

City of Minot

Special City Council Meeting
Thursday, April 30, 2020 at 12:00 PM
City Council Chambers, City Hall

Due to the COVID-19 public health emergency, City Hall is currently closed to the public. Members of the Minot City Council may be attending this meeting electronically or by telephone.

This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. In person attendance at the meeting by the public will not be allowed.

Any member of the public seeking to submit comments relating to an Agenda item or public hearing should submit their comments on the [City website](#). Members of the public may view the live airing of the City Council meeting on Channel 19 or streamed through the City's [YouTube](#) channel.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INTERIM GOVERNMENT AND LEADERSHIP DISCUSSION AND ACTIONS

Documents:

[CITY MEMO 042420.PDF](#)

4. REQUEST TO STAFF TO PROVIDE A LIST OF ONGOING ACTIVITIES, PROJECTS AND PRIORITIES FOR FUTURE AND CONTINUING DISCUSSION
5. EXECUTIVE SESSION
City Manager Contract: Pending Predictable Litigation — Attorney Consultation and Discussion of Potential Litigation Strategy and/or Guidance for Negotiation Strategy/Instructions, Pursuant to Authority of N.D.C.C. 44-04-17.1, 19.1, and 19.2
6. DISCUSSION ON CITY MANAGER TOM BARRY'S EMPLOYMENT CONTRACT
7. ADJOURNMENT

Memo

To: Honorable Mayor and fellow Aldermen
From: Stephan Podrygula
Subject: Thoughts regarding the city manager situation
Date: April 24, 2020

I've been doing a lot of thinking about what happened and wanted to share some preliminary thoughts and/or suggestions with you, regarding how we could move forward.

Talking about potential changes and improvements may seem premature (e.g., I'm still struggling to deal with my emotions over what happened and trying to make some sense of it), but this might be one of those situations where it is easier to do so, rather than trying to "get to the bottom" of what happened (e.g., which might create some defensiveness, anger, unhelpful conflict, political posturing, or whatever).

In advance, I ask for your indulgence regarding the length of this memo. I take what happened very seriously and feel an obligation to carefully examine my own thought processes and share my personal impressions. I look forward to learning of your impressions, and having an ongoing dialogue regarding how we can all go forward.

Let me organize my thoughts in terms of the following broad categories: potential changes in the structure and role of the Council; providing adequate oversight of the city manager (CM) and assuring his/her adequate performance; and ways of strengthening institutional protections and safeguards. I would like to conclude by offering some thoughts from my perspective as a psychologist, both from a clinical and organizational/management perspective.

Structure & Role of the Council

1. Reevaluate the role and existence of the Council executive committee. Tom Barry (TB) reportedly said that he was given authorization to do various things (e.g., discharge three department heads) by the Council (or perhaps its executive committee). It is very unclear what authority, if any, the executive committee actually has. When we had 15 members of the governing body, it was sensible to have a smaller group take an active leadership role; with only seven members, it doesn't make sense for three people to speak on behalf of seven. While we need to have some leadership structure, particularly to assure continuity of government, I really question the need for a formal executive committee.

2. Bring other aldermen "into the loop", when it comes to the close relationship between the mayor and CM. Specifically, I suggest that the weekly meeting between the mayor and CM be formalized, and that one other alderman be brought into it on a rotating basis, perhaps on a two-month cycle. This would improve communications, lessen the chances for any misunderstandings, and provide leadership training opportunities.

3. Formalize and schedule regular planning (or “retreat”) sessions for the Council, probably at least twice a year. The CM should have a better idea of all of our feelings, priorities, concerns, etc., and this would be a chance to minimize any misunderstandings or misinterpretations. The retreat meetings that TB set up were probably the most productive Council sessions I have ever been to, and they need to be continued.

4. I would very strongly suggest that we make Council meetings more informal, so that we can have a better exchange of ideas. At the very least, I feel we should have regular “working sessions” or “committee of the whole” type meetings, as most governing bodies do. Following strict rules of order inhibits discussion.

5. I would also like our CM and department heads to play a more active role in our meetings and deliberations (rather than just being called up to make a presentation or answer questions). Although we have the ultimate authority and responsibility for things, I want them to be more active partners and treated as colleagues. They bring a lot of expertise “to the table”, and they should be sitting at it (or at least somewhere nearby).

6. The Council needs to be better informed and kept more “in the loop” about what’s going on in the management of city affairs. Although we are in the process of developing better management information systems and identifying metrics (by which to measure performance), it will take many months (if not a few years) to see the full benefits; until then, I would like to see some regular periodic (perhaps every month or two) updates from the department heads about how things are going (e.g., like the monthly figures the airport director gives us).

We shouldn’t have to wait for a yearly report, formal presentation to the Council, or specific agenda item (coming up), to learn things of interest (e.g., that a water tank has been unused for three years, or that a job offer was made to a candidate but he withdrew three days before he was to start). We – not just the city manager – need to be kept up to date on things much more (e.g., monthly sales tax collections, calls for service to the police and fire departments, etc.), so we can identify trends early on, and act before problems become serious.

7. I feel the Council needs to have more of a role in the selection, functioning, and evaluation of department heads. Although I don’t want to undermine the authority of the CM or interfere with the normal “chain of command”, the reality is that we deal with the department heads on a much more regular basis than with the CM, and it would make sense that we have a better idea of how they’re doing. For example, TB told us that certain department heads were showing a lot of “resistance”, but it was never made clear – at least not to me – what this consisted of or what the underlying issues really were. The function, or alleged dysfunction, of the CM’s “executive team” is something we should clearly be aware of.

8. Clarify who – i.e., CM, mayor, Council, department head – has the authority to do what, and what we need to be notified of or consulted about.

Three seemingly mundane examples: adopting a city flag, changing the city logo (from the “Genie” to the “shooting stars”), and adopting a city motto (“One voice. One mission. One Minot.”). Although the financial cost of any of these was trivial, these are very public expressions and representations of our municipality, they reflect on all of us, and I feel we needed to have some role in their creation and adoption.

I don't like being "blindsided", or having to answer a citizen question or complaint (about something we should know about). Our public information people have done an excellent job in bringing many things to our awareness, in a very timely manner; the past, we'd often find out about things on the front page of the paper (e.g., a lawsuit against the city).

Similarly, many departments have explicit policies about when leadership needs to be notified of some event (e.g., a serious injury to an employee, damage to valuable piece of rolling stock or property, etc.). I'd like to see something similar developed for the Council. This would be particularly important when we get a new CM, since it will take a while for her/him to learn what is important for us to know, and for mutual trust to develop; formal guidelines might help, in the interim.

9. Clarify that the CM is responsible to the Council as a whole, not the mayor or executive committee. Any substantive matters need to be decided by the Council, while giving due deference to our delegation of routine administrative matters to the CM: he or she is our agent.

10. We need to have ongoing discussions – amongst ourselves, and between us and the CM – regarding the relationship between the Council and CM. For example, in talking with TB, I got the sense that he wanted us to just focus on policy issues, and be pretty detached from the normal day-to-day operations of the city.

In the past, city staff have complained about aldermen "micromanaging"; although this is potentially a significant issue, I've sometimes gotten the feeling that it's been a way of keeping us at a distance, restricting information, avoiding oversight, and perhaps even concealing inefficiency or marginal performance. My subjective impression is that, in the past, the Council has often served as a "rubber stamp" for the CM and administration.

I've always favored an activist role for the Council. I feel this should include things like the following: serving as an ombudsman for citizen complaints; providing support and guidance to staff; being actively involved in task forces, committees, and workgroups (e.g., hiring of a police chief, selection of management information systems software, etc.); helping with lobbying and public relations; and providing adequate oversight. Obviously, your thoughts on this may be very different, but I think we need to be talking about it.

Oversight of the City Manager

11. I think we need to set up a system by which we systematically gather input regarding the CM's performance from all of his or her direct subordinates (through a formal, objective, and scientifically-based survey, such as a 360° assessment process).

12. As previously stated, I think we should extend the 360° assessment process to all department heads. Obtaining accurate information regarding the actual functioning of executives and managers can be difficult, for example, given the tendency of people to tell us what they think we want to hear, social psychological processes of deference to authority, and the opportunities executives have to squelch an open expression of opinions.

13. I think we need to reevaluate the process by which we evaluate the CM's performance, apart from creating the 360° mechanism. Among other things, I think all of the governing body members need to play an active role in this process (rather than, for example, delegating it to one or two individuals), and that systematic feedback needs to be given more frequently than just once a year. Closely monitoring performance and giving feedback is particularly important when a new CM is starting, for example, so they "get off on the right foot" and we try to minimize misunderstandings, conflicts, etc. when they are just starting and easily amenable to correction.

14. We also need to be very careful about the initial and ongoing "socialization" of the CM, by which I mean the informal, but very important, ways in which we influence an individual's thinking, expectations, and behaviors. This is an ongoing process, rather than a single event. It's not a job description, but a way of communicating what we expect and want of that person.

If we see something that concerns us, we need to "jump on it", rather than minimizing a potential problem and/or hoping that things will go away.

Because this is so important, let me give you an example. Over the years, I've done a lot of work in the area of personnel selection in the law enforcement field. Although you obviously have to be careful in screening the people you hire (e.g., for emotional stability, maturity, absence of any serious mental disorder, etc.), the research suggests that subsequent interactions (e.g., with field training officers, more experienced colleagues, and supervisors) and experiences are much more influential in that individual's performance. While formal orientation and training are significant, it's the culture of the organization and subsequent "real-life" experiences that really count. An individual may start out performing very well, but pressures from coworkers and the environment they work in can lead to significant problems. We need to be vigilant to be sure that the new CM is developing the way we expect them to.

15. I think we need to be more involved in setting priorities for the CM, in terms of his/her time, attention, etc. TB frequently complained that he was being given more work than he could really handle, and that was the major justification for hiring an assistant. The Council planning sessions were helpful with this, but probably didn't go far enough. As I said on many occasions, I was concerned about his stress level and the potential for burnout, and that is a concern for anyone in that role.

16. While TB's monthly city manager reports to the Council were informative, and a marked improvement over what we had in the past, I don't believe we really had adequate time to adequately digest what he was saying (e.g., to come up with meaningful questions, explore topics in detail, get feedback from others, etc.). They often conveyed a great deal of information and were presented in a rushed manner.

At a minimum, I feel the monthly report should abide by the normal policies regarding submitting items for the agenda well in advance (e.g., on the Thursday before the coming Monday's Council meeting). In contrast, the city attorney's report abides by these guidelines and is presented as part of the agenda materials. I realize that things change and that the report might need to be supplemented (even at the time it is given), but I feel that we, and the public, need more time to digest what is being presented to us. I also think that any slides or other demonstrative exhibits need to be provided in advance and made part of the record; neither we nor the public should have to ask for these.

17. And speaking of oversight, I don't believe that any city manager can adequately supervise 15 or 17 individuals or department heads. TB and I talked about this on several occasions, and he told me he was

looking at other alternatives, but nothing ever came of it. If we want to exercise greater oversight of the CM, then we owe it to him or her to allow them better oversight of their subordinates. I understand that 5 to 7 individuals is the “span of control” that management experts normally recommend. We need to help our next city manager develop a better organizational structure (e.g., perhaps work groups organized by function, rather than traditional departments), which would make it easier for them to manage and supervise more effectively.

Strengthening Protections & Safeguards

18. The independent counsel concluded that a hostile work environment was present, and had indeed persisted for quite a long time. We all agreed that this was totally unacceptable, and took decisive action. However, I don't believe that this is enough. At the very least, for example, whistleblower protections must be strengthened.

19. It's obvious that we need to come up with a much better contract for the CM, which adequately protects the city's interests. The International City/County Management Association (ICMA) has a model contract, which might serve as something to start with. In the future, any proposed amendments to the contract should undergo very strict review – ideally, by an attorney specializing in municipal employment law – and have ample opportunity for careful consideration by the Council.

20. As recommended by the independent counsel, we need to change the reporting structure/chain of command, so that the city attorney reports directly to the Council.

21. Also as suggested by the independent counsel, I think we need to look at having the HR director report to the city attorney. Personally, I'm not sold on this recommendation, and think we might accomplish many of the same goals if we had a more robust grievance reporting system.

22. I would like to see us continue to develop much more robust systems by which employees and citizens could offer input, air grievances, and make complaints. For citizens, the public involvement process manual, which we recently adopted, is a good step in this direction.

Although we seem to have some ways of evaluating employee satisfaction, I apologize – especially to the HR director – for not knowing exactly what they are. We clearly need to be evaluating employee satisfaction on a regular basis, and to use this as a management tool to improve employee functioning (e.g., morale, “engagement”, etc.) and organizational performance.

Our new information management systems will offer a “portal” by which citizens can ask questions and raise concerns. Once the data become available, we need to be tracking them and using them for management purposes.

We might want to look at things like “tip lines”, online suggestion boxes, a rewards program for useful and money-saving suggestions, etc. TB lobbied for greater flexibility in recognizing and rewarding good employee performance, and I very much agreed with him. We may need to designate an ombudsman, through whom employees could safely and anonymously offer complaints.

23. Regardless of how the issue of compensating TB for his termination turns out, I think we need to make it absolutely clear that we have the right to terminate any employee for cause, and that there will be no “golden parachute” under such circumstances.

Furthermore, I would recommend that we lobby the next legislative assembly to specifically outlaw any municipal employment contract that purports to provide a “golden parachute” to an employee who is fired for cause (e.g., for performing any illegal act, as part of their employment). By the way, I think that employees should be entitled to all of their earned benefits (e.g., leave time, pension, etc.) regardless; however, we cannot reward or encourage misconduct.

24. I would lobby for periodic formal ethics training for the Council, CM, and department heads. In view of what happened, I would suggest we be sure to cover potential conflicts of interest, maintaining objectivity and appropriate boundaries, and the issue of personal relationships between governing body members and city staff.

While I believe that any individual working for the city – whether they be a member of the governing body, the CM, or any other employee – has various rights, especially free speech and free association, I would encourage us to be cautious about potential conflicts of interest and factors that might affect our objectivity, or be seen by the public as doing so.

Psychological Perspectives

25. It’s been reported to us that there has been significant conflict and dysfunction among members of the CM’s “executive team”. I’d like to suggest that we step back and look at this more carefully.

First, it’s too important an issue to just leave to the Council executive committee or the CM (acting or permanent). I think we have some responsibility for the situation, and need to look into it more carefully (e.g., consult with our HR director, talk with the EAP consultant that was brought in and look at their findings, etc.). If there indeed is major conflict or dysfunction, we need to deal with it.

Second, I don’t know that I would necessarily take it for granted that the situation is what it was purported to be. For instance, TB maintained that there was major conflict and identified certain individuals as showing “resistance” and being adverse to change (or at least the kind of change he claimed he was trying to promote). From what we now know, there were serious inaccuracies in the picture that was being presented to us. The extent and nature of this resistance and conflict could be part of the skewed picture that we were being given. For instance, perhaps certain employees were reluctant to go along with things because they felt it was wrong, or because it really wasn’t in the best interests of the city (and not because they were uncooperative or disagreed with policy).

Third, it’s possible that relatively normal interpersonal and organizational relationships and dynamics were being misperceived, or mislabeled, as something inappropriate or dysfunctional. Differences of opinion, likes and dislikes of others, prejudices, etc. are normal things. Sometimes we blow things up out of proportion.

Fourth, sometimes attempts to intervene make things worse. For example, the former CM’s efforts to promote “cultural change” – especially in a purportedly “enlightening and nurturing” manner – really

made things much worse. I don't know what impact the EAP consultant had on things, but even that intervention could have backfired.

Fifth, if there indeed was a lot of conflict and dysfunction, perhaps TB simply didn't have the management skills to effectively deal with it (since this was his first job as a city manager). We shouldn't assume that the people working for him necessarily performed poorly or acted inappropriately, or that the situation was out of control.

Sixth, sometimes individuals excessively focus on conflict and disagreement, perpetuate it, actively bring it about, or even use it for their own nefarious purposes. For example, in popular culture, there's the expression "drama queen", and conflict is frequently exaggerated on television programs. In politics and government, demagogues often create discord, actively distort things, try to discredit and discount those who disagree, and use discord to justify their harsh and autocratic actions.

Seventh, individual and/or group conflict and dysfunction often result from some specific set of circumstances. When the situation changes, the level of functioning improves. According to several theories of family therapy, for example, the quality of overall family functioning depends on the relationship between the parents (e.g., if the mother and father don't get along, that conflict tends to get expressed in problems among the children). Sometimes a single individual can have a very negative influence upon a whole group. Some situations are, literally, "crazy-making".

26. According to many theories of organizational functioning, the personality and psychological functioning of the leader is of critical importance to the culture, level of performance, and even the ultimate success or failure of the entire organization.

We need to be mindful of the influence, for good or ill, that leaders have. We create a culture, and that culture has a huge impact on how things turn out.

27. The sudden and unexpected loss of a leader – as just happened with the former CM – usually has a very powerful impact on the entire group or organization. Just think back on the assassination of President Kennedy. Even if people are relieved by that individual's demise, as was often the case when dictatorships were overthrown, that still has a traumatic impact on the group. And that impact usually lasts for a long time.

I would like to conclude on a positive and hopeful note. I would very much like to see us go forward with many of the innovations and positive things that our former city manager tried to put into place, at our direction (e.g., as expressed in the productive planning sessions that we had). I believe that our city government is, fundamentally, a strong one. And I certainly have a lot of confidence in the dedication, loyalty, and hard work of our employees. I am very hopeful that we can learn from what happened and continue to move in a positive direction.

SP/d