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November 09, 2017

Certified Mail

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Marc A. Farmer
336 Skyline Drive
Copperas Cove TX 76522

Re: Notice of Removal – Unsatisfactory Performance During Initial Evaluation Period

Dear Mr. Farmer:

You were hired on May 22, 2017 and during your orientation you were notified that you would serve an initial new employee orientation period during which you will receive a six month and one year evaluation. Since that time your performance has been at best marginal and a number of efforts have been made to help you improve your performance and make you aware that you were not meeting expectations.

On July 11, 2017 the City Manager met with you and the Director of Human Resources to review your performance and make note of areas of concern. At that meeting she discussed changing incoming new business plans from code names to project numbers, getting Ms. Drussell back to her core duties in Business Retention, setting up a weekly reporting requirement for Business Retention, establishing regular agenda items to brief the EDC Board and completing such items concisely and accurately. She further discussed entry into Agenda Quick and the deadlines for submission before council meetings and where to find the agenda planners. She also discussed that you needed to create a Board driven vision for the EDC, not a Marc Farmer vision. She discussed the best way to do this would be through an EDC retreat and how to schedule one.

The City Manager discussed the fact that you seemed to wander off topic when making presentations to the Board and Council and referenced the June 28, 2017 meeting where you presented an item for the appointments to the EDC board, the new prospect report and the EDC financial report for April. Directors who were present at that Council meeting stated that you struggled presenting the basic information. The City Manager gave a brief example of how to make a presentation.



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She also discussed the request by Adam Martin which was forwarded to you on May 29, 2017 to begin work on an agreement for lease space for the EDC in the new technology building. This item should have been ready to present as soon as the land exchange was complete with the EDC and Coryell County. You had taken no action on this. She asked you about the assignment I had forwarded to you when you first arrived to apply to serve as our City's representative on the Board of Directors for the DDCT. You had taken no action on this. She also discussed a packet of material she had given you from Orange Capital Investments and asked you if you had read the material. While you indicated you had read "most of it", it was apparent you were not familiar with the information that had been given to you. After discussing the project in more depth, the City Manager instructed you to contact J Price and R Phelps to move forward. At the end of this meeting, she instructed you to keep her in the loop on your work and when something comes up that is a problem or causing you issue, call, text, or email the City Manager early enough so that guidance can be provided. She can't help with something she doesn't know about.

On September 8, 2017 the City Manager had to be contacted while she was out on vacation because you had set up a retreat meeting for September 13, 2017 for the EDC as we had discussed during our July meeting but had not done any of the work for the meeting itself. You had not secured a location, set an agenda, entered any information into agenda quick, secured catering, etc. The agenda needed to be posted that day by noon to meet the requirements of the Texas Open Meetings Act. As the City Manager investigated what was going on she received reports from other staff members that they had reached out to you with assistance to get this done as early as August 29, 2017. They offered examples, assistance, and the Deputy City Manager, Joe Brown, had even offered to assist you with the agenda item itself. This fiasco ended with you calling each of the Board Members to have them postpone the retreat and have the item pulled off the agenda planner.

A second meeting was held on September 15, 2017 to discuss ongoing performance issues. At this meeting the City Manager discussed the land (property) exchange meeting between the EDC, City Council and Coryell County that was held in May 2017 with you. She explained that the City is not ready to complete the physical relocation yet and that urgent action was needed to extend the relocation date. She had called Mr. Martin and Mr. Payne personally to explain the situation. Then when the meeting took place the law firm selected through the RFQ process by the EDC Board but whose contract had not been executed showed up and essentially derailed the meeting. You were aware that these attorneys were in town as early as 8:00 that morning and did not feel it necessary to inform the City Manager. We discussed the issues surrounding the failure to properly plan for the EDC retreat. You stated you were just going to get them together in a room with a white board and "pound it out" and you did not need an agenda. She again explained how agendas worked, the purpose of the Texas Open Meetings Act, what needed to be done to get items into Agenda Quick, the time frames involved, and



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how to avoid walking quorums when communicating with the Board regarding a date for the meeting (using bcc and the City Secretary's office).

You stated you were having problems with the Board members and others (Mr. Payne) just showing up in your office uninvited. The City Manager told you that when they come and start telling you something that is different than the direction she have given you, get up and say, let's walk down to Andrea's office and talk with her. That way you are all on the same page. The City Manager reminded you that the EDC Board does not determine whether you stay employed or not, she does and it is based on your performance and the ability to meet the expectations given to you by your direct supervisor. She reminded you that your loyalty always has to be first to the City and City Administration. She discussed your time entry duties, entering leave into the system before you take off, and requiring the same for EDD employees and approving employee leave requests in a timely fashion. I have been reviewing and correcting your work in this area. The City Manager discussed the shared facility agreement again. You still had not done any substantive work on this item. She discussed the request to apply to serve as our City's representative on the Board of Directors for the DDCT again. You had not taken care of this and we have now missed the time frames to apply. The City Manager instructed you to email Beth Correa and ask if you could still apply.

You stated that you were not good at administrative work and computers, that you could sell anything and that was your strong suit. The City Manager reminded you that during the interview process, she stressed that these positions were working director positions with small functional staff and that the Directors did the bulk of the administrative work. I pointed out that during the interview, the first question is always showing the applicant the job description and asking if you have any problem with performing any of the tasks on the job description. You stated you would have no problem with any of it. She told you to take an administrative position to the EDC Board seeking approval for the position to take care of those things that you were having problems with. To date you have not requested any additional staffing from the Board. The City Manager reviewed the list of items discussed from the July 11, 2017 meeting.

The City Manager requested for you to begin giving her a weekly update on the issues we have been discussing and what actions you have taken on each issue. I sent you an email following the meeting to document discussions. The updates you have given the City Manager consisted of one word or incomplete sentences which have no real substance such as "WIP", "Yes", or "Completed" but do not give her an update on what actions you have taken. You were also asked for documentation to cover your absence of over three days as required by policy. Ten days later you had still not provided this documentation.

On September 22, 2017 you were given the City Manager's Department Head Expectations and confidentiality letter to sign.



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On September 27, 2017 the City Manager began receiving reports from staff members stating that the EDC Board agenda items you presented that day went very poorly. Your presentation appeared to leave the Board Members confused with what needed to be done and it was difficult for them to conduct business. A retreat item was presented again for consideration by you and you still did not have a date for a retreat or items for the retreat agenda which was the purpose of the item. In reviewing these reports she found that I had sat down with you a few days prior to the meeting and went over each agenda item line by line on how to present the item and pare it down where you give enough information for them to make a decision and the recommendation by staff at the end.

On October 2, the City Manager met with you again to discuss your lack of performance and to place you on a three month Performance Improvement Plan (PIP). This plan outlined five Job Responsibilities that needed immediate improvement and five Competencies to be improved as well. Specific improvements/assignments were listed under each Responsibility and Competency. Follow up meetings were assigned on specific dates (10/23/17, 11/20/17, and 12/20/17) with instruction that you were responsible for contacting Kevin Keller to have these placed on her calendar for each monthly review. It was stressed that part of the rating for the performance improvement plan was for you to schedule each of the follow up meetings.

On October 17, 2017 the City Manager met with you to specifically discuss the EDC agenda. Your agenda items were not accurate enough to give the public an understanding of what was going to be discussed as required by the Texas Open Meeting Act. She discussed the difference between "Consideration and Action" and Consideration and Direction" with you so you would know which to use in what setting as you said you did not know which was which. When she asked you if you knew enough about the financial status and transactions of the EDC to update the Board, your response was "I hope so". The City Manager again explained walking quorums and potential violations of the Texas Open Meeting Act as several Board Members were tagging each other in this fashion and you needed to control this. In the end, the City Manager told you to let Velia give this report and to watch and learn how to do it correctly.

The first PIP review meeting date of October 23, 2017 passed and you did not schedule a meeting to review your PIP. On October 25, 2017 you scheduled a meeting with the City Manager and when you met with her. She asked you what the purpose of the meeting was. You stated "I watched the agenda recordings like you asked me to and I have been doing very poorly. I want to learn how to present agenda items like you do." The City Manager spent over an hour (again) teaching you Agenda Quick entry, agenda item preparation, agenda entry deadlines, and how to present agenda items. She actually practiced presenting each of the agenda items with you and made specific suggestions for each item for your presentation that evening at the meeting. You did fairly well with the first agenda item you presented but then began to stray from the way you had practiced with her on the second item. The City Manager had to provide direction from her seat to fill in the gaps in your presentation. It should be noted that the City Manager reminded you that you had review dates in your PIP that you needed to



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not forget to schedule. You stated you were on top of that and you thought the "first one was coming up the 27th or 28th and you would get them scheduled." To date you have not scheduled any of the review meetings with Kevin Keller to place them on her calendar.

On November 06, 2017, all Directors were scheduled through Outlook for Agenda Review at 9:00 am for the City Council meeting on November 07, 2017. You were scheduled through Outlook for a second meeting immediately following the first to review the agenda for the EDC special meeting being held that evening. You confirmed attendance for both meetings through Outlook. I also sent you an email reminder of the EDC agenda review the morning of November 01, 2017. Just before 9:00 am Kevin Keller texted you to see if you were coming to the agenda review. Your response was "Dang, Still at BS&W for a blood draw. Darn, I overlooked it and focused on special meeting tonight. Should I leave, be late, or ask forgiveness?" Kevin reminded you that you had EDC agenda review at 9:15 am and be present for that. The City Manager received a text from you at 9:15 am stating you were at "BS&W in Cove. Should not be long as you waited 47 minutes." She texted you that you still had tonight's meeting to discuss. You walked into the Technology Center at around 9:40 am and approached Kevin's office where Eddie, Ryan and Kevin were talking. Kevin reported that there was no sense of urgency and you made mention of missing the 9:15 am EDC review meeting. Kevin told you that meeting was still on-going in the conference and suggested you get there.

You arrived with no paper or pen and Kevin had to provide those items for you before you came to the meeting room. The City Manager spoke about the agenda and asked you if you had sent the Information Item to the Board as they had requested. You stated that you had only sent it to two members. She again explained the Open Meeting act and possible penalties for violations and how to properly send an Information Item by BCC through the City Secretary's office to avoid a walking quorum. You started talking about your past and how you never had to worry about that in the past and that you were bringing in millions of dollars and were untouchable. I asked you if you thought that was a good thing to say, that you were untouchable and above the law. You said you thought being untouchable was a great thing and there was nothing wrong with it.

The City Manager explained that we followed all of the Open Meetings Act and other applicable laws here and that perhaps searching the internet to see how many people the Attorney General had prosecuted for violations of the Open Meetings Act would be helpful. You again stated that you were a "salesman" and not good at all this other stuff. The City Manager stated that she fully understand that and reminded you that she had given you direction to go to the board and seek approval for an administrative position to assist you. The City Manager explained that the City Secretary, the City Manager and myself would not continue to do all the administrative pieces of your job that you keep failing at. She again directed you to present to the board your needs for an administrative assistance.

Later that day the City Manager sent you an email asking for documentation for you absence since you had missed two appointments that morning. Your response was: "Will happily give you that ma'am. I



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will also get Dr to sign unpaid leave for procedure tomorrow. Out all day..." It should be noted that there were no entries into Timeclock as had been discussed with you on a number of occasions and it is difficult to believe you would receive notice for a procedure less than 24 hours in advance. You did not bring in any documentation. I called the BS&W clinic in Cove to inquire about your appointment for the blood draw as we had the location and date of that service. The BS&W Clinic representative stated that you were not seen in the clinic for any reason (including lab work) the morning of November 06, 2017.

At the Council Meeting that evening you presented an item on approving a shared facility agreement between the City of Copperas Cove and the Economic Development Corporation. Your presentation of the item was so poor that the council went off on a tangent trying to understand the purpose of the item and started discussing the wrong issue. The City Manager had to intervene from the dais and represent the item properly and with that presentation the deliberation lasted less than a few minutes and the item was passed.

Per Article IV Administrative Services, Section 4.03 Department Heads of the City Charter, the City Manager is removing you from your position and terminating your employment for unsatisfactory performance effective close of business November 08, 2017.

Please note that you must turn in all outstanding uniforms, keys, identification badges and policy disks assigned to you or the cost of items outstanding with the City of Copperas Cove will be collected from your final paycheck.

Your final paycheck will be available for pickup after 9:00 AM on November 14, 2017 in the Human Resources Department.

If you have any questions please contact me as listed below.

Sincerely,

Roy (Jeff) Davis
Director, Human Resources
rdavis@copperascovetx.gov
Tel: 254-542-8922 Fax: 254-542-8923

Cc: OPF