

The Recruitment-- Initial Considerations

Just as it is necessary to determine who will provide interim administrative leadership, it is also important for the city council to determine who will be responsible for conducting the recruitment of a new city manager. Several alternatives are available:

The city council can conduct the recruitment itself--Many city councils have successfully conducted a recruitment for a new city manager. If this alternative is selected, it should be with the understanding that it is time consuming and requires someone on the city council who has both the time and skill to direct this effort.

Because of the myriad of difficult problems and issues facing a city, it is important for the city council to spend more time at the outset reviewing what is needed in a city manager. Although a city may receive 100 or more applications for the position, the difference between quantity and quality is important. For a variety of reasons, the labor market in terms of outstanding applicants is increasingly tight, and the number of candidates meeting the council requirements may be limited. As such, it is desirable to supplement the advertising process by aggressively identifying and talking with potential candidates. Similarly, to assure that finalists have the requisite work experience and personal characteristics, it is desirable to supplement a review of resumes with work-related background checks, and a more thorough interview process. Once a selection has been made, the structuring of a compensation package can be more extensive, oftentimes involving an employment agreement.

Unless a recruitment is well planned and led by someone who is knowledgeable and experienced in this area, many things can occur that diminish a city's chances of getting the best candidate. City staff can assist the city council in placing advertisements, and they can collect and acknowledge resumes as they are received. However, because they will be supervised by the new city manager, it is difficult for them to play a greater role in the recruitment process. Thus, should the city council choose to conduct the recruitment itself, they should be sure there is someone on the council whom they respect and who has the time to provide the leadership and follow-through that will be necessary at every step in the process.

The city council can retain someone to conduct the recruitment--A second alternative available to the city council is to retain someone to conduct the recruitment. In some cases, the city may ask the interim manager to coordinate the recruitment process as part of the duties of the interim position. However, the council needs to reach an understanding with the interim city manager regarding whether or not he/she can be a candidate for the position. More often, however, the city contracts with a firm that specializes in providing executive search assistance to cities.

When utilizing an executive search firm, the city council does not give up any of its authority with respect to the selection of a new city manager. The council continues to define what it is looking for in a new city manager, it makes the decision on finalist candidates, it does the interviewing and, of course, makes the selection. However, when hiring a firm, the city council obtains the full-time coordination necessary to conduct an effective recruitment, and it also gains the expertise that can be important at each step in the process.

Typically, the executive search firm begins by meeting with the city council, both individually and as a group, in order to assist them in thinking through what they are looking for in a new city manager. It is the responsibility of the firm to facilitate this discussion and to assist in reaching a consensus on items such as desirable work experience, personal characteristics, timing and scope of the recruitment, and compensation. Once these matters have been reviewed, the firm coordinates the overall recruitment process and assumes responsibility for all tasks until it is time for the city council to select and interview finalists. The firm acts as a resource to the city council throughout the recruitment process, and the city council has the comfort of knowing that the process is being handled professionally by individuals who are familiar with municipal government, know candidates and potential candidates, have contacts that will assure good background checks, and are familiar and available to assist with other matters such as the selection process and negotiating a final compensation package.

The city council can conduct the recruitment and retain someone to assist at certain points in the process--Another alternative is for the city council to assume responsibility for conducting the recruitment, supplemented at some point with assistance from an executive search firm or similar resource. In some cases, the city council may wish to have assistance at the outset in thinking through the overall recruitment process and defining what they are looking for in a new city manager. In other cases, the city council will place advertisements for the vacant position, and then retain an executive search firm to assist in reviewing the resumes, conducting background checks, and structuring an appropriate interview process. Executive search firms are available to conduct a "partial recruitment," and this alternative may be appropriate where cost is a consideration or where the city council desires to take a more active role in the actual recruitment process.

Regardless of which alternative is used, it is important that the following steps be followed in conducting a comprehensive recruitment process:

- The position should be well defined
- The position should be effectively advertised
- As a supplement to the advertising process, outstanding potential candidates should be identified and invited to apply
- All applications should be acknowledged, and applicants should be notified regarding the status and timing of the recruitment
- Applications should be carefully reviewed against requirements of the

position, and backgrounds of leading applicants should be thoroughly examined, with work-related references as a basis for selecting finalists

- A selection process consisting of interview, assessment center, or similar technique should be used as a basis for making a hiring decision
- A total compensation package should be negotiated, and all terms and conditions of employment placed in writing.

As a prelude to beginning the process, it is also important that the city council spend some time at the outset giving consideration to those things that will establish parameters for the overall recruitment process. Items to be considered by the city council include the following:

Scope of the recruitment--Once a city manager vacancy is advertised, resumes will usually be received from individuals in different parts of the country. It is assumed that the city is looking for the best candidate, and that all resumes received will be reviewed carefully. Some cities will choose to focus on their state or region, thinking that these candidates may have a better understanding and orientation to problems they face, legal issues, financing alternatives, and similar matters. On the other hand, some cities prefer an aggressive nationwide search for individuals.

Steps to be followed--in addition to the scope of the recruitment, it is important for the city council to give some consideration at the outset as to the steps to be followed in the overall recruiting process. If an executive search firm is involved, they will provide leadership in this area. In either case, the city council should have an understanding of the basic steps and, if the council is conducting the recruitment itself, who will be responsible for accomplishing each step. This may be the mayor, a city council committee, or the city council itself. The basic steps include placement of advertisements; identification of and invitation to potential candidates; review of resumes, including the conduct of work-related background checks; a selection process and subsequent procedure for negotiating a compensation package with the person selected.

Who will be involved--This is an important question and it, too, needs to be addressed by the city council at the outset of the recruitment.

- **City Council**--Initially, the city council needs to decide who will have responsibility for conducting the recruitment. Once this decision is made, there are related questions concerning the involvement of others in the recruitment. These concern the role of the staff, the role of citizens or citizen committees, and the role of the press.
- **City Staff**--With respect to the staff, their role can vary, depending upon whether the city council or an executive search firm is responsible for conducting the recruitment. If the city council is conducting the recruitment, staff will oftentimes be responsible for placing advertisements and collecting resumes. They may also assist in scheduling interviews. If an executive

search firm is involved, the firm will be responsible for all of these administrative details. In this case, the role of the staff is usually limited to providing information about the city and to coordinating generally with the firm. Regardless of the approach used, it is important that time be set aside for key staff to visit with finalists.

- **Citizen Committees**--It is a policy decision of the city council as to whether or not to involve citizens or citizen committees in the recruitment process. In the majority of cases, the city council assumes responsibility for the recruitment and, on their own or with a firm, go through the process of selecting a new city manager. However, in some cases, city councils have involved citizens or citizen committees in the process of defining what the city is looking for in a new city manager; in the review process leading to the determination of finalists; and/or in the selection process itself. If desired by the city council and structured properly, it is possible for citizens to play a role in the process. What is important, however, is that the city council not lose control in terms of making the final decision, or that candidates not receive the impression that they are being hired by a committee as opposed to the city council itself.

Public Information Act (As it applies to hiring employees)--In general, materials submitted by an applicant are considered public information and subject to disclosure.¹ The names and qualifications of candidates for a position are not exempt from disclosure under PIA which exempts from disclosure "personnel files, the disclosure of which would constitute clearly unwarranted invasion of personal privacy," since candidates' names are not facts of a highly embarrassing or intimate nature, which, if publicized, would be highly objectionable to a reasonable person.²

If information in the possession of a governmental body is available to the public under the PIA, the governmental body may not make an enforceable promise to keep it confidential.³ Nor does the mere fact that information was discussed in an executive session make it confidential under the PIA.⁴ For example, if the city council receives a request for information containing the names of applicants for the position of city engineer, the fact that the information was presented to the council during an executive session does not authorize the city to withhold that information, except for the minutes of the executive session in which the applicants were discussed.⁵

Information prepared by private consultants for a city is generally considered public information even though the information may not be physically within the city's custody.⁶ A city may not authorize its agents (e.g., a private search firm) to keep

¹ Op. Tex. Att'y Gen. No. ORD 455 (1987).

² *Hubert v. Harte-Hanks Texas Newspapers, Inc.*, 652 S.W.2d 546 (Tex.App.-Austin 1983, writ ref'd n.r.e.).

³ Op. Tex. Att'y Gen. Nos. JM-37 (1983), H-258 (1974), ORD 585 and ORD 605.

⁴ Op. Tex. Att'y Gen. No. 485 (1987).

⁵ Op. Tex. Att'y Gen. No. ORD 605 (1992).

⁶ Op. Tex. Att'y Gen. No. ORD 462 (1987).

information confidential if the city has no authority to do so. Absent a specific statutory provision, names of applicants for public employment are not excepted from disclosure under the PIA.⁷

Timing--The timing of a city manager recruitment can sometimes be affected by publication deadlines which are important in terms of properly advertising the vacant position. However, an ideal timeline would provide 60 days from the start of the recruitment to the deadline for submitting resumes; 30 days to review resumes, conduct background checks, and make a selection; and a minimum of 30 days for the new city manager to relocate to the city. Candidates often look at submitting a resume as a major career decision and it is important that they have adequate time to consider the opportunity, discuss it with their family, and prepare an appropriate resume. Similarly, the city council or the executive recruitment firm need sufficient time to review resumes and conduct background checks in order to assure that good candidates are not overlooked and that finalists meet the desired qualifications of the city council. Overall, the recruitment should move forward in an expeditious way, allowing adequate time for a thorough and comprehensive process.

Recruitment Guidelines--One of the most important items to be considered by the city council at the outset of the recruitment is what the council is looking for in a new city manager. This question goes to the heart of the recruitment, and should not be put aside based upon statements such as “we will never be able to agree” or “we want someone just like our former city manager.” Because no one is an expert in all areas, and because city managers have various backgrounds and experiences, it is important for the city council to reach a general consensus on objectives that they will look to the new city manager to achieve.

These objectives and priorities will help the city council to specify, in some detail, the kind of work experience and personal characteristics they believe their new city manager should possess. In doing this, of course, the city council should keep the size of the city, the nature of the city, and services provided in perspective.

By reaching a general consensus on recruiting guidelines at the outset, the city will be better able to tell potential candidates what they are looking for in a city manager. Importantly, the city council will also have a specific basis for reviewing resumes, selecting finalists, and making a hiring decision.

Compensation--A final item to be considered at the outset of the recruitment is compensation. While it is important for the city council to have some general understanding of the salary parameters that will be acceptable, it is also important that the council leave itself some flexibility in this area.

Some city councils leave salary open, commensurate with background and experience. From a practical standpoint, every city has political or other limits in terms of compensation, and this can be taken into account by reviewing the current salary of

⁷ Op. Tex. Att’y Gen. No. ORD 585 (1991).

applicants at the time finalists are selected. Another approach to consider is listing the current city manager's salary or the proposed salary range, while stating the salary is negotiable. TML conducts an annual survey of salaries and benefits provided for over 100 positions in Texas cities, including the position of city manager.

The city council should discuss and reach a consensus on each of the above items at the outset of the recruitment. Not only will this help to assure that the city council is unified in its approach and thinking regarding the recruitment of a new city manager, but it will also result in a framework for conducting the overall recruitment. Once this has been completed, the recruitment process can move forward.