

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY
APPOINTMENT OF CHIEF OF THE
MANTOLOKING POLICE DEPARTMENT
NOVEMBER 25, 2014**

WHEREAS, the Borough of Mantoloking's (the Borough) Office of Chief of Police of the Borough's Police Department (the Department) is vacant and it is the desire of the governing body to select from the membership of the Department the best qualified person for promotion to the Office; and

WHEREAS, on July 22, 2014, upon the recommendation of the Public Safety Committee, the Borough engaged the services of Lt. Col. Frank Rodgers (N.J.S.P. Retired), the Rodgers Group, LLC, as a consultant to provide guidance concerning the implementation of the "best practice" to be utilized for the selection of a Chief in this non-civil service municipality; and

WHEREAS, on September 16, 2014, the governing body adopted a Resolution which established the process/procedure for selection of a Chief of Police; and

WHEREAS, the services to be provided by the Rodgers Group, LLC are in the nature of extraordinary non-specifiable and the estimated cost is less than the bid threshold and the Contract was awarded without resort to competitive bidding and such action is ratified and confirmed by this Resolution; and

WHEREAS, Lt. Col. Rodgers engaged the services of Joseph C. Blackburn, Blackburn Strategies, Inc., to assist in the development and implementation of the selection process; and

WHEREAS, the six (6) Member Public Safety Committee (three elected Members of Council and three (3) appointed citizen volunteers) actively participated in all phases of the selection process, including but not limited to training by the consultants, review of materials generated, evaluation of each aspect of the process, collaborative discussions to yield a Committee unanimous consensus in the course of seven (7) meetings, which consumed not less than 250 hours; and

WHEREAS, the Committee and consultants developed an instrument "Professional Development, Experience, and Leadership Profile", consisting of 15 questions to be answered in writing by the candidates and returned to the Committee following an interval of seven (7) days, after which the responses were individually and collaboratively evaluated by the Committee in the context of defined criteria as to each question answered by the candidate; and

WHEREAS, the Committee and consultants developed and utilized a set of oral interview questions (Structured Interview) also designed to be evaluated in the context of defined criteria in a collaborative discussion by the Committee, with the entire interview of each candidate having been videotaped and stenographically recorded; and

WHEREAS, the Public Safety Committee did specifically consider the length and merit of the service of each candidate as a material component of their ranking decision.

WHEREAS, upon completion of the process, the Public Safety Committee unanimously decided to recommend to the governing body that Sgt. Stacy S. Ferris be appointed to the Office of Chief, with immediate effect, subject to a one (1) year probationary term and the mutual execution of an employment contract within FIFTEEN (15) days of appointment; and

WHEREAS, the Public Safety Committee prepared a Report of its efforts and recommendations for the use of the governing body – Exhibit 1 of this Resolution; and

WHEREAS, pursuant to the promotional process, a candidate could appeal his or her ranking and two (2) candidates did in fact file letters of appeal; and

WHEREAS, the Committee, aided by Lt. Col. Rodgers, has assembled three (3) binders containing all of the documents utilized, generated or assembled by the Committee in the course of its proceedings. The three (3) binders, collectively, comprise Exhibit 2 of this Resolution and are, by reference, incorporated herein; and

WHEREAS, on November 18, 2014, the Mayor and Council Members each received a copy of the Committee Report (no exhibits); and

WHEREAS, on November 19, 2014, the Mayor and Council, in executive session, preliminarily discussed the process and report, aided by Lt. Col. Rodgers; additionally, counsel provided legal advice concerning the two (2) lowest ranking candidates' letters of appeal; and

WHEREAS, on November 19, 2014, in accordance with the promotional process, the Mayor and Council interviewed the candidate who was recommended for promotion by the Public Safety Committee. No action was undertaken other than to include consideration of the appointment of a Chief as an agenda item for the November 25, 2014 Regular Meeting of Council; and

WHEREAS, Council Members have subsequently had the opportunity to review the three (3) volume Exhibit 2, available to them in the Clerk's Office, as they deemed appropriate; and

WHEREAS, on November 25, 2014, Mayor George C. Nebel nominated Sgt. Stacy S. Ferris to the Office of Chief of Police of the Mantoloking Police Department, subject to confirmation by the governing body.

IT IS NOW, THEREFORE, this 25th day of November, 2014, RESOLVED by the Mayor and Council of the Borough of Mantoloking, Ocean County New Jersey, as follows:

1. All of the foregoing recitals are deemed to be factual and substantive and are incorporated by reference as components of this Resolution.

2. Receipt of the entire Report of the Public Safety Committee entitled Report of Committee Activities, Deliberations and Recommendations In Regard to the Position of Chief of Police dated November 18, 2014, is acknowledged with appreciation for the high quality product and the very generous, able and dedicated efforts of each Member.

3. The Public Safety Committee Report, including all findings and recommendations is now accepted and endorsed without exception or reservation. More particularly, but not by way of limitation, in reliance upon the Report, including the Exhibits and the Council Members' individual knowledge of each candidate and as viewed in the context of the potential for attainment of the goals of the governing body to select a Chief which it believes is best enabled to develop and manage an improved Police Department, fully reflective of contemporary management policies and processes, designed and administered with appropriate fiscal and interpersonal management techniques and enhanced overall efficiency, the Mayor and Council now make the following additional findings and determinations:

(a) Due consideration has been accorded to each candidate; each having fully participated in all aspects of the very deliberate uniform selection process with the results of such participation having been evaluated in a consistent and transparent process utilizing professionally accepted standards. Each candidate, with ample opportunity to prepare, provided written responses to uniform questions which were designed to elicit relevant information concerning the individual profile of each candidate and to facilitate due consideration of the candidate by Council. The questions and written responses provided a comprehensive profile of each candidate (See Professional, Development, Experience and Leadership Profile Form). Analysis of the results by Council and the Committee of the profile process (See graph on page 2 of the report) demonstrated that Sgt. Stacy S. Ferris possesses a markedly superior potential to successfully lead the Department. The Structured Interview, also jointly developed by the Committee and consultants was similarly designed to elicit relevant information and to evaluate the candidates' qualifications utilizing oral communication skills in the context of defined categories. Each candidate's performance was individually and collectively considered by the Committee. The interviews were evaluated with a finding that Sgt. Stacy S. Ferris consistently scored significantly higher in all of the measured competencies. (See graph on page 4 of the Report). The governing body accepts and adopts the findings generated by use of those instruments as evidence of its due consideration of each of the candidates.

(b) The length and merit of the service of each candidate has also been considered by the governing body. In reviewing all of the materials and interviews set forth above, it was clear that Sgt. Stacy S. Ferris clearly excelled above the other candidates. As was most compellingly self-evident as a result of the processes

described above, reviewed and now endorsed and adopted by the governing body as to method and conclusions, the qualifications and merit of the candidates are not close to approximately equal. The very significant disparity between the first and second ranked candidates in qualifications and merit is found and determined to be of such magnitude that the statutory preference accorded to seniority in service is manifestly and most patently eclipsed by the clear and persuasively demonstrated superiority of the recommended candidate, Sgt. Stacy S. Ferris.

4. In reliance upon the foregoing recitals, deliberations and findings, Council now endorses, approves and confirms the Mayor's nomination of Sgt. Stacy S. Ferris as Chief of the Mantoloking Police Department, with immediate effect, subject to the following:

(a) the immediately effective and now confirmed appointment shall be probationary for one (1) year; and

(b) the mutual execution of an Employment Contract between the Borough and Stacy S. Ferris within 15 days from the date of appointment;

4.1. Immediately, subsequent to the adoption of this Resolution of confirmation and approval, a qualified Police Administrative Consultant shall be engaged to serve as a resource to the Chief during the probationary period.

5. (a) The three (3) volume Exhibit which is incorporated as a component of this Resolution constitutes advisory consultative and deliberative material and/or exempt confidential private personnel records which are not subject to public access except in accordance with applicable law. The three (3) volume Exhibit shall be maintained securely and as confidential material by the Borough Clerk, subject to law;

(b) Following adoption of this Resolution, all Exhibit material which is not, upon advice of counsel, deemed to be necessarily considered confidential or protected from disclosure, shall be identified and otherwise separated for public inspection at the Borough Offices. It is expected that the separation of material will be completed by 12:00 noon on Tuesday December 2, 2014. The availability of and access to Exhibit material not so identified shall be subject to the application of the provisions of the Open Public Records Act and other applicable law. The availability of the separated unrestricted material for public inspection shall be subject to the reasonable convenience of the Borough Clerk. Otherwise, and in all events, the availability of all components of the Exhibit is subject to applicable law, including but not limited to the Open Public Records Act.

6. Receipt of letters of appeal (of their ranking) addressed to the governing body by two (2) candidates is acknowledged. On advice of counsel, no action, except for adoption of this dispositive Resolution, is undertaken concerning the letters of appeal.

I, Beverley A. Konopada, Acting Clerk of the Borough of Mantoloking, County of Ocean, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution passed by the Borough Council of the Borough of Mantoloking, at a regular meeting held at the Mantoloking Yacht Club, 1224 Bay Avenue, Mantoloking, New Jersey, at 5:30 p.m. on Tuesday, November 25, 2014, at which time a quorum was present.

Beverley A. Konopada
Acting Borough Clerk