

**ORDINANCE NO. 07-36 AC CMS**

**AN ORDINANCE AUTHORIZING THE PRESIDENT OF COUNCIL TO ENTER INTO AN AGREEMENT WITH JOSHUA KIM ASSOCIATES OF CLEVELAND, OHIO, FOR ASSISTANCE RELATING TO THE SEARCH FOR A NEW CITY MANAGER AND DECLARING AN EMERGENCY**

**BE IT ORDAINED**, by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

**SECTION 1.** That the President of Council is hereby authorized and directed to enter into a contract with Joshua Kim Associates of Cleveland, Ohio, for consultant services to assist in the search for a new Oberlin City Manager, in an amount not to exceed \$30,000.

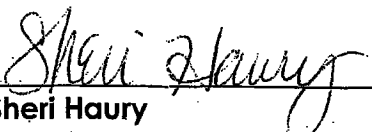
**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

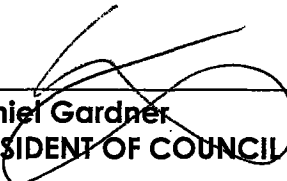
**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to authorize assistance to City Council relating to the search for a new Oberlin City Manager as soon as possible in order to avoid delays in the selection process", and shall take effect immediately upon passage.

**PASSED:** 1<sup>st</sup> Reading – March 19, 2007 (E)  
2<sup>nd</sup> Reading –  
3<sup>rd</sup> Reading –

**ATTEST:**

  
\_\_\_\_\_  
Sheri Haury  
INTERIM CLERK OF COUNCIL

  
\_\_\_\_\_  
Daniel Gardner  
PRESIDENT OF COUNCIL

**POSTED:** March 20, 2007

**EFFECTIVE DATE:** March 20, 2007

**JOSHUA KIM ASSOCIATES** Performance Consultants and Executive Search  
11470 Euclid Avenue, #192 Cleveland, Ohio 44106 Tel. 216.486.4776 Fax 216.738.0941

March 19, 2007

## **PROPOSAL TO CONDUCT EXECUTIVE SEARCH FOR CITY MANAGER**

Joshua Kim Associates (Joshua Kim) is pleased to submit this proposal to assist the City of Oberlin (the City) in identifying qualified and interested individuals to fill the City's **City Manager** position vacancy.

### **SCOPE OF WORK**

Joshua Kim proposes to assist the City by producing work in five phases within the time frames given below.

**Phase I** Develop a Profile for the City Manager position Complete by April 6, 2007

- a. Meet individually with Council members via telephone and/or e-mail to gather desired traits.
- b. Meet with full Council in public work session to review and agree on a written draft profile for the position.
- c. Convene a meeting of citizens and a meeting of City employees to get input on the profile.
- d. Meet with designated employees and community leaders in small groups in person to get input on profile. No more than 5 meetings.
- e. Meet with full Council to report input received and to agree on a final profile for the position.

**Deliverable** for Phase I: A printed document describing the City of Oberlin, City government organization and finances, the issues facing the position, the position, desired traits of applicants for the position and a position advertisement.

**Phase II** Advertising and Searching for Candidates Completed by April 30, 2007

- a. Place position ads in the Columbus Dispatch, Oberlin newspaper, ICMA and ASPA journals
- b. Place electronic ads on Websites of City of Oberlin, Ohio City Managers's, Hispanic Network and the National Forum for Black Public Administrators.
- c. Give profile document to Council members for distribution, and place some at the Library.
- d. Joshua Kim will make strategic telephone calls and send e-mails of the profile to individuals.
- e. The print ads will have the Oberlin City Hall address and the Joshua Kim address and e-mail.  
Applicants will be told to reply to Joshua Kim. No faxes accepted.
- f. Joshua Kim will send a notice of receipt and a timetable for decision-making to each applicant  
Joshua Kim will coordinate with City's Affirmative Action Officer in distributing confidential questionnaires.
- g. Joshua Kim will review applications as they arrive and flag those that do not fit the profile.

**Deliverable** for Phase II: An Excel listing of all applicants, their qualifications, their gender, probably ethnicity and which states they are from ( no names or cities) will be given to Council.

**Phase III** Review of Applications

Completed by May 15, 2007

- a. One four hour Executive Session, or two two hour Executive Sessions will be scheduled for Joshua Kim to review the acceptable applications with Council. Joshua Kim will array them in a fashion that will be easy to compare trait levels.
- b. Council will rank the list of acceptable applicants and schedule interview dates for the top four to six candidates.
- c. Joshua Kim will begin forensic investigations of the top candidates, including calling references, Lexis Nexis searches, police and credit reports.
- d. Joshua Kim will assist and coordinate if City Council decides to assign each member to make reference calls to elected officials where the candidates are now serving, and a committee of council members elects to visit the cities where the top applications now serve and inquire about his/her performance with community persons.

**Phase IV** Selection Process

Complete by May 31, 2007

- a. Council will invite all top applicants to City Hall for personal interviews. Joshua Kim will make arrangements. If desired, Joshua Kim will sit with Council during the interviews, and in any event, will provide guidance to Council on questions that should be asked and which probably should not be asked. Time for meetings with key community leaders and City staff will also be arranged with the help of the Clerk of Council
- b. Joshua Kim suggests that Council invite top candidates to come to town early for touring and bring the spouse. Council would pay travel expenses for the spouse.
- c. When Council selects an individual and that individual verbally accepts, Joshua Kim will complete its work by officially notifying all non accepted candidates via e-mail.

**Deliverable** for Phase IV: Memo signed by Council President which names the individual selected for the position and an indication that the individual has accepted.

**Phase V** Employment

Suggested Start Date of July 1, 2007

The Council will be responsible for negotiating an employment package to include salary and benefits, professional development allowances, relocation allowance, temporary housing, and a starting date of work.

**SPECIAL PROVISIONS**

- A. Joshua Kim is willing to assist Council with the new manager's employment negotiations for an additional fee of \$125.00 per hour plus out of pocket expenses.
- B. If the selected candidate accepts the positions but resigns independently or is asked to resign within 60 days of employment, for reasons traceable to a defect in Joshua Kim's performance under this proposal, Joshua Kim agrees to conduct a repeat search for Oberlin city manager without receiving new or add-on professional fees.
- C. Joshua Kim agrees that it will not participate in an executive search that would recruit any existing Oberlin City employee before March 2008.

**COST**

Joshua Kim proposes to conduct the full recruitment process described in the **Scope of Work** for a professional fee of \$22,500.00.

In addition to the professional fee, the City pay out of pocket expenses - travel, communications, printing, ads, etc - associated with the recruitment as approved by the President of Council.

**Payment Schedule:**

1/3, or \$7,500 due within 15 days of receiving at invoice and the Deliverable in Phase I

1/3 or \$7,500 due within 15 days of receiving an invoice and the Deliverable in Phase II

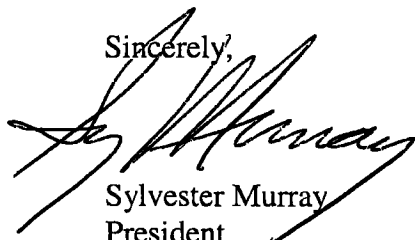
1/3 or \$7,500 due within 15 days of receiving an invoice and the Deliverable in Phase IV

**AD ON PHASE AND COST**

Joshua Kim proposes to assistant Council with employment negotiation with the applicant selected as the new **City Manager**. The cost for this would be \$125.00 per hour, not to exceed \$4,000.00, plus out of pocket expenses. One lump sum payment would be due within 15 days of receiving an invoice and an employment memo initialed by the President and the applicant as the Deliverable.

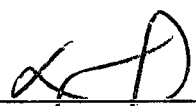
**Add On Accepted** \_\_\_\_\_ **Add On Not Accepted** \_\_\_\_\_

Sincerely,




Sylvester Murray  
President  
Joshua Kim Associates

This Proposal is Accepted by the City of Oberlin this 20th day of March, 2007

Signature of Authorized Officer: 

Title of Authorized Officer: PRESIDENT, OBERLIN CITY COUNCIL

Approved as to Form:



Eric R. Severs  
Oberlin Law Director