

RESOLUTION No. R-2014-14

A JOINT RESOLUTION OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF BASTROP, TEXAS APPROVING AND SUPPORTING A FORMAL REPORTING RELATIONSHIP BETWEEN THE CITY MANAGER OF THE CORPORATION'S EXECUTIVE DIRECTOR, TO INCLUDE DIRECT OVERSIGHT, SUPERVISION AND PERFORMANCE EVALUATION BY THE CITY MANAGER AND A RESPONSIBILITY FOR REGULAR/FREQUENT COMMUNICATION BY THE EXECUTIVE DIRECTOR WITH THE CITY MANAGER

WHEREAS, the Bastrop Economic Development Corporation, ("BEDC" or "Corporation") is a public instrumentality and non-profit industrial development corporation duly established by the voters of the Bastrop Community in an election held in March 1995, and acting pursuant to its Statutory authority granted by State law found in Local Government Code, Chapters 501 and 505, *et seq.*, as amended, and known as the Development Corporation Act of 1979, as amended (the "Act"); and

WHEREAS, the business and affairs and all corporate powers of the BEDC, including those set forth in the By Laws of the BEDC, are exercised by a seven (7) member Board of Directors, who are appointed by the Mayor and confirmed by the City Council, and which membership includes the Mayor and up to two (2) additional Council members, as well as the *ex officio* membership and non-voting participation of the City Manager; and

WHEREAS, the Board hires, and retains at its pleasure, an individual who works for the Board and serves in the position of President/CEO (a/k/a 'Executive Director'), and whose responsibility it is to perform all day-to-day activities of the Corporation, and all applicable administrative requirements of its Articles of Incorporation, its Bylaws, the Board's adopted policies and programs and the Act; and

WHEREAS, the Board is currently undertaking steps to identify and retain the services of a new Executive Director for the BEDC; and

WHEREAS, pursuant to the Act, the BEDC performs its functions in conjunction with and pursuant to the oversight and approval of its projects and works by the governing body (City Council) of the City of Bastrop, Texas (the "City" or "Bastrop"); and

WHEREAS, the Board and the City Council agree and acknowledge that Mr. Michael H. Talbot, City Manager, has many years of experience in economic development in various Texas municipalities and is a seasoned veteran of administering personnel, overseeing economic development efforts, and formulating and implementing policies and programs for both cities and economic development corporations and, thus, is a respected and valued resource by both the BEDC and the City, concerning economic development work in the City of Bastrop and the surrounding areas; and

WHEREAS, the Board and the Council agree that the Executive Director, the Board and the City will benefit, in a variety of ways, from stipulating, adopting and approving a formal working, reporting and supervisory relationship between the Executive Director of the BEDC and the City Manager, as more specifically detailed herein below.

NOW THEREFORE, BE IT RESOLVED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF BASTROP, THAT:

The Parties formally support and concur with the following activities, as they relate to the direct involvement of the City Manager in the hiring and employment of the Executive Director of the BEDC, as follows:

PART 1: HIRING

A. The City Manager will finalize his recommended "job posting" for the position of Executive Director (President/CEO) of the Bastrop Economic Development Corporation, and will present these for approval to the Board of Directors.

B. Once approved, the City Manager will take the necessary action to publish the job posting with outlets and in media, as he deems appropriate, to begin the receipt of applications for the open position. The publication of the job posting by the City Manager shall begin no sooner than October 31, 2014, and shall proceed promptly thereafter.

C. Concurrently with the posting, the City Manager will have the job posting converted into an appropriate "job description" which will be used by the BEDC and the City for the selected applicant, once identified. (Note: The Executive Director is subject to the City's Personnel Policies, including the job description, salary and compensation components.)

D. After the job posting is 'closed' and all applications that will be accepted are in-hand, the City Manager will review the applications received checking them for their substantial compliance with the job posting criteria and will schedule a time to meet with a sub-committee of members of the BEDC (to be less than a quorum), to identify the finalists. When agreed, the City Manager will then notify these finalists and they will be scheduled for interviews with the BEDC Board (including the City Manager, who is an *ex officio* member), and/or separately by the City Manager, as time permits is determined to be best, under the circumstances presented.

E. ~~The BEDC Board and the City Manager will meet to exchange views concerning which finalist should be offered the position of Executive Director. The Board, pursuant to its By Laws has hiring authority, but agrees that due to the working relationship envisioned herein between the City Manager and the Executive Director, the Board will not retain an individual unless the City Manager also agrees that the individual is the preferred finalist. If the Board and the City Manager do not readily agree as to the identity of the preferred individual to fill the position of Executive Director, then, they will meet and continue to exchange their views until a mutual agreement is reached between them, which all parties acknowledge could conceivably result in interviews of additional individuals.~~

F. The City Manager will recommend, and the BEDC Board will negotiate and set an appropriate salary (and benefits package) for the individual who is retained to fill the position of Executive Director, which salary and benefit package shall comport with the City's Wage Plan and which shall be in line with positions in similar communities and in the industry, in general.

G. The City Manager will work with the Board's Attorney to develop and negotiate, for acceptance and execution by both the candidate and the Board, an employment Agreement for the Executive Director, subject to the Board's final approval.

PART 2: REPORTING

- A. The Executive Director will report to and have the responsibility of initiating communications with the City Manager on a regular basis (e.g., more or less on a daily basis) and will report to and communicate with the Board of Directors of the BEDC on a monthly basis or more often, as appropriate and necessary. In general terms, the Executive Director will report to the City Manager regarding the performance of his routine and daily work responsibilities, BEDC project issues and job performance obligations and, conversely, will work and communicate with the Board on broader BEDC project and policy matters, rather than on his day-to-day job performance matters.
- B. In the event that the Executive Director fails to communicate with the City Manager, the City Manager will report same, in writing, to the Chair of the Board, who will report as such to the remainder of the Board. Continued and ongoing failure to effectively work with and cooperatively communicate regularly with the City Manager may result in disciplinary action by the Board and/or by the City Manager, as the individual with supervisory responsibility over the Executive Director.

PART 3: PERFORMANCE EVALUATIONS

- A. The City Manager will regularly update the BEDC Board on the performance of the Executive Director, ~~noting areas of accomplishment and areas of needed improvement and/or training.~~
- B. The City Manager may make recommendations to the Board regarding desirable training for the Executive Director and will convey these suggestions to the Executive Director, as well.
- C. The City Manager and the Board will periodically consult with one another regarding the Director's performance and prepare evaluation(s) regarding same for the Executive Director, (including, at a minimum, an annual performance review). After the Board has provided its review and input into the performance evaluation(s) the City Manager shall convey that information to the Executive Director and shall place a copy of same in the personnel file of the Executive Director, for future reference. If any follow-up with the Board is thought to be advisable or necessary regarding these evaluations and/or the Executive Directors responses to same, the City Manager shall provide same. The Executive Director shall have an opportunity to address the Board concerning the evaluations, as well, if he/she elects to do so.

- D. The City Manager will make a recommendation to the Board concerning any annual salary adjustment for the Executive Director, which shall recognize the individual's contributions and efforts, and shall be in line with the City's overall Wage Plan. The Board will evaluate the recommendation with the City Manager and award compensation changes for the Executive Director in accordance with the Board's and City Manager's mutual agreement.

PART 4: SEPARATION OF EMPLOYMENT

- A. The City and the BEDC acknowledge and agree that the Executive Director is an employee of the BEDC and serves at the pleasure of the BEDC Board of Directors.
- B. In the event that the City Manager determines that he is not able to effectively supervise or work productively with the Executive Director, he will notify the Chairperson of the Board of this fact, in writing, and shall be allowed to withdraw from that obligation.
- C. In the event that the Board elects to continue to retain the services of the Executive Director after the City Manager withdraws from his supervisory role, as detailed herein, then all obligations of the City Manager, including reporting, oversight, evaluation, and communications shall revert to be solely between the Executive Director and the BEDC Board, and the City Manager shall have no further involvement in same.

Section 2. This Joint Resolution is effective upon the later date of passage by both of the governing bodies of the BEDC and the City of Bastrop.

PASSED AND APPROVED on the 20 day of October, 2014, by a majority of the Board of Directors of the Bastrop Economic Development Corporation at a regular meeting with a quorum present.

Steve Mills, Chairman

ATTEST:

Angela Ryan, Secretary of the BEDC

PASSED AND APPROVED on the 28 day of October, 2014, by the Bastrop City Council, at a regular meeting with a quorum present.

APPROVED _____


Mayor Ken Kesselus

Attest: _____


Elizabeth Lopez, City Secretary