



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
October 16, 2010
3:00 P.M.
Meeting Room
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 3:00 p.m.

ROLL CALL **Lewis, Dobbie, Marsala, McKeithen, Carlson**

All present.

PUBLIC COMMENTS

Melinda Tevis, Atherton resident, suggested Atherton resident Richard Moore who has done the job of Atherton City Manager before.

Doug Devivo, Atherton resident, said he hopes the Council realizes there are people in Town who can pull together and help the interim City Manager. Devivo encouraged members of the public to support the Town Council.

REGULAR AGENDA

- 1. RECRUITMENT OF INTERIM CITY MANAGER; RESIGNATION OF ASSISTANT CITY MANAGER; TRANSITIONAL APPOINTMENT OF INTERIM CITY MANAGER**
Report: Oral

Mayor McKeithen said the work of the Town is a team effort and an opportunity to do things better than has been done in the past and learn from what has been done wrong. McKeithen said that both the City Manager and Assistant City Manager are leaving for personal reasons. McKeithen concluded that there was a proposal given to the interim City Manager ad-hoc Committee for the Assistant City Manager and Executive Assistant to do the work of the City Manager but she and Vice Mayor Dobbie did not support salary increases for the work.

City Attorney Furth clarified that the Agenda should say “retirement” of Assistant City Manager rather than resignation. Furth said the Towns code requires that a City Manager is in place and as of Friday, October 22 both the City Manager and Assistant City Manager will no longer work for the Town.

Council discussed the proposal that submitted to the ad-hoc committee by the City Manager.

Council Member Lewis said the idea of having the current Assistant City Manager step into the role as the “bridge” Interim City Manager would have been a seamless transition. Lewis concluded that she is not clear on what was proposed or discussed.

Council Member Carlson said the Town needs to produce a plan to bridge the gap between the City Manager leaving and selecting an Interim City Manager. Carlson referred to it as the “bridge” Interim City Manager which would consist of someone who has authority to sign documents and oversee the Town. Carlson concluded that he would like to identify some candidates and do interviews between now and the next meeting on Wednesday.

Vice Mayor Dobbie clarified that he and the Mayor had hoped to have Assistant City Manager Wilkerson in the “bridge” position but without the salary increase because he felt it would have been irresponsible with the current fiscal problems.

Council Member Marsala questioned whether Wilkerson could be an applicant as a retiree. Marsala also asked if the Town is liable to pay retirement benefits for someone who is not retired.

City Attorney Furth said the Town has the option to hire an individual from a consulting firm which the Town would not be liable for, if they are PERS retirees they have rules which permit them to only work up to 960 hours per year and they can not accrue retirement or medical benefits. Furth added that there are restrictions for someone who has retired from a position and continues in that position and recommended against it.

Council Member Lewis said she is still confused with the proposal from the City Manager for the Assistant City Manager to take the position and requested clarification.

Mayor McKeithen explained that the ad-hoc committee was asked for their opinion and they gave it. They supported Wilkerson in the position but they were concerned with the salary increase and the idea that the increase would create issues for the permanent position. McKeithen concluded that once she was informed of Wilkerson’s retirement she asked Gruber to pursue all avenues and make sure there was a public meeting to allow residents to weigh in on the matter.

Vice Mayor Dobbie said the Town still has good, qualified Department Managers doing what they are supposed to be doing.

Mayor McKeithen said Council will meet in closed session to discuss how to proceed with interview, the qualification Council desires and a timeline for an Interim City Manager.

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor McKeithen publicly announced Item 2 to be discussed in closed session.

MOTION by Carlson, second by Dobbie to recess the open session to closed session. The motion passed unanimously.

CLOSED SESSION

**2. PUBLIC EMPLOYEE APPOINTMENT: INTERIM CITY MANAGER
(Subsection (b)(1) of Government Code Section 54957)**

RECONVENE TO OPEN SESSION

City Attorney Furth reports that there was no reportable action from Item 2 on the closed session agenda. Furth said the Council did want to inform the public that they have identified candidates to interview and they will schedule interviews next week with the intent to appoint a “bridge” Interim City Manager at the regular meeting on Wednesday.

ADJOURN

MOTION by Carlson, second by Dobbie to continue the October 16th special meeting to Monday, October 18th at 1:00 p.m. in the Council Chambers. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 4:37 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**