

Session 15-12 a Special Meeting of the Homer City Council was called to order on March 17, 2015 at 5:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK (telephonic)

STAFF: CITY MANAGER YODER
CITY CLERK JOHNSON
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
PERSONNEL DIRECTOR BROWNING

Councilmember Zak has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Zak to participate by telephone.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, ROBERTS, REYNOLDS, VAN DYKE

Motion carried.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council’s Operating Manual, pg. 5)

Mayor Wythe called for a motion for the approval of the agenda.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Review of In-House Applicants for City Manager Position

Applicants are Katie Koester and Matt Clarke.

REYNOLDS/ROBERTS - MOVED TO INTERVIEW BOTH CANDIDATES ON THE 24TH.

The interviews will be face-to-face.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Personnel Director Browning will work with the candidates to see what time works best with their schedules.

B. Next Step in Recruitment/Hiring Process

Telephonic questions from February 2 and face-to-face interview questions from March 3 were read.

The Council discussed crafting the questions pertinent to the Alaska applicants.

BURGESS/LEWIS - MOVED TO MOVE QUESTION 5 FROM TELEPHONIC QUESTIONS TO IN-PERSON QUESTIONS, RE: ECONOMIC DEVELOPMENT.

BURGESS/LEWIS - MOVED TO AMEND TO REPLACE QUESTION 11 IN-PERSON QUESTIONS WITH QUESTION 5 TELEPHONIC.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYOLDS - MOVED TO ADD QUESTION 7 OF THE TELEPHONIC INTERVIEW TO THE IN-PERSON INTERVIEWS LIST OF QUESTIONS, DESCRIBING THEIR APPROACH TO MANAGEMENT.

The question pertains to providing leadership for over 100 employees.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ROBERTS - MOVED TO ADD AT THE BEGINNING OF QUESTION 12 THE PHRASE THAT WAS QUESTION 6 OF TELEPHONIC.

The question pertains to economic development for the community.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The questions will be scored 1-10 with 150 points possible for all 15 questions.

Councilmember Lewis requested the Council make a plan for conducting discussion of applicants after interviews.

BURGESS/VAN DYKE - MOVED TO HOLD ANY DISCUSSION ABOUT POTENTIAL COMPENSATION FOR A CANDIDATE IN EXECUTIVE SESSION AND HAVE THAT APPEAR ON THE AGENDA AFTER BOTH INTERVIEWS AND ANY DISCUSSION REGARDING THE MERITS OR INSUFFICIENCIES WE SEE OF A POTENTIAL CANDIDATE THAT CAN BE HELD IN PUBLIC WITH REGARD TO OPEN MEETING LAW AND EMPLOYMENT LAW BE HELD AT THE DISCRETION OF THE APPLICANT, IE. GIVE THEM THE CHOICE WHETHER OR NOT THEY WOULD LIKE THE DEBATE TO BE HELD IN PUBLIC OR NOT.

Councilmember Roberts expressed her opposition to public debate on candidates. When you ask the applicants whether they want to be debated publicly or in an executive session they must choose the public one.

Councilmember Lewis noted if one person wants discussion in executive session and the other wants it in public it creates a messy night.

Councilmember Reynolds reflected on the Open Meetings Act (OMA) and her understanding that we should discuss as much as we can in the public arena and step aside for a limited scope of discussion. She agrees that asking the question whether the candidates want discussion public or private is different than them being aware of requesting for it to be in public.

Councilmember Burgess suggested giving applicants the choice; although we assume they are aware their application can be reviewed in private that is not an implicit portion of the OMA. There are no conditionals for the OMA versus employment and hiring practices. If something were to come out in the process that an applicant later objected to, not having that choice on the record could indemnify the City to a certain extent.

Councilmember Burgess clarified the executive session was for discussion of compensation. It is subjective what you say in a public meeting could potentially harm a person's character. You can make a clear argument someone might want to have the discussion in private.

Councilmember Lewis expressed opposition as he would like the question divided to address compensation and discussing the interviewees on its own.

VOTE: YES. BURGESS

VOTE: NO. ROBERTS, REYNOLDS, LEWIS, ZAK, VAN DYKE

Motion failed.

LEWIS/BURGESS - MOVED TO DISCUSS COMPENSATION IN EXECUTIVE SESSION.

The executive session would be held after a candidate was selected.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS - MOVED THAT SHOULD ANY COUNCIL MEMBER LIKE TO EXTEND AN OFFER TO A POTENTIAL APPLICANT THAT WE HAVE THOSE DISCUSSIONS IN EXECUTIVE SESSION AND THEN COME FORWARD WITH A FINAL APPLICANT CHOICE AND COMPENSATION PACKAGE AND VOTE ON IT IN PUBLIC.

Councilmember Burgess explained if there is no distinct favor between either applicant it comes down to compensation being the determining factor to extend an offer.

Mayor Wythe commented we have a better knowledge of on internal candidates' current compensation. The Council will not know that until after interviews have been completed and a person has been selected. Knowing the salaries plays into the thinking process about what you decide to do because the monetary part is there. Make the selection for an applicant pure of any external influences and then you talk about the money.

VOTE: YES. VAN DYKE, ZAK, LEWIS

VOTE: NO. REYNOLDS, ROBERTS, BURGESS

Mayor Wythe broke the tie vote with a NO.

Motion failed.

The Council discussed the procedures for discussing candidates. Candidates will be scored, evaluated, and assessed. The Council can share those evaluations in their discussion. The Council requested two printed sets of questions and a separate scoring sheet.

The Council discussed the interview process and allowing public comments after each candidate.

BURGESS/VAN DYKE - MOVED THAT WE ADD TO THE AGENDA A PORTION FOR PUBLIC COMMENT AFTER EACH CANDIDATE INTERVIEW.

The Council discussed the idea of having public comments on each candidate.

Interviews will be conducted as follows:

Interview candidate A.

Public comments for candidate A only.

Break.

Interview candidate B.

Public comments for candidate B only.

Break.

The Council discussed the need for the public to comment only on individual applicants being interviewed.

VOTE: YES. VAN DYKE, ZAK, BURGESS

VOTE: NO. LEWIS, REYNOLDS, ROBERTS

Mayor Wythe broke the tie vote with a YES.

Motion carried.

REYNOLDS/BURGESS – MOVED TO ADD PUBLIC COMMENTS FOR COMPARATIVE PURPOSES FOLLOWING THE COUNCIL DISCUSSION, BUT BEFORE OFFER.

The Council discussed the excess public comments and subjecting the applicants to it.

VOTE: YES. ZAK, BURGESS, REYNOLDS

VOTE: NO. VAN DYKE, LEWIS, ROBERTS

Mayor Wythe broke the tie vote with a NO.

Motion failed

The next items of the agenda:

City Council discussion; offer and vote.

Executive session to discuss compensation.

Action after executive session.

Public comments.

City Council comments.

Adjournment.

Personnel Director Browning will arrange the interview times.

REYNOLDS/BURGESS - MOVED TO ADD OPPORTUNITY FOR PUBLIC COMMENT FOR COMPARATIVE AFTER BREAK PRIOR TO CITY COUNCIL DISCUSSION.

VOTE: YES. BURGESS, REYNOLDS, ZAK, VAN DYKE

VOTE: NO. LEWIS, ROBERTS

Motion carried.

Interviews will be conducted as follows:

Interview candidate A.

Public comments for candidate A only.

Break.

Interview candidate B.

Public comments for candidate B only.

Break.

Public comments for comparative purposes.

City Council discussion; offer and vote.

Executive session to discuss compensation.

Action after executive session.

Public comments.

City Council comments.

Adjournment.

If the Council chooses not to make an offer there must be a provision for providing direction to staff what we do next.

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, in general agrees with the interview process; the more public input the better. It is the price they have to pay to participate in government.

Katherine George, city resident, questioned why the discussion of money was in executive session when character discussion is not. It was painful to hear the discussion on the last face-to-face interviews and she believes the outcome resulted from that. Although the Council may have a scorecard grid they need to listen to their gut and instincts.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Yoder was not present.

COMMENTS OF THE MAYOR

Mayor Wythe thanked the Council for wading through this. This is what happens when she doesn't have a script. Generally executive session for anything involving expenditure of city funds is qualified. You are talking about extending the salary to a person and a long term commitment to that expenditure and the impacts to the community and the budget. This council holds the character discussion to be sacred. The public format used for hiring of a city manager is the only position of the City that is held in this stead. The Council is struggling because they don't want to inflict any pain on someone's character in public so it creates a hard place to go between. The Council may choose to have executive session to discuss

character traits. We can add that to the agenda if needed. Keeping the public conversation to the scorecard seems to hold up well.

COMMENTS OF THE CITY COUNCIL

Councilmember Zak is glad we have the internal candidates. He appreciates the work tonight to address the issues we faced last time in the process of interviewing candidates. We were able to make some improvements.

Councilmember Roberts is lukewarm on public deliberation on the specifics of the candidates. Just to say that we ask them what way they want things to go doesn't mean that's really what they want. All this discussion about public deliberations shows the public everything you think and it is very transparent, but this kind of deliberation method makes it less transparent because she is not likely to say or share as much of her opinions. It almost works the opposite. There are a lot of people in the public that think we should be doing the whole process in public, but she doesn't think it serves the city the best.

Councilmember Van Dyke feels the more public input we have the better decisions the Council can make. It is primary because it is the public who voted us in. They entrusted us to work on their behalf and make the best decisions we can. The more we know how they feel the better apt we are to make the decisions. There are certain things we have to go into executive session for and the public needs to trust us to know when that is, go and do it, and come out with the best decision for the people of this town.

Councilmember Reynolds feels we achieved a lot at this meeting. Michael would have appreciated hearing the care we put into making sure the meeting next week will be effective and a good process for everyone involved. She appreciates Francie's feeling about it being a difficult process. She tried to state what she was feeling at the last interview process and she encouraged everyone to do that even if it is uncomfortable. We can achieve enough in public without having to go into executive session. It was damaging to the process last time, but she doesn't know if there is a better way around with the way the laws and the system is set up.

Councilmember Burgess said he is very pleased with the Council. It is important that we do not lose sight of the fact that when we disagree and have respectful discussion and hash things out we all gain in the end. It is healthy that we don't lose sight of the fact that constructive debate and conflict means we are doing job well. He is very proud of everyone this evening. With regard to Ms. George's comments, anything that could disadvantage the City financially, what to offer someone's salary, we are almost obligated to have an executive session because if we had that discussion in public that knowledge and information could be used to cost the City more money which is not in the taxpayer's interest. She still has the option to comment after hearing both candidates. He likes that we put forward a solution to accommodate every interest. Having two members of the general public sitting here saying they liked what we did for two opposite reasons is another demonstration of them taking

advantage of their opportunity to get public input on what we decided to do. To Catriona, it is a shame Michael Armstrong isn't here to see what he is always asking us to do; the media bears no resemblance to the interest of the general public. It is important to keep that in mind.

Councilmember Lewis commented by the time next Tuesday runs around we will hear plenty on public comment on who they feel we should be interviewing or voting for. Most people will come up to you at work, email, or call. He thanked Kathy and Larry for sticking around for some of the marathon sessions after last night.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:14 p.m. The next Regular Meeting is Monday, March 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Special Meeting is scheduled for Tuesday, March 24, 2015 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____