

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
February 16, 2016	Construction Inspection Services for KDOT Project
ORIGINATING DEPARTMENT:	TYPE OF ACTION:
Administration	<input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the city council approve the attached Construction observation/inspection service agreement for the KDOT project North of Shopko in the amount of \$160,910.00 making it contingent on KDOT awarding the K-14 project construction contract.

FISCAL NOTE:

- Funding for this project will come from matching grant funds from KDOT.

DISCUSSION:

Stuart Porter with Schwab-Eaton agreed to attend the meeting to better explain this agreement KDOT requires. Stuart also believes the cost estimate will come in under the projected amount.

Respectfully submitted,

Tom Naasz,
Mayor

WORK ESTIMATE FORM

Cost plus Net Fee

Work Scope Defined by Project Plans

Consultant's Name Schwab-Eaton, PA Project No. 62 KA-3045-01
 Mailing Address 1125 Garden Way County/City City of Beloit
Manhattan, KS 66502
 Consultant's Agreement No. 15.141 Working Days 105
 Work Estimate No. _____ CMS Contract No. _____
 Project Location K-14, North of 8th Street
 Name of Project Eng/Manager Brad Fagan, PE Phone Number 785/539-4687
 Name of Chief Inspector CJ McChesney Phone Number 785/534-3021

1. Field Inspection daily	Eng(s) &/or Mang. Techn(s) Others(s) Clerical	72 @ 1876 @ @ @	\$43.50 = \$23.50 = = =	\$3,132.00 \$44,086.00 \$0.00 \$0.00
Subtotal				\$47,218.00
2. On-site Testing	Eng(s) &/or Mang. Techn(s) Others(s) Clerical	4 @ 56 @ @ @	\$43.50 = \$23.50 = \$0.00 = \$0.00 =	\$174.00 \$1,316.00 \$0.00 \$0.00
Subtotal				\$1,490.00
3. Surveying	Eng(s) &/or Mang. Techn(s) Others(s) Clerical	4 @ 12 @ @ @	\$43.50 = \$23.50 = \$0.00 = \$0.00 =	\$174.00 \$282.00 \$0.00 \$0.00
Subtotal				\$456.00
4. Final Paper Preparation	Eng(s) &/or Mang. Techn(s) Others(s) Clerical	48 @ 112 @ @ @	\$43.50 = \$23.50 = \$0.00 = \$0.00 =	\$2,088.00 \$2,632.00 \$0.00 \$0.00
Subtotal				\$4,720.00
Total Direct Payroll Costs				\$53,884.00

Summary Total Direct Payroll Costs

	Hours	Rate	Extension
Eng(s) &/or Mang.	128 @	\$43.50 =	\$5,568.00
Techn(s)	2056 @	\$23.50 =	\$48,316.00
Others(s)	0 @	\$0.00 =	\$0.00
Clerical	0 @	\$0.00 =	\$0.00
Total Direct Payroll Costs			\$53,884.00
B. Salary Related Overhead	<u>135.33 %</u>		\$72,921.22
C. Total Payroll plus Overhead			\$126,805.22
D. Net Fee			\$16,394.78
E. Direct Expenses (Travel, Postage, Misc.)			
Per Diem & Subsistence	Days 115 @	100 =	\$11,500.00
Mileage	miles	\$0.00/mile	
Auto	@		\$0.00
Pickup	11500 @	\$0.54	\$6,210.00
Postage	@		\$0.00
Testing Laboratory or Consulting Firm to Assist (Name of Lab or Firm) (Details Needed)	@		\$0.00
Equipment Rental (Details \$500 +)	@		\$0.00
Total Other Direct Expenses			<u>\$17,710.00</u>
TOTAL COST PLUS NET FEE ESTIMATE			<u>\$160,910.00</u>

Consultant Representative Burl Jagan Date 1/8/16

LPA Authorized Representative _____ Date _____

Approving KDOT Representative _____ Date _____

Certification of Final Indirect Costs

Firm Name: Schwab-Eaton, PA

Indirect Cost Rate Proposal: 135.33%

Date of Proposal Preparation (mm/dd/yyyy): January 08, 2016

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 01/01/2013 - 12/31/2013

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

- 1.) All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.*
- 2.) This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR 31.*

All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.

Signature: 

Name of Certifying Official (Print): Bradley J. Fagan

Title: President

Date of Certification (mm/dd/yyyy): January 08, 2016



Sam Brownback, Governor
Nick Jordan, Secretary

www.ksrevenue.org

CERTIFICATE OF TAX CLEARANCE

Schwab Eaton

ISSUE DATE

12/15/2015

TRANSACTION ID

T6S3-NFFG-YNT5

CONFIRMATION NUMBER

CDSH-P74X-C8SE

TAX CLEARANCE VALID THROUGH 03/14/2016

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*

REQUEST FOR COUNCIL ACTION

DATE:	TITLE:
February 16, 2016	Teen Dating Violence Awareness Proclamation
ORIGINATING DEPARTMENT:	TYPE OF ACTION: <input type="checkbox"/> ORDINANCE <input type="checkbox"/> RESOLUTION
Administration	<input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER

RECOMMENDATION:

I recommend that the City Council adopt the enclosed Teen Dating Violence Awareness Proclamation.

FISCAL NOTE:

- There is no cost associated with approving this proclamation.

DISCUSSION:

This proclamation recognizes the month of February 2016 as Teen Dating Violence Awareness Month.

Respectfully submitted,

Tom Naasz,
Mayor

**Teen Dating Violence Awareness Month Proclamation
February 2016**

WHEREAS, females between the ages 16-24 are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average; and

WHEREAS, one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth; and

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide and are much more likely to carry patterns of abuse into future relationships; and

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors and the experience may disrupt normal development of self-esteem and body image; and

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds; and

WHEREAS, only 33% of teens who are in an abusive relationship ever tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one; and

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that dating violence can be prevented; and

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors and school staff so that they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, the establishment of Dating Violence Prevention and Awareness Month will benefit young people, their families, schools and communities regardless of socioeconomic status, gender, sexual orientation or ethnicity;

WHEREAS, everyone has the right to a safe and healthy relationship and to be free from abuse; and

WHEREAS, the Domestic Violence Association of Central Kansas needs all of Beloit to work toward ending teen dating violence by empowering young people to develop healthier relationships, assisting victims in accessing the information and supportive services they need, creating better and more resources for young people in need, instituting effective intervention and prevention policies in schools, and engaging in discussion with family members and peers to promote awareness and prevention of the quiet epidemic of teen dating violence.

NOW, THEREFORE, the City of Beloit hereby proclaims February 2016 be designated as Teen Dating Violence Awareness Month and urges our citizens to recognize and assist all those that serve the rights and needs of victims of teen dating violence.

ITEMS FOR COUNCIL DISCUSSION

DATE:

February 16, 2016

TITLE:

WORK SESSION DISCUSSION

DISCUSSION:

Items for discussion at your February 16th, 2016 Work Session will include the following:

1. City Administrator LEAPS Proposal – Enclosed is a proposal from The League of Kansas Municipalities to search for a new city administrator. Anna-Marie Keena with the League would like to have a phone conference during the meeting to answer question about their services.

Respectfully submitted,

Tom Naasz,
Mayor

A GUIDE TO RECRUITING A CITY ADMINISTRATOR/MANAGER



The League Executive/Administrative Position Search

Helping Cities Find Great Leaders

Published by the League of Kansas Municipalities

A Guide to Recruiting a City Administrator/Manager

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Introduction

As a city council or commission, one of the most important decisions your city makes is who serves as your city's manager or administrator. Your city manager or administrator (referred to as "chief administrative officer" or "CAO" in this guide) functions as the critical link between the council/commission and city staff, assures that council/commission policy becomes reality in day-to-day services, and oversees the effective delivery of municipal services. That is why it is crucial your city is deliberate in its search, and that you establish a thorough, well-defined process to pick the best candidate possible.

Fortunately, most cities do not have to replace CAOs very often, but that inexperience can create uncertainty on how best to proceed. This guide is a product of the League's Executive/Administrative Position Search (LEAPS), a program with a proven track record assisting cities in recruiting quality

administrators. LEAPS can help your council/commission review recruitment technique alternatives, understand each of the required steps, devise a recruitment plan that meets your community's needs, recruit a CAO, and execute an employment agreement. The options available will be discussed in greater detail, and tools will be provided to help the governing body carry out specific steps.



Disclaimer

This guide is not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local laws, city officials conducting a city manager or administrator search are advised to seek advice from their city attorney.

Pros and Cons of the Three Techniques

All CAO searches consist of common elements, including assessing your city's needs, marketing the vacancy, screening candidates, and setting up interviews. Below are three basic alternatives available to cities seeking a CAO.

PROS

CONS

League of Kansas Municipalities - LEAPS

Full service, relieves staff and council/commission from recruiting/screening chores

Level of service depends on community's specifications

Knows local communities, their needs and the idiosyncrasies of Kansas

Less expensive than private firms

Knows most Kansas CAOs better than a private firm because of regular working relationships

Good contacts with other Leagues and cities for background checks

Have experience, can verify success record

Pay for one-year of membership in the Kansas Association of City/County Management for selected candidate

Does not normally directly solicit employed CAOs in Kansas

Less familiar with CAOs outside of Kansas

Private Executive Recruiting Firm

Full service, relieves staff and council/commission from recruiting/screening chores

Level of service depends on community's specifications

Actively solicits candidates

May be able to dedicate more time to project than the city

Knows current availability of CAOs throughout the United States who are seeking a new community

Acquainted with many CAOs on a regional/national basis

Often expensive, depending on level of services purchased

Possible conflict of interest

Self-Administered Recruitment Process

Least expensive

Provides council/commission with greatest involvement in process

Works best when city has a professional human resources staff

Unfamiliar with process which may result in costly mistakes

Of these alternatives, requires the most time from council/commission members

Council/commission does not normally solicit or know of potential candidates

Outside resources required for background check unless a full service human resources program is available

Recruitment can interfere with normal city business and require extensive staff time

May place city staff in an awkward position of reviewing their potential supervisors in an unsupervised portion of the process

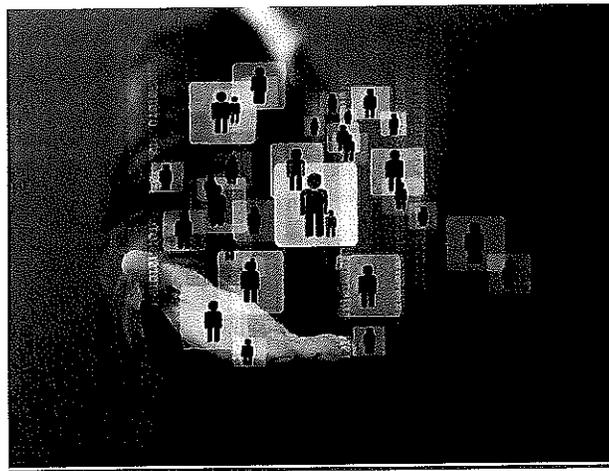
The League's Executive Administrative Position Search (LEAPS) Service

To help council/commission members conduct a successful recruitment, this booklet presents guidelines for recruiting and selecting a local government administrator/manager. The League also provides a full range of services to cities for the recruitment and selection of a CAO.

These services include:

- ❖ conduct governing body surveys to determine desired qualifications;
- ❖ create an advertisement in consultation with governing body and recommend ad locations;
- ❖ provide salary survey of CAO salaries in comparable cities;
- ❖ utilize ranking committee to provide ranking of candidates;
- ❖ conduct or facilitate interview process;
- ❖ conduct backgrounds checks on finalists;
- ❖ provide communications with candidates not selected;
- ❖ assist with contract negotiations upon request;
- ❖ legal consultation throughout the process;
- ❖ pay first year of Kansas Association for City/County Management membership.

Over the years, the League has successfully placed CAO's in over 60 cities. The success of service comes from our familiarity with regional CAOs, the time we spend getting to know the community and the applicants, our experience, and our understanding of the services, skills, and specific needs that are unique to operating a city. The League charges a fee to conduct a position search. To request a quote, visit <http://www.lkm.org/services/leaps> or call 785-354-9565.



Interim Management

The first question elected officials often face when a CAO vacancy occurs is who is in charge to maintain the local government's operations until a new CAO is selected. There are typically **three main options** available to cities facing a CAO vacancy:

1. If the vacancy is the result of a planned retirement, the governing body may consider asking the current CAO to continue leading the municipality for a short period or on a contract basis. Depending on the circumstances, the current CAO can also be an important resource during the search.
2. The governing body may agree that a specific staff person (such as the assistant city manager/administrator, city clerk, etc.) should serve as interim CAO. This can be an opportunity for the governing body to observe that person's ability to handle the job.
3. The city may want to hire an interim CAO. If the governing body chooses this option.

Whatever strategy your governing body chooses, here are **a few tips** to keep in mind:

- ❖ Treat your former CAO with respect and do not publicly disparage their performance. The more professional the departure is handled, the less likely controversies will arise that hurt the ability to attract quality applicants.
- ❖ The governing body should make it clear to staff that the interim CAO is in charge of the municipality's operations. It should also be clear that this person does not have an inside track to the new position. Some cities choose to appoint interims who agree not to be a candidate for the permanent job.
- ❖ The governing body should publicly announce the appointment of an interim CAO, and provide contact information for that individual.
- ❖ If possible, the implementation of major initiatives should be deferred until the new CAO is appointed and on the job. The opportunity to undertake these new initiatives or begin building an administrative team can be used successfully to pique the interest of potential candidates.
- ❖ Some cities will delay initiation of the recruitment process until after an upcoming election. This can make the position more attractive to applicants and create more buy-in from the new governing body. However, this should not delay the governing body's preparation for the recruitment process.
- ❖ Take your time. Taking a deliberate approach in selecting a high-quality CAO will produce much better results than offering the position to whomever can start working the soonest.



Steps in the Selection Process

The following explains the steps in a selection process. In addition, rough estimates of the time that each step may take are indicated. After reading this section, it may be useful for the council/commission to **use Appendix A to develop a recruiting plan for your community**, complete with estimated timeframes.

Step 1. Define Position and Develop Profile

Time Required: up to two weeks

- The council/commission meets to review recruiting steps and adopt a schedule. Decisions should be made about how involved the public should be in the selection process, who will conduct interviews, and who will negotiate the contract.
- Review any ordinances creating the manager/administrator position and the job description to ensure they continue to accurately reflect the city expectations and job requirements. **A sample ordinance creating the position of City Administrator can be viewed in Appendix J.** If the governing body would like to turn the vacancy into an opportunity to rewrite the CAO job description, the League offers a job description development service. For more information, email info@lkm.org or visit <http://www.lkm.org/services/personnel/>.
- The council/commission should prepare a profile of the skills, training, and qualities of the "ideal" candidate. This should include input from department heads and staff, an analysis of the needs of the organization, and the skills, education, and experience required for the position. This step is critical to subsequent steps in the recruiting and screening process, and the information should be incorporated into the advertisement.
- The council/commission should consult their city attorney to determine the applicability of Kansas's veteran's preference law. **An article on the law can be viewed in Appendix K.**

Step 2. Prepare Advertisement and Review Salary Range

Time Required: can be completed within time identified for Step 1

- A review of the present salary range is useful to ensure the city remains competitive.
- A closing date should be specified and should be set a minimum of four weeks after publication of the first announcement.
- Remember, many national publications require four to six weeks' notice for publication.
- At a minimum the advertisement should include these items:
 - Name of the local government;
 - Title of the vacant position;
 - Population of the city;
 - Amount of the operating budget;
 - Number of full-time employees;

- Type of services provided;
 - Statement of starting salary or that salary is open and commensurate with background and experience. A local government with a formal salary policy should openly declare it on the announcement;
 - Any special items of information desired such as salary history, writing sample, and work-related references;
 - Brief description of key areas of interest, and required and desirable experiences and qualifications;
 - Where and to whom to send resumes;
 - Website address of the local government; and
 - Contact person who can answer questions about the recruitment.
- **A sample advertisement can be viewed in Appendix B-1.**

Step 3: Decide Where to Advertise and Place Advertisements

Time Required: four to six weeks

- The most common publications in which Kansas cities advertise are the League's *Kansas Government Journal* and online classifieds page, the ICMA Career Center website, and NLC Classifieds. These locations will generally reach the vast majority of interested applicants. **A broader list of advertisement locations can be viewed in Appendix B-2.**
- Some jurisdictions choose to include major regional newspapers (Kansas City Star, Wichita Eagle, etc.), although they are more costly.
- Many cities publish the announcement on the city's website as well.

Step 4. Send Acknowledgment Letters

- A letter or email thanking each candidate for his or her interest should be sent as soon as an application is received. This is a good opportunity to tell the candidate a little more about the city and the geographic area. Many cities insert a brochure describing the community.
- Details of the selection process should also be provided to avoid numerous phone calls and personal inquiries later.
- **A sample acknowledgment letter/email is provided as Appendix C.**

Step 5. Screen the Applicants

Time Required: two weeks

- Screening can begin following the closing date. Whether the full council/commission (or a subcommittee), a private firm or the League conducts the screening, the primary document used in the screening should be the profile developed earlier in the process by the governing body. The process should result in the selection of 7-15 candidates that most closely fit the profile developed (**see Appendix D for a sample candidate rating form**). The council/commission should then conduct video or telephone interviews to narrow the list of finalists to 3-5 for the in-person interviews.
- Confidentiality is an important consideration in any recruitment. The elected body should determine, at the outset, the extent to which the recruitment process will be public. The confidentiality of resumes should be maintained and should be consistent with the Kansas Open Record's Act.

Step 6. Interviews

Time required: three weeks (allow two weeks' notice to fit interviews into applicants' schedules)

- Before the interviews, the council/commission may wish to send the applicant additional information about the city, such as the budget, comprehensive plan, community profile, city code, etc. Occasionally applicants will request information about housing costs, spousal employment opportunities, schools, etc. The local chamber of commerce can provide helpful information to respond to these requests.
- Before interviewing applicants, the council/commission needs to decide whether to pay travel expenses, whether to pay for spouse's expenses, and whether or not to arrange tours, etc. It is common for a city/county to pay transportation costs, meals and lodging for interviewees. Many cities arrange tours of the community and facilities for candidates before the interview.
- The entire council should interview the finalists. Consensus is important in selecting an CAO. Consensus is not likely to be achieved if only one or two people conduct the interviews and inform the rest of the council/commission of the selected candidate. This will require a call for a special meeting, at which the council/commission may enter executive session for the interview(s).
- Interviews should be scheduled as close together as possible to assure equal treatment of all candidates. Job-related questions should be prepared in advance and asked of all candidates. The CAO profile is useful in deciding the questions used to evaluate applicant responses.
- If the council/commission is not able to select a new CAO following the first set of interviews, a second interview with the top finalists may be necessary. At this stage, the city may want to pay expenses for the candidates' spouses to accompany them.
- Some councils/commissions choose to engage community members in the selection process. Engagement can include a public comment period on the finalists, posting finalist's resumes on the city's website, or allowing citizens to interview the finalists during a meeting. The governing body should always make the final decision on the selection, though.
- **See Appendices E, F-1 and F-2 for interview tips, legal considerations and sample questions.**

Step 7. Background and Reference Checks

Time Required: one to two weeks (depending on the number of candidates and who performs the checks)

- Reference checks are conducted with work-related contacts. Although some jurisdictions seek written references, phone calls are quicker and often more candid. A minimum of one week is normally necessary to complete background checks. The city may wish to contract for additional information from a reliable source on items such as degree verification, credit history, and criminal history.
- Internet search engines can be a valuable tool for researching candidates. However, officials should be cautious not to use any of the information collected to discriminate against a candidate based on their race, religion, age, etc.
- Note: It is perfectly acceptable to conduct background and reference checks for only the finalist(s) the city is actually considering appointing. Many applicants would rather not alarm their city's officials with a possible resignation unless they are a serious contender for a new job.

Step 8. Deliberations

Kansas law allows a governing body to meet in executive session to deliberate on the hiring of a CAO, and city officials are advised to seek the advice of legal counsel to determine if they have met the requirements for meeting in executive session.

- Executive sessions are limited to deliberations. Councils/commissions may not make a final decision or take a final action in executive session.

Step 9. Negotiations and Selection

- When the city selects its preferred candidate, there are still several decisions to be made. Additional details also need to be discussed and finalized, including salary, moving expenses, fringe benefits, etc. The council/commission should also be prepared to discuss an employment contract with the new administrator or manager.
- The city may want to have their city attorney prepare a draft contract for council/commission to review before beginning negotiations. **A sample CAO contract can be viewed in Appendix G.**
- Non-hire letters or emails should be sent to all applicants that are not selected, but the finalists should not be rejected until the city has reached a final agreement with the successful candidate. Negotiations between the city and its top candidate occasionally break down, requiring the city to turn to another choice. The council/commission should not shy away from re-advertising if they are not satisfied with applicants the first time around. **A sample non-hire message can be viewed in Appendix H.**
- Most CAO's will require a minimum of 30 days to give notice to current employers and relocate to a new community. Notice of 30 days is considered professional and should be honored.

- As soon as the new CAO has advised his/her former community that he/she has accepted a new position with your community, it is appropriate to issue a press release or public announcement. **A sample announcement can be found in Appendix I.**

Step 10. The New CAO Arrives

- It is desirable to have an initial work session with the new CAO to discuss and clarify initial expectations on both sides and to review goals and objectives. Even though some of these issues may have been raised during the interview process, communication from the outset can help ensure a smooth working relationship.
- Orientations and community receptions are events that can make the new CAO feel welcome and smooth his or her transition to the city.



Conclusion

Hiring a CAO is making an investment in your community. Approach the task methodically, one step at a time. The time you spend now is likely to be reflected in the quality of CAO you eventually hire. Like anything else, you can reduce the risk of making a poor decision by doing a thorough job. Some councils/commissions have found that the process of recruiting a new CAO provides a unique opportunity to review and revise council/commission goals. It can even make the council/commission a stronger, closer team than before.



**Appendix A: Recruiting Plan
Selection Process Checklist (for council/commission use)**

Steps	Assigned To	Targeted Completion Date	✓
Define position and develop profile			
Determine public involvement, interview/negotiation responsibilities, and applicability of veteran's preference			
Prepare advertisement and review salary range			
Decide where to advertise and place advertisements			
Prepare and send acknowledgement letters			
Select top 7-15 applicants for preliminary interviews			
Conduct preliminary phone/video interviews			
Select finalists for in-person interviews			
Determine level of reimbursement for candidates (travel, lodging, meals, spouse expenses)			
Conduct background and reference checks			
Conduct in-person interviews			
Make hiring decision			
Conduct contract negotiations			
Issue press release regarding CAO selection			
Advise any candidates still in the selection process that a new CAO has been selected and has accepted			
Welcome the new CAO			

Appendix B-1: Sample Format for CAO Advertisement

About the City

The city of _____ (Population, Budget, FTE's) is a long established and culturally diverse community, centrally located... The city has a large National Historic District; a varied industrial base; a residential airpark and state-owned airport; an urban renewal district; and is the co-owner of a fiber-to-the-home operation. _____ is an optimistic "can do" community that takes active responsibility for its future.

The City has ___ departments, which have specific duties to meet the needs of the community. The City provides a variety of services including: streets; water; wastewater; police; parks (including a city-owned, event-oriented amphitheater); museum; library; urban renewal; fiber network; planning; and economic development.

About the Position

Definition

The City Manager is the administrative head of the city government providing direction and general management for the administration and operation of each department within the City of _____ (except Municipal Judge) and to perform duties as delegated by actions of the governing body.

General Roles and Responsibilities

The CAO is hired by and serves at the pleasure of the mayor and five-member city council. The CAO assists the mayor and council in the development of city policies. Duties include reviewing and editing reports for the council; providing direction to department heads; meeting with citizens to discuss projects and programs; coordinating community-wide events; attending all council meetings; and maintaining positive relationships with the staff, council, and the public.

Profile Information

Education

Many cities prefer a bachelor's degree or a master's degree in public administration, business administration or a related field. Some may allow a candidate to substitute experience for some required education.

Experience

Most cities will seek someone with management experience, either as a local government manager, assistant city manager or department head. Any special experience desired, such as operating an electric utility, is important to note in the profile. The required number of years of experience should be included in the announcement. In addition, most cities will require skill and proven experience in the following areas: administrative and management; governmental budget and finance; labor relations and personnel experience; community relations experience; economic development; council/commission relations experience; intergovernmental relations; innovations and major achievements.

Special Requirements

Cities should note if there are any special requirements, such as a valid Kansas driver's license, residency, or membership in ICMA.

Compensation and Contact Information

Most cities provide a salary range for their CAO advertisements, along with a brief description of benefits. The last paragraph is also an appropriate place to include contact information, the filing deadline, and note that confidentiality requests will be honored.



Appendix B-2: Sample Advertisement Locations

LEAPS Advertisers

Arkansas Municipal League - *City & Town*: [501-374-3484](tel:501-374-3484)

Colorado Municipal League: <https://www.cml.org/careerlink.aspx>

Government Jobs.Com: <http://www.Govtjobs.com>

ICMA Job Posting site: http://icma.org/en/icma/career_network/home

Iowa League of Cities: <https://www.iowaleague.org/Pages/SubmitClassified.aspx>

Kansas Association of Counties: <http://www.kansascounties.org/11/Classified-Ads>

Kansas Government Journal and LKM Website: <http://www.lkm.org/classifieds/jobs/>

Kansas Municipal Utilities Dispatch <http://www.kmunet.org/displaycommon.cfm?an=1&subarticlenbr=5>

Kansas Universities: <http://www.hirekansastalent.com/>

- *Kansas State University, University of Kansas, Washburn University, Fort Hays State University, Emporia State University, Pittsburg State University, Wichita State University*

League of Nebraska Municipalities Online Publication: <http://www.lonm.org/index.php/classifieds/careers>

Local Government Job Net: <http://www.govtjob.net/>

Missouri Municipal League: <http://www.mocities.com/networking/>

Nation's Cities Weekly (NLC): <http://www.nlc.org/news-center/nations-cities-weekly/classifieds>

Oklahoma Municipal League Online Employment Website: <http://okml.webs.com/joblistings.htm>

Texas Municipal League: <http://tml.associationcareernetwork.com/Common/HomePage.aspx>



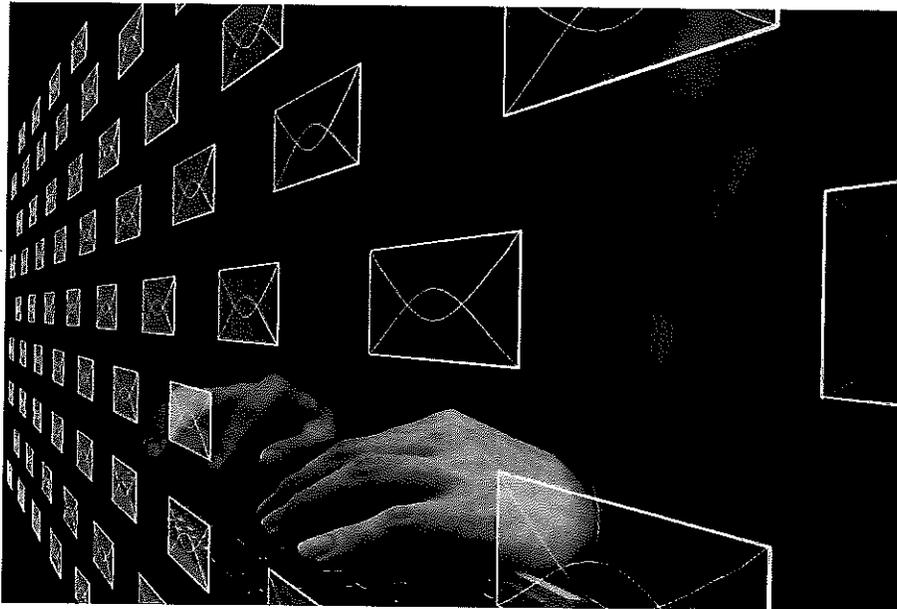
Appendix C: Sample Applicant Acknowledgment Message

Dear _____,

Thank you for applying for the City *[Administrator]* *[Manager]* position in **[CITY]**, Kansas. *[The City]* *[Another organization]* will be facilitating the search, and we request that **all communications** go through _____.

If you have questions or concerns, please contact _____. Thank you for your interest in leading the City of _____!

Sincerely,



Appendix D: Sample Candidate Rating Form

	<u>Applicable degree (1-3)</u>	<u>Applicable experience (1-3)</u>	<u>Consistent work history (1-3)</u>	<u>Location (1-2)</u>	<u>Total</u>
Candidate 1					
Candidate 2					
Candidate 3					
Candidate 4					
Candidate 5					
Candidate 6					
Candidate 7					
Candidate 8					
Candidate 9					
Candidate 10					

Appendix E: Interview Guidelines

Prior planning and organization are the keys to ensuring a successful interview. The interview process should be well-organized and the setting comfortable. All members of the council/commission should participate, but one discussion leader should be designated. Only appropriate interview questions should be asked.

During both formal and informal meetings between the council/commission and the finalist, discussions and questions should focus on the criterion for the position that was established at the outset of the recruiting process. The council/commission may choose to supplement the usual discussion between council members and finalists by inviting staff, community leaders or technical experts to participate. For example, finalists may meet with department heads or other staff to review departmental operations in more detail or to receive a tour of the local government.

The interview panel should plan on at least one hour for each candidate. It is difficult to pursue a range of questions in less time, and it is in your best interest to maximize the interview time with the candidate who may have traveled some distance for the meeting. Individual meetings will probably take less time.

A final guideline, regardless of which interview technique is used, is that the council/commission should continue to avoid impulsive action and should take whatever time is necessary to arrive at a comfortable and well-reasoned decision. However, the interview process and related follow-up activities should move forward as promptly as possible so as not to lose momentum or cause desirable applicants to have second thoughts.



Appendix F: Legal vs. Illegal Interview Questions

The following is a non-exhaustive list of legal and discriminatory interview questions. Remember, the law does not always prohibit employers from obtaining all the information about a candidate they deem important, as long as the questions are job-related and do not elicit information that could be used for discriminatory purposes.

TOPIC	LEGAL QUESTION	DISCRIMINATORY QUESTION
Family Status	<ul style="list-style-type: none"> Do you have any responsibilities that conflict with job attendance or travel requirements? <p><i>Must be asked of all candidates</i></p>	<ul style="list-style-type: none"> Are you married? What is your spouse's name? What is your maiden name? Do you have any children? Are you pregnant? What are your child care requirements?
Race	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> What is your race?
Religion	<ul style="list-style-type: none"> None <p><i>You may inquire about availability for weekend work.</i></p>	<ul style="list-style-type: none"> What is your religion? Which church do you attend? What are your religious holidays?
Residence	<ul style="list-style-type: none"> What is your address? 	<ul style="list-style-type: none"> Do you own or rent your home? If you move to town, will you buy a home? Who resides with you?
Sex	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Are you male or female?
Age	<ul style="list-style-type: none"> If hired, can you offer proof that you are at least 18 years of age? 	<ul style="list-style-type: none"> How old are you? What is your birth date?
Arrests or Criminal Convictions	<ul style="list-style-type: none"> Have you ever been convicted of a crime? <p><i>You must state that a conviction will be considered only as it relates to fitness to perform the job.</i></p>	<ul style="list-style-type: none"> Have you ever been arrested?
Citizenship or Nationality	<ul style="list-style-type: none"> Can you show proof of your eligibility to work in the U.S.? Are you fluent in any languages other than English? <p><i>Second question may be asked only if it relates to the job being sought.</i></p>	<ul style="list-style-type: none"> Are you a U.S. citizen? Where were you born?
Disability	<ul style="list-style-type: none"> Are you able to perform the essential functions of this job with or without reasonable accommodation? <p><i>Show the applicant the position description so he or she can give an informed answer.</i></p>	<ul style="list-style-type: none"> Are you disabled? What is the nature or severity of your disability? Have you ever filed a workers' comp claim?
Organizations & Clubs	<ul style="list-style-type: none"> Please tell me about job-related organizations, clubs, professional societies, or other associations to which you belong. 	<ul style="list-style-type: none"> Please tell me about all organizations, clubs, societies and lodges to which you belong.

Appendix F-2: Sample Interview Questions

The following lists some suggested interview questions. Of course, the questions you choose to ask should be custom-fit to your entity's particular needs and circumstances. Typically, 15 to 20 well-planned questions will create sufficient responses for an hour-long interview.

1. Based on your education, experience and background, what do you consider to be your strengths in dealing with municipal problems?
2. Please tell us about your current (or most recent) city management position.
3. In your opinion, what role should the city *administrator/manager* have regarding planning and zoning?
4. Describe your working relationship with your current (or most recent) city governing body. How would they describe your approach to making decisions and solving problems?
5. What do you see as the most important challenges facing a city the size of _____?
6. As the city *administrator/manager*, you will have to handle personnel problems as they arise. How would you approach a situation in which a department head wants to fire an employee who frequently comes to work late and is suspected of abusing sick leave?
7. Describe a situation where you learned from a program or project that failed.
8. Communication skills are an important part of being a good manager; describe your style of communication and how it relates to your ability to manage.
9. What should a manager do to motivate others?
10. Why did you apply for the position of city *administrator/manager* of _____?
11. Are there any circumstances in which a city *administrator/manager* should withhold information from one or more governing body members?
12. To what extent is it possible/desirable for the city *administrator/manager* to separate his/her professional and personal life? Is the position one that can or should be "left at the office"?
13. Do you think it is important for the governing body to evaluate the city *administrator/manager* on an annual basis? Should the evaluation be done orally or in writing? Should goals be established for the *administrator/manager* to accomplish during the next year?
14. Please briefly explain your municipal experience as it relates to planning and zoning.
15. Why did you choose the current profession you are in? What rewards does it give to you? Why do you stay in it?



16. How do you assess priorities? How do you assign them?
17. How extensively have you been involved in developing personnel rules, regulations and procedures?
18. This position will involve conducting public relations for the City of _____. What experience do you have in this area? Have you had any experience interacting with the media?
19. This position will involve working with intergovernmental relations. What experience have you had in forming partnerships between city, state and county governments?
20. This position will be responsible for a good deal of the City's financial management. Please provide us with an example of how you have developed your financial and budgetary skills?
21. In what kind of work environment are you most comfortable?
22. As the city administrator/manager, you will have extensive contact with the citizens of _____ fielding questions and complaints. Let's say a citizen comes into your office upset because he noticed that other neighborhoods were getting their streets repaired, but not his. He pays taxes and wants the road in front of his house to be repaired. How would you approach this situation?



Appendix G: Sample CAO Contract

Section 1. Duties.

The City of _____ (hereafter "the City") hereby appoints _____ as City *Manager/Administrator* to perform the duties and responsibilities specified by the City's Municipal Code and Ordinances and to perform such other legally permissible duties as assigned from time-to-time.

Section 2. Hours of Work.

_____ acknowledges the proper performance of the duties of City *Manager/Administrator* will require *him/her* to generally observe normal business hours and will also often require the performance of necessary duties and responsibilities outside of normal business hours. _____ agrees to devote such additional time as is necessary for the full and proper performance of the City *Manager's/Administrator's* duties. The compensation herein provided includes compensation for the performance of all such services. _____ will devote full time and effort to the performance of the City *Manager's/Administrator's* duties and shall work exclusively for the City during the term of this Agreement. With the City's approval, _____ may accept limited teaching, speaking and writing opportunities if such activities do not interfere or create a conflict of interest with *his/her* duties and responsibilities as City *Manager/Administrator*.

Section 3. Term.

The initial term of this Agreement shall be for _____ years and will begin on _____.

This Agreement shall automatically renew thereafter from year-to-year unless either party notifies the other in writing by _____ that the term of this Agreement will not be extended.

Section 4. Residency Requirement. (Reserved)

Section 5. Salary.

The City agrees to pay _____ an annual base salary of _____ dollars, payable in installments in the same manner as other city employees.

Section 6. Health, Retirement, Disability, and Life Insurance Benefits.

During the term of this Agreement, the City agrees to provide _____ with health, hospitalization, vision, dental and comprehensive medical insurance pursuant to the group health care plan provided to all other management employees.



The City agrees to provide and pay for the employer's contribution to the Kansas Public Employees Retirement System (KPERs) for retirement benefits, life insurance and disability insurance as provided to other city employees.

Section 7. Vacation and Sick Leave.

When the initial term of appointment begins, _____ shall accrue vacation and sick leave in accordance with the city's policy. Vacation leave will be taken at such time or times as will least interfere with performance of *his/her* duties. _____ shall observe the same legal holidays as designated by the City.

If _____'s appointment is terminated for any reason, the City will pay him for any unused vacation leave in accordance with the city's policy.

Section 8. Automobile. (Reserved)

Section 9. Relocation Expenses. (Reserved)

Section 10. General Business Expenses.

The City agrees to pay the following related to _____'s duties and responsibilities as City *Manager/Administrator*, subject to budget limitations:

A. Professional dues and subscriptions necessary for continuation and participation in national, regional, state, and local associations and organizations, related to the City *Manager/Administrator* position.

B. Travel and subsistence expenses for professional and official travel, meetings, and occasions to adequately continue _____'s professional development and to pursue necessary official functions for the City, including but not limited to the ICMA Annual Conference, the Kansas Association of City/County Management, the League of Kansas Municipalities, and such other national, regional, state, and local governmental groups and committees in which _____ serves as a member.

C. Travel and subsistence expenses for short courses, institutes, and seminars that are necessary for _____'s professional development and for the benefit of the City.

D. Expenses to participate and be directly involved in local civic clubs or organizations.

E. A computer and cell phone for business use pursuant to city policy.

Section 11. Performance Evaluation.

The City will review _____'s job performance at least once annually with the first review occurring in _____. Subsequent annual reviews shall occur during _____ of each year thereafter unless the parties agree otherwise. The annual performance reviews and evaluations shall be in writing and in accordance with criteria and format developed jointly by the City and _____. The City will provide _____ a reasonable and adequate opportunity to discuss *his/her* evaluation.

Section 12. Employment At-Will.

City may end the appointment and terminate this Agreement at any time.

Section 13. Indemnification.

The parties hereto specifically agree that the City shall provide a defense and legal counsel for _____ of any civil action or proceeding upon *his/her* request as provided in K.S.A. 75-6108. City shall indemnify _____ against damages as set forth and pursuant to K.S.A. 75-6109. The purpose of this section is to simply summarize the rights and responsibilities of the parties according to K.S.A. 75-6108 and K.S.A. 75-6109. Nothing contained herein shall be deemed to grant or reduce any rights or obligations of the parties other than as set forth in those statutes.

[CAO name]
City Manager/Administrator _____
Date

[Mayor name]
Mayor _____
Date

ATTEST:

[Clerk name]
City Clerk _____
Date

[SEAL]



Appendix H: Sample Non-hire Letter

Dear _____,

After reviewing the candidates for the city *manager/administrator* position, the City of _____ has selected another applicant as its city *manager/administrator*. We received a talented pool of candidates, and the selection of another applicant does not speak to your level of qualification. Thank you for taking the time to apply.

We wish you personal and professional success with your job search. Please consider applying for other open positions within our organization in the future. Thank you again for your interest in our organization.

Sincerely,

Dear _____,

We appreciate the interest that you have shown and the time you have spent interviewing with us about the city *manager/administrator* position. However, I am writing to notify you that this position has been offered to and accepted by another candidate.

It was a pleasure speaking with you and I extend my best wishes on your employment search.

Sincerely,

Appendix I: Sample Press Release

FOR IMMEDIATE RELEASE

City *Council/Commission* of _____

_____, 20__

Contact: Mayor _____

New City *Manager/Administrator* Appointed by the City Council/Commission

Mayor _____ and city *council members/commissioners* have appointed _____ to be next City *Manager/Administrator* for the City of _____. The appointment was announced by the city *council/commission* at their regular meeting held on _____.

Biographical information, including professional experience, past accomplishments, most recent position, education, and personal/family information.

After extensive resume screening, reference interviews and background checks, _____ was selected from over _____ applicants for the position, and he/she earned *unanimous* support from all city *council members/commissioners*.

_____, who was not a candidate for the position, has been serving as Interim City *Manager/Administrator* since _____ *resigned/was terminated*. _____ will assume *his/her* new position *on or before* _____.

END



Appendix J: Sample City Administrator Ordinance

CITY ADMINISTRATOR

Section 1. CITY ADMINISTRATOR; OFFICE; ESTABLISHMENT.

(a) There is hereby created and established the position of City Administrator. Such City Administrator shall be appointed by the *(city commission)* OR *(mayor by and with the consent of the city council)*, and he or she shall serve at the pleasure of the governing body.

(b) *The City Administrator must be a resident of the City of _____, Kansas, or become a resident within ____ days of being hired.*

Section 2. SAME; POWERS AND DUTIES. Except as otherwise provided by law, the City Administrator shall have the following powers and duties:

(a) To manage, direct, control, and supervise all the administrative departments and services of the city;

(b) To recommend to the governing body and other boards for hiring and discharging appointive officers and employees;

(c) To supervise, direct, and assign the duties of all appointed officers, department heads and employees.

(d) To assist in the preparation and submission of the annual budget of the governing body and keep such body fully, completely, and timely advised as to the financial condition of the city;

(e) To exercise general supervision and control over all city purchases and expenditures in accordance with the budget and such policies as may be established by the governing body;

(f) To care for and manage all city-owned land, property, buildings, and equipment;

(g) To review performance and prepare evaluations and recommend to the governing body a schedule of salaries for all officers and department heads on a yearly basis.

(h) To work with the governing body to develop and prepare short and long-range goals;

(i) To attend all meetings of the governing body and such other meetings of commissions and other organizations as the governing body shall designate and shall regularly report on the status of the city and its services to the governing body;

(j) To perform such other duties as the governing body may assign.

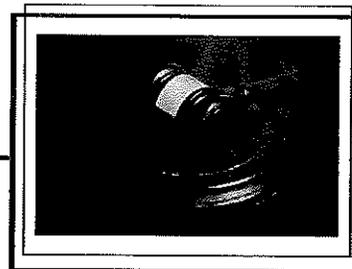
Section 3. SAME; INTERIM CITY ADMINISTRATOR. In the event the City Administrator becomes incapacitated and is unable to perform his or her duties, the governing body shall convene at its earliest convenience to appoint an interim City Administrator to perform any and all duties required of the position until such time as the City Administrator has returned to work or the position can be filled on a permanent basis.

Section 4. SAME; ORDERS AND REPORTS; RECEPTION AND ISSUANCE THROUGH ADMINISTRATOR'S OFFICE. It shall be the general practice of the governing body to issue all orders and directives, receive reports, and communicate generally with city officers and department heads through the office of city administrator.

Section 5. SAME; COMPENSATION. The city shall pay to the City Administrator during the term of employment an annual salary to be determined by the governing body.

LEGAL FORUM

Legal Forum
by Sandy Jacquot



Giving Preference to Veterans...

Over the past two legislative sessions, legislators have debated changes in the law that provides a veteran's preference in hiring and promotion for jobs in state and local government. Sub. HB 2562 is the final result of the legislative efforts and has various components that cities need to understand when making hiring and promotion decisions. A bit of history about the law might be helpful.

The veteran's preference statute, K.S.A. 73-201, was initially drafted to require such a preference to the veteran over other equally qualified candidates. That was changed about 100 years ago, in 1907, to require the preference if the veteran was competent to perform the job. The cases over the years interpreting this language were reviewed in *State ex rel. Slusher, et al. v. City of Leavenworth, et al.*, 285 Kan. 438, 172 P.3d 1154 (2007). The courts have always held that it is the appointing authority that makes the determination of whether a veteran is competent to hold the position, and the courts will give deference to that exercise of discretion. 285 Kan. 438, 446. In the *Slusher* case, which was the second time it had been on appeal, the police officers who were challenging the City of Leavenworth's application of the veteran's preference alleged that they should be deemed competent by the Court and granted the promotions they had been seeking. 285 Kan. at 439 (The first *Slusher* case determined that the veteran's preference must be applied to initial hires and promotions). The Court reiterated that the discretion to determine competence is with the hiring authority. 285 Kan. at 448.

The competence determination as contemplated by the Court was comparing the veteran's qualifications with the "skills and experience necessary to efficiently perform the duties of the new position sought." 285 Kan. at 448. Thus, the employer does not compare candidates, but must evaluate the veteran's qualifications in light of the job requirements and apply a meaningful preference.

Sub. HB 2562 creates an entirely new veteran's preference law with many requirements. The first thing cities need to know about the new law is that the veteran's preference does not need to be applied to what the bill refers to as "key employees." The definition of key employee means "an individual specifically hired for a city or county at-will position or for a non-classified position or a department or agency head..." Because most cities' positions are at-will, including the appointed positions, **the veteran's preference requirements will not be mandatory in those cities.** The exception might be cities that have city managers/administrators under contract for a specific term, depending on how "department head" is interpreted. For vacancies in those positions, the veteran's preference may have to be applied. In addition, those cities that have created a property interest in city employment, either through personnel policies adopted by the governing body or through union contracts, must apply the veteran's preference because the employees would not be considered "at-will" employees. For cities whose employees are at-will, a conscious decision should be made about whether or not to apply a veteran's preference and it should be applied consistently.

Veteran is defined in the bill to include many different categories of individual, the most common being those who have been honorably

discharged if the individual was awarded a service medal or campaign badge. Additional persons who are eligible include those honorably discharged with a service-related disability, unmarried spouses of veterans who died in the service of the United States, and the spouse of a prisoner of war. The city should ask for the DD214 form, which will support the veteran's claim to the veteran's preference.

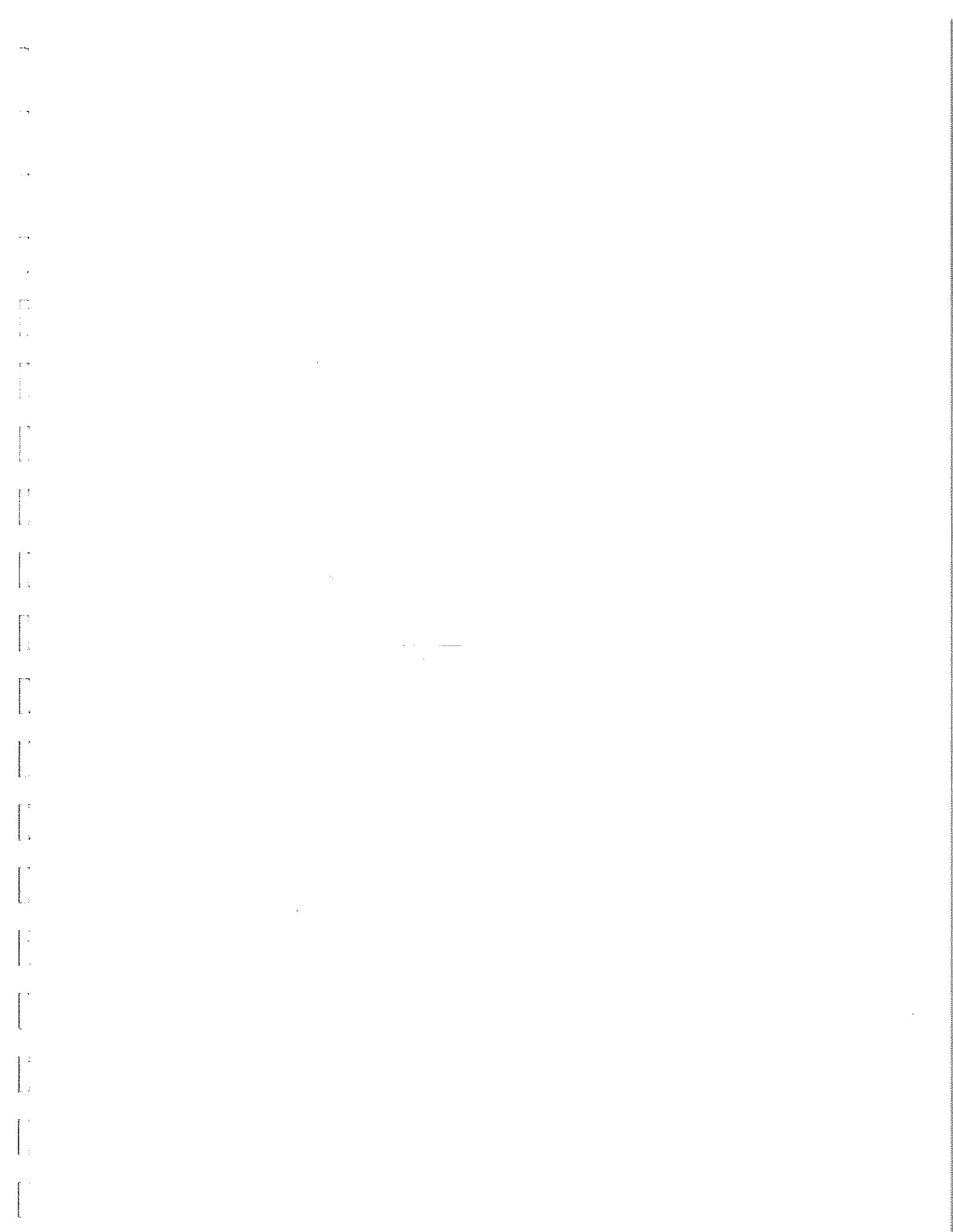
The word "competent" in the bill means "a good faith determination that the person is likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the decision is made." Then it lists factors to be considered, such as experience, training, education and licensure, and requires the city to document the factors. The preference applies to initial employment and first promotion if the veteran is considered competent and of good reputation. If the veteran is not hired for the position, within 30 days the city must send a notification of the rejection by certified mail to the veteran, and, if there is an administrative appeal, such as a grievance procedure, that must be in the notice.

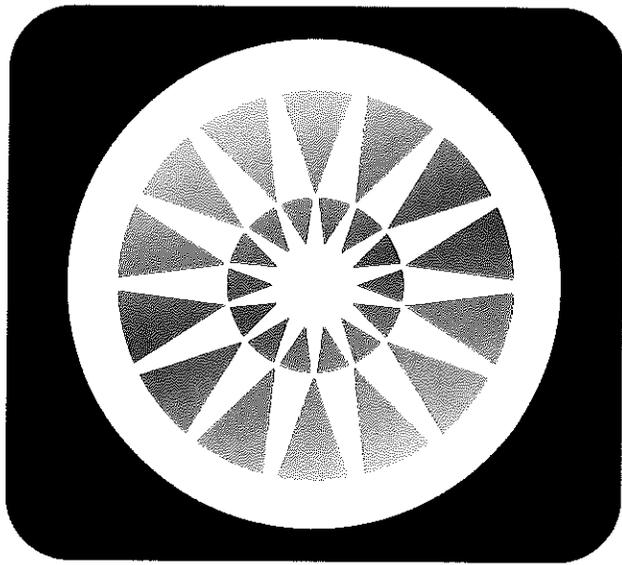
The requirements for notices of job openings and the printing of job applications, if used by the city, under this law are quite onerous. First, both must state "that the job is subject to a veteran's preference, how the preference works, and how veterans may take advantage of the preference..." A written statement for the job must also include qualifications for the job, any preferred qualifications for the job, performance standards for the position, and the process that will be used for selection. For cities with human resource departments, there must be an open display of documents that notify applicants of the veteran's preference for initial hires and first promotion.

So, to apply this law, cities must look at their internal procedure. Assuming that a city voluntarily chooses to follow the law or is required to apply the veteran's preference, if job notices are posted at city hall, in the newspaper, online, or any other location, such notices must comply with all of the components listed above. For classified advertisements in the newspaper, this could be very costly. This law does not mandate advertising for job vacancies, but if a city does, to apply the law, the content enumerated above must be included. Second, a determination of the veteran's competence must be made and a meaningful veteran's preference applied. 285 Kan. at 447. If a veteran is not chosen for the available position, he or she must be notified by certified mail or personal service of the rejection, and, if an appeal process is available, the notice must state that as well. In the event a veteran believes the city has not properly followed the veteran's preference bill, he or she is provided a cause of action in state district court. For more information about the requirements set forth above, a copy of the bill may be found at <http://www.kslegislature.org/bills/2008/2562.pdf>.

Sandy Jacquot is Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at sjacquot@lkm.org or (785) 354-9565.







THE
LEAGUE
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