

MAYOR
THOMAS F. SLATER
VICE MAYOR
ROBERT F. AUWAERTER
COUNCIL:
JESSE L. "SAM" CARROLL, JR.
BRIAN T. FOLEY
DEBORAH H. PENISTON



TOWN MANAGER
JOSEPH GRIFFIN.
TOWN CLERK
LAURA ALDRICH
TOWN ATTORNEY
CHESTER CLEM

**MINUTES
SPECIAL CALLED MEETING
Recognition of CEO & Collective Bargaining Committee**

**Monday, February 11, 2019
7:55 a.m.**

6001 N. SR A1A, Indian River Shores, FL 32963

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

Mayor Slater called the meeting to order at 7:55 a.m. with Councilman Carroll giving the invocation, followed by the Pledge of Allegiance. The Town Clerk called the roll, with those present being ELECTED OFFICIALS Mayor **Slater**, Vice Mayor **Auwaerter**, Councilmember **Peniston**, Councilman **Carroll**, and Councilman **Foley**; STAFF Town Manager **Stabe**, Incoming Town Manager **Griffin**, Town Attorney **Clem**, Town Clerk **Aldrich**, Town Manager Executive Assistant **Fentress**, Town Clerk Assistant **Pallo**; RESIDENTS Ralph **McCrae** (Pebble Beach Villas), Dick **Haverland** (John's Island), Nancy **Auwaerter** (Ocean Colony); GUESTS: Brian **Koji** (Allen, Norton & Blue).

2. Recognition of Joe Griffin as Town Manager/CEO of the Town of Indian River Shores

The Town Clerk administered the Oath of Office to Mr. Griffin, who assumed the position as Town Manager for the Town of Indian River Shores.

Mayor Slater recognized Mr. Stabe for his loyalty to the Town as the search for a Town Manager grew lengthy, and for agreeing to stay on for an additional two weeks during the transition with Mr. Griffin. He added that it was time to relax when it's all over, and thanked him amidst a round of applause.

3. Discussion & Decision Regarding Official Members of Collective Bargaining Committee (7:59)

Councilman Carroll said the most recent work by the legal counsel, in combination with the work that former Councilman Haverland did last year has produced a body of material, statistics and figures that put us in a position to move forward in negotiations with the Union. For himself, the knowledge that has been passed on to him by Mr. Haverland, and his continuing interest, steadfastness and wanting to do the right thing for the people in the community lead him to believe that he would be a welcome and valuable addition to the negotiating team. He followed that with a **motion to appoint former Councilman Haverland as a member of the official negotiating team**, seconded by Councilmember Peniston.

Councilman Foley and Town Attorney Clem discussed how this affects the privileged executive session and its exposure as an open meeting. Mr. Clem noted the formal *negotiating committee* of two or three members have a right to meet with the union, and members can adjourn or pause for a caucus for a private discussion among themselves. This is not the same as the Executive Committee which provides direction. Councilman Foley disagreed that the publicity of the information could expose it to the union representatives. Mr. Koji agreed that the executive sessions cannot involve others from the outside, which Mr. Haverland would be if he attended the executive session.

Mayor Slater was concerned about making him an official member of the executive team, although he thought Mr. Haverland had been invaluable at coming up with information and reviewing the product provided

The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

by the negotiating team. He was comfortable with him continuing in that advisory capacity, but not as a meeting participant, as the Council has to do the work to understand the situation and make themselves clear. Councilman Carroll reiterated he would prefer having him as a member of the advisory body with the Council and the Town Manager to achieve a proposal to take back to the union.

Vice Mayor Auwaerter said we hired Brian Koji to provide separation between the Council and the union for negotiating, and would defeat the purpose of having Mr. Koji's expertise. Mr. Haverland's history of pushing back against the union would be counterproductive, he said, and reminded them that he was the architect of the ineffective 0-0-0 proposal. He could be imposing his thoughts and views in an active negotiation session rather than the Council's views. Councilman Carroll stood firm on his proposal. The Vice Mayor said the Council had to determine collectively if they would accept the numbers and analysis that was put together by Town Administration (Heather Christmas), who had reviewed all of the contracts and the source data, or defer to former Councilman Haverland's numbers.

Councilman Foley reiterated his concerns about allowing this privilege, although he had reviewed some of the numbers that were provided by the former Councilman, and found them to be incredibly helpful. The main concern is about the precedent, as the elected officials are to make decisions and conduct executive sessions on their own. He offered a compromise, which would be to have him available for consultation during the executive sessions, to gain his insight, interpretation of the numbers, or his viewpoints on how to weigh the compensation issues, but not be on the team.

Mr. Clem and Councilman Foley agreed it is best to be cautious to avoid a Government in the Sunshine violation, with Councilman Foley being of the opinion that individual councilmembers could receive information privately rather than as a group.

Mr. Haverland commented that he is concerned that they will be going to a meeting after reviewing a possibly imperfect document. He cited: it is substantially incorrect; omissive of important things; the first document had comparisons that were changed in the second document (engineers or fire medics), which was changed because it was obviously wrong; and four other things equally and obviously wrong that all lean in the same direction. He knew where they were in the document, they did not. He had given some of the comments to Mr. Koji, who elected not to include them in the second draft with no explanation.

The Mayor tried to call the vote on Mr. Carroll's motion. Councilmember Peniston asked Councilman Foley if she understood his suggestion to be that Mr. Haverland would be part of the negotiating committee. He clarified that it was just to individually consult with the Council as an advisor, *not* as a member of the negotiating committee, stressing the importance of Mr. Haverland and Mr. Koji communicating more clearly. Councilman Carroll said there were at least two conversations last week between Mr. Haverland and Mr. Koji, and there is absolutely nothing to lose by having Mr. Haverland with them in closed session.

Mayor Slater suggested the Council could reschedule the labor session to later than the 14th, and added that he is also uncomfortable with having Mr. Haverland in the Closed Executive Session. He welcomed the data and opinion of former Councilman Haverland. Councilman Foley had ideas on how to get Mr. Haverland's information analyzed prior to the executive session, and disagreed with Councilman Carroll's suggestion that they have nothing to lose. Councilman Carroll commented that it would be inefficient if Mr. Haverland is not appointed to the committee, and Mayor Slater said that the information that Mr. Haverland has may not be correct, although Mr. Haverland believes it is so.

The motion to appoint Dick Haverland join the Council as part of the executive committee failed 3-2, with Councilmember Peniston and Councilman Carroll voting in favor, and Mayor Slater, Vice Mayor Auwaerter and Councilman Foley opposing.

Mayor Slater hoped they could work through this in a positive manner using Mr. Haverland's background and Labor Attorney Brian Koji. Gathering more information and having time to think about it would be gained by delaying the meeting a week or 10 days, until February 21st or later.

4. **Audience Questions** - None.

5. **Adjournment** 8:28

Respectfully submitted,

Approved by Town Council at the February 28, 2019 meeting.

/s

Laura Aldrich, MMC
Town Clerk