THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC SPECIAL STUDY SESSION ON TUESDAY, AUGUST 29, 2023 AT 4:32 P.M. AT WEST VALLEY CITY HALL, CITY COUNCIL CHAMBERS, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR LANG.

THE FOLLOWING MEMBERS WERE PRESENT:

Karen Lang, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1*(arrived as noted)*
Scott Harmon, Councilmember District 2 *(electronically) (left as noted)*
William Whetstone, Councilmember District 3
Jake Fitisemanu, Councilmember District 4 *(arrived as noted)*

STAFF PRESENT:

John Flores, HR Director
Nichole Camac, City Recorder
Eric Bunderson, City Attorney

COMMUNICATIONS

A. CITY MANAGER HIRING PROCESS

John Flores, HR Director, stated that the Council requested two items to discuss: finalizing the City Manager job description and discussing potential search firms.

Councilmember Fitisemanu arrived at 4:33 PM.

John indicated that he sent proposals from three firms previously and one additional firm requested by the Council earlier this afternoon as soon as it was received. Councilmember Fitisemanu stated that he has received and reviewed the documents but noted that this is a new process to him, so he is open to advice and direction. John replied that he believes all of these firms will provide a good, quality process. He indicated that they all have their own unique method, but he believes a similar quality product will be achieved in the end. John noted that top firms were contacted and the options before the Council today met the need and availability for the City.

John provided a quick synopsis of each of the firms that compared experience, availability, cost, and add-on options (such as ads, recruitment videos, sales pitches, etc.). He indicated that all firms would require in person interviews to occur at a cost to the City.

Councilmember Huynh arrived at 4:39 PM.

John outlined pros and cons for each firm (including executive status of individuals who would conduct the search, comfort for each firm in regard to the size and regional location of West Valley City, success rate, quality, etc.), discussed the service guarantee for hires who are released or who resign within specific timeframes, and briefly reviewed what entities and positions each firm has provided services for that are comparable to West Valley City. Mayor Lang asked if staff would recommend that the selected firm conduct the background evaluation or if that should be done internally. John replied that this can be discussed with the Council as the process continues and noted that it may be best to do a combined effort where the firm does their investigation, and the City can do anything additional that the Council sees fit.

Councilmember Fitisemanu noted that the last firm that submitted a proposal earlier today, was much higher in cost and asked why that was. John replied that this firm mostly works in the private sector and 30% of the first-year salary is generally lower in the public sector due to a more restrictive budget. Councilmember Whetstone asked if RFP rules apply to this process. Eric Bunderson, City Attorney, replied no and indicated that this process is not outlined in the procurement code. Councilmember Harmon stated that he is fine with any of the four proposals but stated that he feels like Affion would be a good fit. He noted he reviewed the websites of each proposal and Affion seemed to be the best resource for both candidates and cities. Councilmember Nordfelt stated he is comfortable with any of the original three given their experience with this position and in the public sector. He stated he liked SGR's proposal, especially since they could begin immediately, but would be fine with Affion as well. Councilmember Whetstone noted that Affion had a longer guarantee. Mayor Lang stated that she liked that CPS had a 95% placement success rate. Councilmember Fitisemanu asked if Affion or SGR reported their success rate. John replied no. Mayor Lang noted that CPS has hires in Aurora, CO as well as Reno, NV. Councilmember Fitisemanu noted that Affion has a hire in Commerce City, CO as well. He noted that he is comfortable with any of the first three options. Councilmember Christensen agreed. Mayor Lang noted that the last firm, Integrated, seems to be more cost prohibitive and also doesn't have the municipal experience that the other firms do. Councilmember Christensen agreed and stated that the first three seemed more targeted toward governmental entities. Mayor Lang asked if it would be appropriate for the Council to give staff direction on a specific firm. Nichole Camac, City Recorder, indicated that this is a public meeting and a majority of the Council could give direction for action. Eric Bunderson, City Attorney, agreed and noted that a formal resolution would still be voted on at a future date. Councilmember Christensen noted that deciding on a firm now would allow staff the opportunity to engage with the

selected firm and begin the process. Mayor Lang asked how many Councilmembers were in favor of Affion. Councilmember Fitisemanu, Councilmember Harmon, Councilmember Christensen, and Councilmember Whetstone agreed. Councilmember Nordfelt stated that he would be fine with Affion as well. Councilmember Huynh stated he would be most comfortable with SGR but is fine proceeding forward with Affion.

Councilmember Harmon left at 4:57 PM.

Mayor Lang asked if the West Valley City Municipal Code follows the State Code exactly. John replied yes with the exception of a paragraph detailing qualifications. Councilmember Fitisemanu stated that, given recent conversation held by the City Council, he would suggest making it clear that the City Manager is the executive officer and carries out duties with the "advice and consent" of the City Council. He noted that he just wants the relationship and roles of each party to be clear and suggested adjusting a portion of the proposed summary to reflect this. Councilmember Nordfelt expressed concern about adding a blanket statement and noted that this could be interpreted in a way that the Council would have to approve every decision that the City Manager makes. Mayor Lang stated that this is required by code. Councilmember Nordfelt stated that the Council should not approve the hiring of all positions within the City and provided an example of janitor. Mayor Lang indicated that the Code specifies specific positions, including directors, the City Attorney, etc. Councilmember Nordfelt stated that he is concerned that adding the blanket statement to the code mentioned by Councilmember Fitisemanu, the requirement would apply to everything. Councilmember Fitisemanu indicated that his intent would only be to clarify the role of the City Manager and the City Council in the summary. Mayor Lang stated that the Code specifically states what positions must be approved with the consent of the Council. Councilmember Nordfelt stated that his intent is not to change that requirement but he wouldn't want to see every action the City Manager takes to be reviewed and approved by City Council. Councilmember Fitisemanu agreed and stated that he would like staff to clarify, in the summary, with appropriate language, the relationship between the City Manager and City Council. Councilmember Whetstone suggested the language state "with the advice and consent of the City Council, consistent with Municipal Code…" Councilmember Nordfelt stated that "advice and consent" would mean that the Council has to sign off on every action the City Manager makes. Mayor Lang indicated that the Council should be signing off on appointments of directors, etc. but not everything the City Manager does. Councilmember Nordfelt expressed concern regarding the "advice and consent" language as it applies to everything outside the paragraph referenced by Councilmember Fitisemanu and the suggested changes. Councilmember Fitisemanu agreed and noted that his intent is to clarify roles but not make interpretation complicated. He stated that the Form of

Government charter may have better language to address this. Mayor Lang stated that it would be beneficial for the City Manager to be aware that they can't hire directors without consent of the Council. Mayor Lang asked if the Municipal Code would be part of the job description. John replied yes. Councilmember Nordfelt stated that the Council would not want something that differs from the Code. Mayor Lang asked if a summary is necessary. John replied that it is not part of the Code but is a quick summary of the job description. Councilmember Nordfelt asked what the role of the City Manager is. Councilmember Christensen stated that the City Manager works under the direction of the City Council. Councilmember Fitisemanu agreed but noted that it is spelled out very specifically in Code. Councilmember Nordfelt stated that the Council doesn't direct every detail. Councilmember Whetstone agreed and noted that the City Manager takes care of the day-to-day details. Mayor Lang stated that the Council gives direction on strategic goals but not the day-to-day business of the City and asked if that is what Councilmember Whetstone is indicating. Councilmember Whetstone agreed. After a brief discussion, Councilmember Fitisemanu suggested language to state "all aspects of the administrative functions of the City according to Statute or imposed by the City Council."

Councilmember Whetstone indicated that he believes the City Manager should be required to live in the City and that this requirement should be part of the City Code. Councilmember Nordfelt stated that this would be part of the contract. Mayor Lang disagreed and indicated that she believes it should be part of Code and asked if this adjustment should be made prior to sending out the job description. Eric replied that this could be part of the job description and then further solidified by adopting an ordinance. Mayor Lang stated that Chief Lee Russo lived in a trailer park prior to his home being built in the City. She suggested that 12 months be given, from the date of hire, to meet this requirement. She stated that she would like this requirement to be part of Code so that it's mandatory for any future City Manager as well. Mayor Lang noted that she believes this requirement should apply to the Assistant City Manager as well. Councilmember Christensen stated that there was a time when he believed all directors should live in the City but due to housing difficulties, he is now in favor of the City Manager and Assistant City Manager living in the City. Councilmember Whetstone and Councilmember Huynh agreed. Councilmember Huynh stated that he believes it should a 6-month allowance and not a 12 month one. He noted that Chief Lee Russo was able to do this so a City Manager should as well. Mayor Lang stated that she believes Chief Lee Russo had to live in a trailer park outside of the City for an amount of time before his home was built in West Valley City. Councilmember Nordfelt stated that if the Council is going to require the individual to live in the City, moving expenses should also be required. Mayor Lang asked if Chief Lee Russo's expenses were covered. John replied he would look into this. Mayor Lang and Councilmember Christensen

indicated that moving expenses should be part of the offer. Councilmember Christensen detailed a past employment experience where moving costs were included in his job offer. Councilmember Nordfelt stated that he doesn't believe the City Manager should be required to live in the City but stated that he is fine moving forward.

Councilmember Huynh asked if the Council believes the City Manager should have a vehicle provided. Mayor Lang replied that where they are living in the City, she is comfortable providing a car and noted that she believes this is standard in this level of job. Councilmember Nordfelt stated that a car is needed to do the job and perform it well. Councilmember Christensen stated that they would be on 24 hour call living in the City and would need a vehicle accessible to them at their home. Councilmember Nordfelt agreed and noted that they are on 24 hour call whether they live in the City or not.

The Mayor and Council had no further questions or concerns.

MOTION TO ADJOURN
Upon motion by Councilmember Fitisemanu all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE SPECIAL STUDY MEETING ON TUESDAY AUGUST 29, 2023 WAS ADJOURNED AT 5:20 PM BY MAYOR LANG.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Special Study Meeting of the West Valley City Council held Tuesday, August 29, 2023.

Nichole Camac

Nichole Camac, CMC
City Recorder