while leaving the union items on the agenda. Mayor Treece stated he was agreeable to that. Mr. Skala noted they could schedule another meeting as well.

Mr. Skala commented that he was reluctant to have any additional closed meetings. He thought these really needed to be open meetings so the citizens could understand what was going on and register their comments. Mr. Glascock stated they could do it either way. Mayor Treece noted he would prefer to do it in an open meeting and asked if anyone objected. No one objected.

Mr. Glascock stated staff would determine if they could make room on the December 17 pre-council agenda, and if not, they would try to schedule the meeting at 4:00 p.m. Mayor Treece commented that he was happy to schedule the meeting for 4:00 p.m. Ms. Peters stated that was her preference over moving the unions to another meeting. Mr. Pitzer agreed and noted he thought they should also look for a date and time later that week to schedule interviews. Mr. Thomas agreed, but pointed out he would not be available on Friday of that week. He explained he was available Thursday. He also understood they would have to leave some time between making a decision on December 17 and interviewing 2-3 firms in-person or via a video conference later that week.

Mr. Pitzer made a motion directing staff to proceed with the issuance of an RFP for search firm services. The motion was seconded by Ms. Peters and approved unanimously by voice vote.

Mayor Treece stated he thought having a transition with the city manager position was an appropriate time to revisit the discussion about a citywide audit. He thought it was a good management practice to have a clear delineation between the previous administration and the next administration, and if there were findings in that audit that needed to be addressed, the new city manager could use it as a road map to move forward. He believed they needed to look at some of their historic practices on investment policies, land purchases, and banking contracts before they could take the next step forward, and felt a full State audit was worth the investment to restore trust in the community and to provide this Council and the next city manager the path they needed to move forward. He reiterated he thought a State audit was the best and most independent mechanism. He stated he would be asking the Council to reconsider this at the first meeting in December. He commented that he understood the Acting City Manager had held interviews for an internal auditor today, and thought the internal auditor would play an important role. He pointed out Mr. Pitzer had inquired about ways to strengthen the independence of that internal auditor position in an effort to ensure that person was more responsive to Council.

Mr. Skala noted he had been on the record for some sort of compromise measure in terms of a State Auditor audit. He believed they had been in good stead for many years, and would hate to repudiate lots of good work by previous Councils. He stated he wanted

to see some public audits and transparency as it came to certain areas, such as the Water and Light Department, instead of spending \$1 million or more on a citywide performance audit. He commented that some of the departments were working very well so it would be unnecessary and redundant in those instances. He reiterated he felt they needed to look at the Water and Light Department budget and could maybe look at the Finance Department as well. They would be spending a great deal of taxpayer money, and thought they needed to make sure it was spent wisely. He believed this approach would at least move them in the right direction. If they found it necessary or prudent, they could proceed and expand from there. He noted he reserved the right to change his mind, but at this point he was more inclined to support a limited performance audit versus a citywide audit.

Mr. Thomas commented that while he had been skeptical of some of the claims that had been made in the community about the pooled cash account in particular, he was concerned about the history of the pooled cash account and the fact its balance had tripled over the last 25 years or so during a time the City's budget and population had only increased by about 50 percent. If they had an audit, which he supported in some form, he wanted to understand why that was the case. He noted he had asked the previous Finance Director and had not really received an answer. He stated he had asked others as well and was not sure anyone had an answer. He commented that it was something he found curious as he believed these things should increase in step with each other unless there was something unsustainable happening.

Mr. Pitzer stated he thought some of the things they had discussed in terms of an outside audit were skills they would want to look for in a new city manager. He commented that they could search for someone that had a demonstrated track record of reviewing past performances and making organizational improvements. He believed they should also be mindful of what candidates they might attract if they knew they were walking into a situation with a three-year oversight into everything they did. He noted he was advocating for an executive with strong oversight in management for that role. He felt they needed to be careful with how they were setting up that potential person.

Ms. Peters commented that she understood an audit of the last fiscal year, which had ended at the end of September, was happening now. She explained she was not in favor of a three-year audit unless they planned to delay the hiring of a manager for three years. She noted she might be agreeable to an audit of the Water and Light Department as she did not mind looking at some of it, but thought the expectation of something being a foul in the City's finances was incorrect. As a result, she was not willing to spend \$750,000 or more in three years for that.

Mayor Treece stated that was not his expectation, but noted this Council had unanimously passed a transparency policy, had asked for a public records portal, and had requested a public checkbook portal, and all of it had not come without a lot of resistance. He believed compounding that with vacancies in the Internal Auditor position and the Finance Department, to include the Treasury Division, would trigger this type of audit in any private sector or not-for-profit organization. He did not feel it was unusual with a change of leadership to have a clear delineation of prior practices. He thought it was a good business practice.

Mr. Skala commented that he agreed with Mayor Treece, but noted his inclination was for an incremental process on some sort of limited basis, and understood they would continue the discussion. He stated he was rather proud of everyone on the dais for contributing to this matter and all of these other matters. He felt it was one of the most thoughtful groups of people he had ever served with, and noted he appreciated them all.

V. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 1:26 p.m.