

CITY COUNCIL MINUTES SPECIAL MEETING

APRIL 25, 2011

Mayor LaCascia called the meeting to order at 7:00 p.m.

ROLL CALL

Mayor Joe LaCascia, Vice Mayor Trudy Block, Councilor Adorno, Councilor Mike Blethen, Councilor Don Kimsey, City Attorney Tom Cloud and City Clerk Patricia Jackson

City Manager Contract

Mayor LaCascia turned the meeting over to Vice Mayor Block. Vice Mayor advised she feels the best thing to do is to go section by section because there have been some changes. Vice Mayor Block turned the meeting over to Attorney Cloud to present the agreement. Attorney Cloud advised the basis of this agreement is the agreement Fred Hilliard has with the City of Fort Meade. When the agreement was signed in 2007 Mr. Hilliard's salary was \$70,000. Attorney Cloud went over the proposed contract, which is on file in the City Clerk's office, as follows:

- Section 2 – the term of the agreement is from May 1, 2011 to October 1, 2015.
- Section 3 – Consideration
- Section 4 – Employee's Devotion of Full-Time Duties
- Section 5A–Termination of Employment of the City Without Cause – Attorney Cloud advised this is the largest part of the agreement. At the end of the first five months there would be no severance pay because this is considered a probationary period. Attorney Cloud advised Council to look at Section 7 to get to the conclusion of that. Discussion took place regarding the five months probationary period, as well as the annual salary. Attorney Cloud explained there is no obligation of Council to increase Mr. Brock's salary at the end of the first full year at \$72,000. Attorney Cloud commented it is a good idea that Mr. Brock would not receive any severance if something happens the first five months, but he would get three months after that for the first year. Councilor Adorno commented it is her understanding severance would begin after the first five months; Attorney Cloud responded that severance does not start until October 1, 2011. Councilor Kimsey agrees there should be a probationary period.
- Section 5B – Termination For Cause: Attorney Cloud advised this is based on Chapter 112 of the State Statutes, and he added items (iii) to (viii).
- Section 6 – Termination of Employment by Mr. Brock
- Section 7A – Severance Payments – This is only if Mr. Brock is terminating without cause beginning October 1, 2011 (3 months severance). Councilor Blethen doesn't feel this would be a deal breaker; Vice Mayor Block and

Councilor Kimsey also agreed it is not a deal breaker. Councilor Adorno clarified it was after the first five months, which is correct. Mayor LaCascia commented the purpose is to come up with an amicable agreement, and this should be communicated to him. Mayor LaCascia would like to have this done tonight. Attorney Cloud advised this can be voted on tonight.

- Section 7B – no severance if terminated for cause
- Section 7C – no severance if Mr. Brock resigns
- Discussion took place regarding severance, and six months would be the maximum.
- Section 8 – Employee’s Place of Residence – has six months to move inside the city. Councilor Kimsey advised he does not have a problem with living outside of the city. Mayor LaCascia advised this was proposed as a condition, and suggested it be left alone
- Section 9 – Papers and Other Properties – can’t destroy emails
- Section 10 – Salary – Attorney Cloud advised the burden is on the City Manager. Councilor Blethen wanted to clarify that the City Manager is not entitled to a raise, and Mayor LaCascia referred to Section 11.
- Section 11 – Performance Evaluation – Attorney Cloud commented that performance evaluations have been used as a “witch hunt.” Councilor Kimsey wanted to know what you can do if an evaluation is not what you like it to be. Attorney Cloud gave examples. Councilor Kimsey then wanted to know if the burden of proof falls on Council or does it work at the will of Council. Attorney Cloud advised all this says if bad, is improve. Lengthy discussion took place regarding evaluations and how people are treated; Attorney Cloud explained that being rude is not a violation of the law. More discussion took place regarding evaluations and raises.
- Section 12 – Policies and Procedures
- Section 13 – Automobile – there will be a \$400 month vehicle allowance
- Section 14B – Vacation Benefits – Discussion took place regarding Mr. Brock’s request for 10 days of paid leave for bereavement and other related purposes. Vice Mayor Block advised she had spoke with Mr. Brock; he was requesting 10 days because his mother lives out of state. After discussion, it was the consensus to give Mr. Brock three paid business days and an additional seven business days of unpaid leave for bereavement and other related purposes.
- Section 14C – Pension – Vice Mayor Block advised it has been negotiated with Mr. Brock to receive 8% contribution into the City’s 457 Deferred Contribution Plan. Mayor LaCascia noted the City will be saving money by doing this. There was consensus of 8%.
- Section 14D—Health Insurance and Cafeteria Plan – there will be no term life insurance other than what other employees receive
- Section 14-E – Sick Leave – it was noted that Section 5A states if Mr. Brock is terminated without cause, it is with sick pay.
- Section 14-F – Professional Dues – this is controlled by the budget
- Section 15 – Fidelity Bonds

Councilor Blethen made a motion to approve the City Manager Contract with changes; the motion was seconded by Councilor Adorno.

Under discussion, the following items were clarified: 1) no severance until October 1, 2011, 2) increase as of October 1, 2011, 3) three business days paid bereavement leave, seven business days unpaid bereavement leave, 4) Pension is 8%

Attorney Cloud advised there was a typo under Section 21B – it should read May 1, 2011

Roll Call: Councilor Adorno-aye, Councilor Kimsey-aye, Mayor LaCascia-aye, Councilor Blethen-aye, Vice Mayor Block-aye

5-ayes

0-nays

The motion carried.

Mayor LaCascia called a 10 minutes recess at 7:55 p.m. so the City Attorney could call Matt Brock to see if he would accept the contract with changes.

Mayor LaCascia reconvened the meeting at 8:03 p.m. Attorney Cloud advised Mr. Brock accepts the contract with changes, effective May 1, 2011.

Councilor Blethen made a motion to adjourn. Councilor Adorno mentioned the city-wide yard sale this Saturday. Councilor Adorno seconded the motion to adjourn.

The meeting adjourned at 8:05 p.m.

Patricia R. Jackson, City Clerk

Joe LaCascia, Mayor