

## SPECIAL WORK SESSION

FEBRUARY 15, 2005

A Special Work Session of the Arcadia City Council was held on February 15, 2005 at 4.00 p.m. in Room D of the Way Building at 23 N. Polk Avenue. Councilmembers attending were: Whitlock, Heine, Johnson, Goodman and Fazzino. Also in attendance were: Administrator Strube, City Attorney Holloman, City Fire Chief Rutherford, Marshal Lee, Special Projects Coordinator Hewett, Ms. Way and Recorder Baumann.

Mayor Whitlock called the work session to order.

The Invocation was given by Council Member Johnson.

Pledge of Allegiance to the Flag.

Mayor Whitlock stated that the purpose of the Work Session is to review the City Code regarding the Office of the Administrator.

Administrator Strube addressed the Council to describe what was included in the handout given to the Council. It contains sections from the City Code and an ICMA Manual "Managing the Modern City" and how the City Manager interacts with the Council. The ICMA Manual mirrors what is in the current City Code under "City Administrator" which categorizes the Council's role as "making policy" and the administrator's role as "implementing the policy".

Goodman feels that the information is dated. She noted that one thing which brought about this work session was that several years ago Council stated that they wanted to be more involved in the selection process of hiring a new Fire Chief. She feels that there is a notion that the reason the Council wants to be involved in selecting a new Fire Chief is so that they could select someone who would be in favor of a merger of the City and County Fire Departments. This is not the case. She stated that it is not her motive to take away any power from the City Administrator. She would like to make sure that Council is involved in the process. She stated that if the previous motion was not legal then Council needs to look at what it will take to make it legal.

Johnson stated that he has read the City Code and the ICMA "Managing the Modern City" and feel like this is the time to make some changes. He brought up the idea of a target selection committee as he believes this is a fair way to interview candidates. This process eliminates personal feelings because the group is the one to make a decision. He does not want to strip the City Administrator of any power. People have asked him if there is another procedure that could be used to select a new Fire Chief (rather than being selected by the City Administrator). He agreed with the previous motion to allow Council to have a say in the hiring of a new Fire Chief and still feels that Council should be able to participate in the selection of a new Fire Chief.

Fazzino stated that Administrator Strube has done a great job in his twenty (20) years as City Administrator and that Hurricane Charley showed his leadership abilities. He does not consider the Fire Chief's job any more important than any of the other City department heads such as the Water, Wastewater, Streets, Parks, etc. He feels that if the Council is going to review the process and change it they need to be very careful and

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feels that the City Administrator should fit into the picture. Fazzone stated that as he understands it under the target selection system the Council would rate prospective candidates and then present them to the City Administrator to do the actual hiring based on a recommendation or endorsement of the Council. He stated that the City's department heads kept the City going during and after Hurricane Charley and he does not want to diminish their interpretation of what this Council is wanting to do.

Heine stated that he has been on the Council for over eleven (11) years and is proud to serve on it. He does not want to belittle Administrator Strube; however he believes that the Council has the right to know who they are hiring. He believes that all department heads should be reviewed every October to see if they are going to be kept. He also believes that Council has been left out of a lot of things in the past.

Johnson feels like it should be every department head not just the Fire Chief. Council needs to have some consideration in those appointments.

Fazzone does not want to see employees coming before the Council to air their "dirty laundry" before the public and press. He feels that they need to follow the chain of command and should not bypass the process. He stated that many issues can be handled outside of a public meeting.

Johnson believes that Administrator Strube should still have the power to discipline, dismiss and hire employees. He stated that no employee should come before the Council without first having discussed the matter with the City Administrator, if there is no settlement then they could come before the Council. Employees must follow the chain of command. If the chain of command is expressed and in the City's policy then it should not be a problem to follow it. He stated that Council plays an important part in the role, when an employee comes to him or any Council Member and says that they have a problem the Council Member should ask the employee if they have talked with the City Administrator about the issue.

Goodman stated that this is the process now and that the City Administrator is required to notify the City Council regarding the removal of any employee and the communication needs to be followed. She does not like to be "blind sided" by employees who had things happen and she hears about it a week after the fact. She wants to hear about it from the City Administrator. She also feels that the Council Members as well as all citizens should be treated with respect when they seek information. No one is talking about stripping anyone of authority, but empowering a body of people to do what they have been elected to do. Further she feels that there are problems and everyone needs to work together to solve them. The issue is more than about hiring a Fire Chief.

Mayor Whitlock stated that mis communication is the worst form of communication. He was told by several people that the Council was going to hire the next Fire Chief which is a lot different than being involved in the hiring. He will not hire the next Chief; he feels that the Council should be involved. The extent to which the Council is involved is

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another matter. He agrees with everything that has been said today, however there must be a reason to change.

Goodman reported that the Administrator of the Health Department brought information to the City Administration Office requesting that it be placed on the agenda and was told that she was too late. The Health Department Administrator then asked if she could invite the Council to Step Up Florida and was told I do not know what the Council's schedules are but they are busy people. Goodman then stated that Council should have been involved in a recent interview on NBC Channel 2. Fire Chief Rutherford and Council Member Fazzone were interviewed. Mayor Whitlock stated that he was asked to give an interview, however he was not able to so. He then gave them Council Member Fazzone's name as Mr. Fazzone was the Mayor during Hurricane Charley.

Johnson feels that it is important that we as Council Members keep everything on a higher plane. He believes that more things should be delegated to department heads and that they should get the necessary power as well.

Administrator Strube stated that under the City Code Section No. 2-95 (1) Specific powers and duties requires that the City Administrator notify the Council regarding the removal of employees. This is usually handled through the process of a grievance, or an appeal of discharge. This section has been amended through the Personnel Manual for grievances which would be non disciplinary type actions and has been amended since the current code was codified. If an employee has a grievance there is a chain of command to follow with the final authority being the City Administrator. For a disciplinary action they would go through the same process up to appealing to the Council. Administrator Strube stated that to his knowledge no employee has come before the Council to appeal a discharge or disciplinary action.

Fazzone asked for a copy of the City Personnel Manual.

Mayor Whitlock asked Attorney Holloman to up date the code to state that all personnel grievances must be handled according to the City Personnel Manual.

Johnson would like to have a copy of the City Personnel Manual to read along with the Code in order to make appropriate decisions.

Fazzone feels that Council needs to come back in another work session after they have time to review the minutes of this meeting, the Personnel Manual and Code Book.

Heine still believes that the department heads should be voted on and reviewed by the Council annually.

Administrator Strube stated that there is a thing called property right and currently all department heads and employees are on a discharge for cause basis for hiring. To change this you will have to look into the property right issue.

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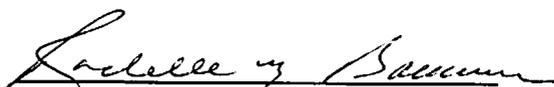
Mayor Whitlock suggests that every year during the budget process the City Administrator would make a recommendation to retain current department heads. If he does not want to retain a department head he would then make the recommendation to Council to let them go.

Administrator Strube stated that the City has avoided personnel lawsuits in the past so this has not been an issue. This will need to be looked at from a labor relations point of view. He does not want to create a fear factor, he believes that we have had enough information to make a decision as to if there should be disciplinary action or discharge. He does not want employees or department heads to worry about if they are going to have their job year to year.

Goodman asked if there was any formal customer training for staff dealing with the public and was informed there is none at this time. She then requested that staff receive training, Administrator Strube will look into training courses.

Administrator Strube requests that Council also review what is expected of them and have that section updated in the Code as well.

There being no further business the meeting was adjourned.

  
CITY RECORDER

  
PRESIDENT