

Approved 10/18/2010

Minutes of the Special Meeting
of July 28, 2010

The Union County Board of Commissioners met in a special meeting on Wednesday, July 28, 2010, at 9:00 a.m. in the Commissioners' Conference Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session for the following: 1) to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3); 2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee pursuant to G.S. § 143-318.11(a)(6); and 3) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to G.S. § 143-318.11(a)(5).

The following were

PRESENT: Chairwoman Kim Rogers, Vice Chairwoman Tracy Kuehler, Commissioner Allan Baucom, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Keith Merritt, County Attorney

At approximately 9:08 a.m., Chairwoman Rogers convened the special meeting, and, in open session, moved that the Board go into closed session to 1) to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3); 2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee pursuant to G.S. § 143-318.11(a)(6); and 3) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to G.S. § 143-318.11(a)(5). The motion passed unanimously.

At approximately 10:04 a.m., Chairwoman Rogers called for a recess of the closed session, and after a short break, the closed session was reconvened at approximately 10:20 a.m.

At the conclusion of the closed session, at approximately 10:28 a.m., Vice Chairwoman Kuehler moved that the Board go out of closed session and reconvene the open session. The motion passed unanimously.

The Board members remained in the Conference Room, and the Chairwoman reconvened the open session.

Chairwoman Rogers moved to not renew the employment contract for the County Manager and to give the County Attorney the authority to have discussions with Mr. Greene in relation to the non-reemployment of the County Manager.

Commissioner Baucom offered an amendment to the motion to extend the current employment agreement with Al Greene, County Manager, until December 31, 2010.

Chairwoman Rogers declared that Commissioner Baucom's amendment was in direct conflict with the main motion.

Chairwoman Rogers called for a vote on the original motion to not renew the employment contract for the County Manager. The motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

Chairwoman Rogers moved to authorize the Chairwoman and Vice Chairwoman to work with recruiting agencies to seek a replacement for the County Manager and to work with the Board Attorney to negotiate any agreements that may be needed, as well as to work with the County's Personnel Department to get the ball rolling on this matter.

Commissioner Baucom asked the Chairwoman what she meant by "to get the ball rolling on this matter." Chairwoman Rogers explained that what she meant was to locate a firm and recruit candidates for the County Manager position, and to have the Board attorney negotiate an agreement with a recruiting firm. She stated that the agreement with the recruiting firm would be brought to the Board for approval along with the candidates' resumes for review.

Commissioner Baucom asked if this motion gave the Chairwoman and Vice Chairwoman the authority to hire a headhunting firm. Chairwoman Rogers responded “No”. Commissioner Baucom restated his question of whether the motion was to locate candidates or a recruitment firm.

Chairwoman Rogers responded that the steps would be to find a recruiting firm and to bring that information to the Board for approval and then the candidates’ resumes and candidates would be presented to the whole Board at a future meeting.

Commissioner Baucom questioned if the only action being requested at this time was to authorize the Chairwoman and Vice Chairwoman to work with the Personnel Department and the Board Attorney to bring back a matrix with information about recruiting firms. Chairwoman Rogers clarified that the motion also included authorization to contact recruiting firms.

Commissioner Baucom asked if the firms would be screened and their information included in a matrix to come before the Board. Chairwoman Rogers stated that was correct.

Mr. Merritt stated that any decision to hire a recruiting firm would be brought to the Board for approval.

Commissioner Mills asked at what point in time would the Board review with the recruiting firm the parameters that are being considered in selecting a County Manager. He said that the Board is supposed to have input in hiring a County Manager, and he thought that should be made clear up front in the process.

Mr. Merritt explained that his understanding of the motion was that it was to review qualifications for firms to recruit County Manager candidates. He stated that once a firm has been selected by the Board, the Board would then enter into discussions with the selected agency regarding whatever parameters the Board wants to set out with respect to its search for a County Manager and the advertisements that it might place and the different qualifications being considered.

Following discussion on the motion, the Chairwoman restated the motion as follows: to give authority to the Chairwoman and Vice Chairwoman to search for recruiting agencies to recruit County Manager candidates and to work with the Board Attorney and the Personnel Department to search for recruiting agencies and to bring that information to the Board.

Commissioner Baucom asked for clarity purposes if the motion was to give the Chairwoman and Vice Chairwoman authorization to work with the Personnel Department and the Board Attorney to locate some recruitment agencies. Chairwoman

Rogers stated the motion was for the Chairwoman and Vice Chairwoman to be able to go out and talk with recruitment agencies about what the Board is looking for with regards to County Manager candidates.

Mr. Merritt stated that he thought Commissioner Baucom was asking if the Chairwoman and Vice Chairwoman were going to locate recruiting firms and bring the information to the Board or was the motion that all four parties would work together to find recruiting firms. Chairwoman Rogers said that her proposal was that the Chairwoman and Vice Chairwoman would work with the agency, the two of them would work with the County Attorney, and the two of them would work with the Personnel Department. She stated that if the question was whether there would be representatives of the Personnel Department, the County Attorney, the Chairwoman and Vice Chairwoman in a room making telephone calls to recruiting firms, the answer was “no.”

Commissioner Baucom offered an amendment to the motion to authorize the Chairwoman and Vice Chairwoman to work with the Personnel Department and the Board Attorney to bring forth candidates for the recruitment process.

Mr. Merritt said that as the Board’s Attorney, he probably does not need to be involved in the selection of a recruiting firm. He stated that he thought it was appropriate for the Board’s Attorney to work with the parties with respect to any legal issues that might arise, and the Board can certainly task him with whatever it might want, but he did not believe one of his tasks should be interviewing recruitment firms for a new County Manager.

Commissioner Baucom asked Mr. Merritt if he would like to be excluded from his amendment except to advise the Board regarding legal issues. Mr. Merritt responded that he is always available to the Board for consultation for any reason, but he did not believe it is appropriate for him to be a part of any committee that might be established to look for recruitment firms.

Commissioner Baucom agreed to remove Mr. Merritt’s involvement from his amendment except to advise the Board regarding any legal issues involved with recruiting County Manager candidates.

Vice Chairwoman Kuehler stated that she was trying to determine where the disconnect is on the motion. She said that what she was hearing the Chairwoman say is if she hears of a head hunting firm or if the Vice Chairwoman hears of a head hunting firm that they think might be of assistance and they contact that firm, then they would put the firm in contact with the Personnel Department. She asked if this would be acceptable or was Commissioner Baucom saying that he did not want her to contact anyone but to give the name to the Personnel Department and let them contact the firm.

Commissioner Baucom explained that what he wanted to accomplish with his amendment is to specify that the Personnel Department and the Chairwoman and Vice Chairwoman would work in unison to locate recruiting firms and that no one person is going out on his/her own to locate recruiting firms but all would work as a committee. He said he wanted the Personnel Department to be fully engaged in the process. He stated that he thought that the Personnel Department should be the lead in the process and be the one making contact.

Commissioner Baucom amended his amendment to state that the Personnel Department would bring a list of firms to the Board who meet the requirements along with a matrix with information about the firms.

The Chairwoman said that her motion gives the flexibility to the Chairwoman and Vice Chairwoman to go out and search for firms, bring those names to the Personnel Department and the Board Attorney, when necessary, and then the information would be presented to the Board. She restated that the amendment to the motion by Commissioner Baucom is to have the whole process given to the Personnel Department.

Chairwoman Rogers called for a vote on the amendment, which failed by a vote of two to three. Commissioners Baucom and Mills voted in favor of the amendment. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted against the amendment.

Chairwoman Rogers restated the main motion as follows: to give authority to the Chairwoman and Vice Chairwoman in addition to the Personnel Department and the Board Attorney, when necessary, to locate recruiting agencies that they will then bring those names to the Board in some form of a short list after consulting together.

Commissioner Baucom asked for a point of clarification whether there would be three entities that will be searching for recruitment firms under the motion with each operating as a separate entity.

Chairwoman Rogers said that there would be the Personnel Department, Vice Chairwoman Kuehler, and herself informing each other of what is being done and when. She said absolutely there would be collaboration, and the intent of the motion is to get the process moving. The motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

Mr. Merritt said that he wanted to make sure that there is direction from the Board to deliver notice to Mr. Greene, which is required under the agreement, concerning the decision to not re-employ him after September 30, 2010.

Following Mr. Merritt's comments, Chairwoman Rogers moved to authorize the Board Attorney to deliver a letter to Mr. Greene, as required in the employment agreement, notifying him of the Board's intent to not re-employ him as County Manager after September 30, 2010. She clarified that delivery of the letter should occur prior to August 1, per the employment agreement. The motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

With there being no further matters for discussion during the special meeting, at approximately 10:47 a.m., Vice Chairwoman Kuehler moved to adjourn the special meeting. The motion passed unanimously.