



MINUTES

Special Meeting of the Niagara Falls Water Board January 25, 2021 12:00 PM

Note: This special meeting was conducted via teleconference without public in-person attendance pursuant to Governor Cuomo's Executive Order 202.1 as extended through January 29, 2021 by Executive Order 202.87.

1. Attendance

a. Brown P Forster P Kimble P Larkin P Leffler P

Chairman Brown called the meeting to order at 12:03 p.m.

2. Resolution 2021-01-007 – RETENTION OF SELECTIVE STAFFING SOLUTIONS FOR EXECUTIVE DIRECTOR SEARCH

a. Selective Staffing Solutions Agreement and Brochure

Chairman Brown feels the Water Board needs to hire a firm as the resolution states. Mr. Costello noted that Thom Jennings and Michelle Alberts from Selective Staffing were present on the call.

Mr. Jennings stated that the firm has proposed a retained search, a proactive approach to fill an executive level position. Rather than typical recruitment outsourcing, a traditional search will be conducted and a full candidate profile will be developed including technical skills and soft skills. The firm reaches out not just to applicants but to persons who are gainfully employed to see if they are interested. The candidates then go through a full interview with Mr. Jennings, not just focusing on skills but on psychological factors as well, to develop a full profile on the candidate, which then is presented to the Board. They do not just email a resume, they send a profile with additional information such as the candidate's motivations and salary requirements, and asking if the Board wants to do an interview, which the firm coordinates.

The firm handles offer negotiation. After a candidate is accepted, Mr. Jennings states he will continue to check in with the candidate to ensure the proper fit and to get feedback on any issues to help the candidate and client work through those issues.

A placement guarantee is offered. Meaning, for a period of 6 months, Selective Staffing Solutions LLC, will re-perform the search for the Executive Director's position without additional fees if the candidate does not work out.

Mr. Forster states that per the proposal, \$7,500 is due upon the signing of this agreement, followed by \$7,500 due within 30 days from the signed agreement. Mr. Forster questions the "additional fees" that are also noted in the proposal.

Mr. Jennings explains that the fee itself consists of 20% of the candidate's salary, collected in installments. Any remaining fees consists of the net of the 20%.

- For example, if the potential candidates salary was \$100,000.00, the fee would be \$20,000.*
- \$7,500 would be billed initially with an additional \$7,500 billed within 30 days, totaling \$15,000. The remaining \$5,000 would be billed at the conclusion of the search.*
- Any additional fee in terms of expenses will be on a preapproved basis. For example, a potential out-of-area candidate in need of a hotel room. In that case, the firm will discuss any additional costs with the Board prior to proceeding.*

Mr. Forster questions the NFWB procurement policy, which states anything over \$10,000 would be conducted as an RFP. Mr. Forster states he understands that personal services does not have to, but would like a further explanation.

Mr. Costello states the procurement policy says that generally professional services over \$10,000 should be by RFP, but if an RFP is not done the resolution should state the reasons an RFP was not done, list the firms from which proposals were solicited, and state why the procurement should not be postponed to permit the RFP. Here, the resolution states that the Board would be moving forward for time reasons.

Mr. Brown wished to add that all Board members know the situation the Board is in and that it is important to maintain the stability of the organization to get an executive director professional recruited. Mr. Brown asked each Board member for any comments about how they would like to go about this, and has heard from Ms. Larkin and Ms. Leffler. He personally does not have expertise or time to do the recruiting, and is not sure any other Board member does. He feels the Board is in a position where doing an RFP would be beneficial because he thinks fees are similar between firms and there are not that many firms that do the work. This firm is a Woman-Owned Business Enterprise. He does not see an RFP as accomplishing anything other than wasting time that in his opinion the Board does not have.

Ms. Larkin notes that from what she knows of the recruiting market, there are not that many local firms that do executive recruiting in Western New York, and that the 20% fee is standard for most recruiters. She feels it is important to get the process moving sooner rather than later because right now one person is in charge of quite a bit of responsibility, and having someone objective to do the legwork is necessary. When she was doing research she called Mr. Jennings and was impressed by the level of detail that Selective goes to. The goal is to find the best Executive Director possible, which is what the Board, ratepayers, and employees deserve.

Ms. Leffler questions if the parameters of the Executive Director's salary have been given to Selective Staffing Solutions LLC.

Mr. Jennings states that a lot of the firm's up-front work is working with the Board to develop the job description and they have tools to help develop an appropriate salary range, but some of the best data is from the candidate interviews. While they will want to start with a salary range to avoid wasting candidate's time, they will develop an ideal range after doing some ground work. They will work within the Board's parameters but will advise what they feel is the appropriate salary range for the position.

Ms. Kimble questions how Selective Staffing Solutions LLC was chosen for consideration and thinks that the NFWB is in violation of the procurement policy because it should have done an RFP or RFQ. She does not think that time is of the essence is a real reason for why the policy is not being followed. The Board currently has someone in place as an acting Executive Director. She wants to know who recommended the firm.

Mr. Costello states that Ms. Larkin was familiar with Selective Staffing Solutions LLC after some investigation she had done and had suggested that he contact the firm. Ms. Kimble feels that with the issues this Board has had the thumb is on the scale already and she does not feel comfortable voting in support of this.

Ms. Leffler requested again clarification why there was no RFP or RFQ. Mr. Costello said the policy says there should be an RFP for professional services over \$10,000 but the policy allows exceptions, in this case the reason for not going to RFP are stated in the resolution, here it is an issue of timing to move forward to get a permanent Executive Director.

Mr. Brown stated that in his opinion the Board does not have the staff to do proper recruitment for top management positions and disagrees with comments that time is not of the essence, he feels it is important and urgent to maintain the stability of the organization and employing an executive search firm like this will get the Board a good slate of candidates, in the best interests of the Board and ratepayers. He feels that the history of the Board shows that its recruitment efforts were not successful in the past and he wants to get this one right.

Motion by Ms. Leffler and seconded by Mr. Brown to approve.

Brown __Y__ Forster __Y__ Kimble __N__ Larkin __Y__ Leffler __Y__

Motion carried 4-1

3. Adjournment of Meeting

Motion by Ms. Leffler and seconded by Mr. Forster to adjourn at 12:24 p.m.

Brown __Y__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried 5-0