

DRAFT
**SPECIAL COUNCIL MEETING
OF THE MAYOR AND CITY COUNCIL
IN THE COUNCIL CHAMBERS - 81 ELKHORN ROAD
CITY OF SUN VALLEY, IDAHO
February 25, 2013 – 3:00 p.m.**

CALL TO ORDER

Mayor Briscoe called the meeting to order at 3:03 p.m.

ROLL CALL

PRESENT: Mayor Dewayne Briscoe, Council President Bob Youngman, Council Member Nils Ribi, Council Member Franz Suhadolnik, and Council Member Michelle Griffith.

ABSENT: None

PUBLIC COMMENT

Sun Valley resident Milt Adam made comments regarding the Sun Valley Fire Department.

QUESTIONS FROM THE PRESS

None.

COUNCIL COMMENT

None.

MAYOR COMMENT

Mayor Briscoe read a letter aloud from Lisa Stoke regarding her need to step down as chair of the Comprehensive Plan Steering Committee. Mayor Briscoe shared that Sun Valley resident Peter Palmedo volunteered to take Lisa's place as chair.

Mayor Briscoe addressed constituent comments shared during the last City Council meeting relating to the City's participation in PERSI. Mayor Briscoe read a statement he provided to City employees in regards to the topic and shared research provided by the Temporary Public Safety Administrator Walk Femling.

Mayor Briscoe shared the introduction of legislation from Driggs, Idaho regarding liquor licenses.

ACTION/DISCUSSION

1. Discussion and possible action regarding amendments to the City of Sun Valley Personnel Policy;

City Administrator Susan Robertson provided an overview of the proposed revisions to the City Personnel Policy based on the Council discussion at the previous Council meeting. Council Member Michelle Griffith had provided City Administrator Robertson with some suggestions.

City Administrator Robertson shared her review of those suggestions with the Council. City Administrator Robertson stated it is now in front of the Council to determine whether any of these suggestions would become amendments to the policy.

Council Member Nils Ribi shared he had reviewed his notes from the October Council meeting regarding the personnel policy changes as well as listened to Granicus and found the current policy to reflect the changes the Council discussed.

Council Member Franz Suhadolnik asked whether the sabbatical leave had been discontinued. City Administrator Robertson verified it had. Council Member Suhadolnik requested that Idaho statutes that apply to City employees be included in the personnel manual to ensure employees were made aware of them. Council President Bob Youngman agreed the statutes should be included.

Council Member Suhadolnik asked a question regarding benefits for part-time employees, specifically relating to Interim Fire Chief Ray Franco and Acting Assistant Fire Chief Mal Pryor. City Administrator Robertson responded they are full-time employees and shared their benefit information with the Council.

MOTION

Council Member Suhadolnik made a motion to appoint the City Administrator as a City Officer, seconded by Council President Youngman.

Mayor Briscoe asked City Attorney Adam King for his consultation on the suggested motion. City Attorney Adam King confirmed such an action was within the City's statutory ability. Council Member Ribi asked whether it would affect the current contract with the City Administrator. A discussion was held between Council and the city attorney in regards to what impact appointing the City Administrator as a City Officer would have on her current contract. City Attorney Adam advised that the City revise the contract with City Administrator Robertson to reflect such a change, and explained that as a City Officer, it would take a unanimous vote of the Council or the Mayor plus two Council Members in order to remove the City Administrator if appointed as an officer. Council Member Suhadolnik shared his concern regarding continuity for the City as his reasoning for making the motion.

Mayor Briscoe called for a vote on the motion. A roll call vote was taken. All in favor, none opposed. The motion carried.

Council Member Griffith wanted to clarify that she did not feel the personnel document presented was completely wrong, but she was concerned about the whistleblower policy and providing a means for an employee to go outside the City with a complaint, if needed. A discussion was held between the Council, City Attorney, and City Administrator regarding the options for establishing a person outside the City to handle complaints. City Attorney Adam King recommended an ombudsperson and described to the Council what that position would entail. City Administrator Robertson shared information from ICRMP regarding ombudsman's in Idaho. Council Member Griffith asked that further investigation be made into an efficient or cost-effective way for employees to be able to make complaints outside the City, and that such a method be made clear to employees through the personnel manual.

Council Member Griffith asked a question regarding the document retention policy as mentioned in the personnel manual and how employees are made aware of policies in effect in the City. Council Member Griffith stated she felt the procurement policy should be specific in the personnel policy. Council Member Griffith shared her opinion that the City should make sure employees know where all the rules are that they are supposed to follow and where to find them. Council Member Griffith asked a question regarding the accrual period for vacation time was raised. Council Member Ribic confirmed that those were the accruals the Council had agreed to.

Council President Youngman shared the concern about the need for whistleblower or ombudsman information in the personnel manual. Council President Youngman supported a future proposal from staff for changes to the document retention policy and would also like to see a proposal from staff regarding changing auditing firms. Vacation days- shared a perception as did MG that it was a different discussion. Council President Youngman shared his confusion regarding the allotment of vacation and that it did not reflect what he remembered from their previous discussions. City Administrator Robertson shared that the policy in place previously gave three weeks vacation in the second year. Council President Youngman discussed the definition of the Mayor's 'designee' and that there should be very clear selection rules around how someone becomes a designee.

Council Member Ribic shared his thoughts regarding a whistleblower policy and suggested there was room to allow another outlet and highlighted a section in policy requiring a neutral, outside investigator be retained. Council Member Ribic noted the records retention policy was a separate issue but should probably be looked at again. Council Member Ribic shared in regards to the change of auditing firms he felt they would be binding a future Council with a policy for changing auditors. Council Member Ribic suggested the addition of a non-discrimination statement that includes sexual-orientation and gender identity.

Mayor Briscoe opened the discussion up to Public Comment.

Sun Valley resident Kevin Laird shared the City of Boise has had an ombudsman in the past and could be an example to look into.

Council Member Suhadolnik asked whether merit pay was allotted for in the budget. Finance Manager/Treasurer Walls responded that a line item was merit was in the budget.

Council Member Griffith agreed with Council Member Ribic's comments about future Council's choosing to ignore a policy requiring changing auditing firms but said she still thinks it is something that should be considered. Council President Youngman said a future Council could change any policy at any time and that he did see an issue.

Council Member Ribic asked whether there should be a resolution to adopt any changes to the manual and also shared his concern that changing auditing firms every five years seemed like a lot of extra work for staff to prepare the necessary information. City Attorney Adam King suggested the policy manual be amended by resolution each time. City Administrator Robertson said a resolution could be drafted by the regular meeting in March.

Council Member Suhadolnik and Council Member Griffith discussed the idea of requiring a change in auditing firms every five years.

The Council asked staff to prepare a resolution and revised personnel policy that addressed the concerns discussed such as a whistleblower option.

Mayor Briscoe made comments regarding his concern about the current auditor and their refusal to provide the comments submitted by outside people on past audits.

2. Review and discussion regarding Fire Department budget and estimated personnel expenditures for 2013;

Mayor Briscoe shared that the City will be doing a budget adjustment soon, and the agenda item is meant to serve as an update.

Interim Fire Chief Franco made a presentation to the Council regarding the findings of the McGrath report regarding the department's need to address training and records retention. Council President Youngman asked questions relating to the McGrath report and how the training deficiencies were discussed. Interim Fire Chief Franco responded that the IFSAC training was where the department was found to be deficient and shared they are now training at the same level as other local departments. Council President Youngman asked questions regarding the standards for record keeping. Interim Fire Chief Franco discussed their efforts to find an improved records retention program for the department and the need to train staff to use the program effectively.

Council President Youngman asked for an explanation of the Code Enforcement Officer and Training Officer staffing needs. Interim Fire Chief Franco described both positions and the requirements for both. Council President Youngman stated having an insufficient budget for training is unacceptable.

Mayor Briscoe asked Interim Fire Chief Franco to explain other tasks for the Code Enforcement Officer. Interim Fire Chief Franco responded and touched on the reduction in response time now that fire employees are located at the station throughout the day.

Council Member Ribic had questions regarding the financial information provided. Finance Manager/Treasurer Angela Walls provided clarification on the figures. Council Member Suhadolnik and Interim Fire Chief Franco discussed the timing for the department to satisfy the points made in the McGrath report. Interim Chief Franco provided a review of past fire department budgets. Council Member Suhadolnik asked if training was up to par. Interim Fire Chief Franco responded yes, but that he felt the department is still improving.

Council Member Griffith asked questions regarding the figures for software needs. Interim Fire Chief Franco and Finance Manager/Treasurer Walls clarified the provided figures. Council Member Griffith asked whether the training financial needs were for training that could actually be completed within this fiscal year. Interim Fire Chief reviewed the current training status of the department firefighters. Training Officer Robran shared which trainings would be for this year and which for next year. Council Member Griffith recommended a portion of the next newsletter be dedicated to the Fire Department. Training Officer Robran shared he plans to

interact with the community during the summer regarding defensible space and other wildland fire concerns.

Council Member Ribí asked what needed expenses could be absorbed into the current budget and what would be needed to amend the budget. Interim Fire Chief Franco responded to the question. Training Officer Robran said he was looking into more of the training needs and financial requirements.

Mayor Briscoe made comments regarding the mutual aid agreement and the need to be up to standard in order to satisfy the concerns of the City of Ketchum. Council Member Suhadolnik asked about how many times the City of Sun Valley responds for Ketchum or vice versa. Interim Fire Chief Franco responded that the City responds to Ketchum more, but not by a large difference.

Council President Youngman asked that they provide an accurate impact estimate for this fiscal year for the training that would actually occur in this year. Council President Youngman and Mayor Briscoe both shared comments from Ketchum elected officials regarding subsidizing the City of Sun Valley Fire Department.

BREAK

Mayor Briscoe called for a break at 4:44 p.m.

The meeting was resumed at 4:51 p.m.

3. Discussion and possible action regarding revised legal services agreement with Naylor & Hales, P.C.;

City Administrator Robertson provided a review of the revisions to the agreement. City Attorney Adam King stated there is no question whether the City needs to continue to have counsel to represent it on these issues.

Mayor asked the Council for a motion. Council Member Suhadolnik asked a question of City Attorney Adam King regarding the need for representation. City Attorney Adam King shared that the Council could go into executive session to discuss the contract if desired. Council Member Griffith stated her preference to hold an executive session afterward as listed on the agenda.

Council Member Suhadolnik asked if the City would have to hire another attorney if they did not hire Naylor. City Attorney Adam King responded yes. Council Member Suhadolnik shared concern over the 'withdrawal portion of the contract. City Attorney Adam King informed the Council of the attorney legal requirements regarding withdrawal from a case. The Council and City Attorney worked on proposed language to satisfy Council Member Suhadolnik's concern.

Mayor Briscoe encouraged the Council to attend the hearings to experience what Naylor is dealing with on behalf of the City.

MOTION

Council Member Suhadolnik moved that the Sun Valley City Council approve the amended legal services agreement Naylor and Hales, P.C. to represent the city in case files 8620, 8617, and

8715 with the addition of the sentence in the withdrawal section of the contract, seconded by Council Member Griffith.

Council Member Ribí stated he did not have any issues with the 8620 case.

A roll call vote was taken. Council President Youngman, Council Member Suhadolnik, and Council Member Griffith in favor; Council Member Ribí abstained. The motion carried.

Council Member Suhadolnik made a comment regarding an affidavit and asked a question of City Attorney Adam King. Mayor Briscoe recommended that such be reserved for an executive session.

4. Discussion and possible action regarding City Council meeting frequency, starting time, and duration.

Mayor Briscoe asked City Administrator Robertson if she had any comments for Council. City Administrator Robertson provided an overview of her memo reflecting staff recommendations for reduction meeting length.

The Mayor and Council had a discussion regarding development of the agenda and the process for recommending items for the agenda. Council President Youngman encouraged Council members to email the Mayor directly with their agenda requests. There was a discussion among the Council members regarding the responsibilities of the Council President.

The Mayor and Council had a discussion regarding how meetings are run, how to hold more effective and efficient meetings, and whether to change the meeting starting time. Council Member Suhadolnik shared his thoughts on the public comment time period being held to three minutes and not debating comments not related to the agenda. Council Member Griffith said she would like the Council to try and stay more on topic and not focus so much time on things such as clerical edits that can be provided to staff in advance. Council Member Griffith felt it important to keep the meeting times to after the main business hours. Council President Youngman concurred with Council Member Griffith.

The Mayor and Council discussed the responsibilities of the Mayor in keeping the discussion at meetings on topic and enforcing the meeting rules. Council members shared their desire to have Council packets available earlier than Friday. There was a discussion regarding the need for Council members to practice some self-regulation for staying on subject.

Council President Youngman suggested making a motion for meetings to end by 9:00 p.m. Council Member Griffith agreed with the idea.

MOTION

Council President Youngman moved to amend the monthly Council meeting protocol to include a set meeting ending time of 9:00 p.m. and a starting time of 4:00 p.m., seconded by Council Member Griffith.

A discussion was held regarding the reasoning for the suggested start and end times and how the cutoff time would work if there were remaining agenda items. Council Member Griffith suggested allowing an exception to hold executive sessions after 9:00 p.m.

Mayor Briscoe opened the subject for public comment.

Sun Valley resident Kevin Laird shared his opinion on the proposed meeting times and that special meetings could be used to focus on particular issues such as Juniper Road.

Mayor Briscoe called for the vote. A roll call vote was taken. All in favor, none opposed. The motion carried.

Mayor Briscoe clarified that any agenda subject being discussed at 9:00 p.m. will be allowed to be completed.

ADJOURNMENT

MOTION

Council Member Ribi moved to adjourn, seconded by Council Member Griffith. A roll call vote was taken. All in favor, none opposed. The motion carried.

Mayor Briscoe declared the meeting adjourned at 5:45 p.m.

Dewayne Briscoe, Mayor

Hannah L. Stauts, City Clerk