



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Wednesday, January 11, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jim Brass	Council Chairman
Jared Shaver	Council Vice Chairman
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Brett A. Hales	Council Member

Others in Attendance:

Frank Nakamura	City Attorney
Michael D. Wagstaff	Council Executive Director
Janet M. Lopez	Council Office
Jan Wells	Mayor's Chief of Staff

Mr. Brass called the Council Initiative Workshop to order at 3:37 p.m. and welcomed those present.

Discussion Item #1

Council Leadership Descriptions

Mr. Wagstaff reminded the group of a previous discussion to create some guideposts of duties for various positions within the Council.

He explained that he and Mr. Stam had met with Mr. Tingey to outline a description of what the RDA chair does. He clarified that this should not be so detailed it removes any opportunity for a person to exercise his/her own personality into the position. However, we want to create a legacy for incoming Council members taking positions, what they do, how they go about it and what it entails, because there is no direction currently.

Mr. Brass confirmed that it would be a baseline level of expectations for each job.

Mr. Wagstaff said positions are for the Council chair, Budget chair and RDA chair.

Mr. Brass pointed out that Mr. Wagstaff had written one for the RDA chair and he thought it hit the highlights without getting into too much detail.

Mr. Wagstaff stated that the Council chair had not been done and he is looking for some guidance.

Mr. Shaver asked if the decision that day would be whether it is good and something to pursue. Other Council members confirmed that.

Mr. Stam noted that this conversation first took place about one and a half years earlier and it was never completed. He asked if everyone liked what was written for the RDA chair and how to put together the other two positions.

When the training for new Council members takes place and one is told that they serve in a certain capacity, somewhere the expectations should be conveyed, Mr. Shaver stated. He related that the job description in its most basic form is needed.

Mr. Brass described that the Council chair conducts the Council Initiative Workshop, the Committee of the Whole, signs documents and is the voice of the Council to the press. Beyond that, Mr. Brass felt that far too much had been inferred into the job.

Mr. Shaver added one other responsibility of the chair and that is the voice of the Council to the Administration. Mr. Brass agreed. Whatever initiative is begun should be conferred to the Administration by the Chair.

Mr. Hales noted that the Council meetings have shared responsibility for conducting. It is rotated through each person.

Mr. Brass liked the RDA because it is general, it gives the basics and leaves room so everyone can give their own personality to it. He also mentioned the importance of changing after two years.

Mr. Wagstaff said that there are some term limits. Mr. Brass said that two years is good because the first year is a learning time and the second year is easier. We do not have to guarantee two years. Mr. Shaver likes some continuity over two years. If someone stays in too long the position becomes overly important.

Mr. Nicponski asked if it is natural for the vice chair to move right into chair the following year. Mr. Brass said it is not written that way, although, it can happen. He further explained that Planning and Zoning has a one year limit with no opportunity to succeed yourself.

Mr. Shaver mentioned that when the RDA meets, he intends to nominate Mr.

Brass as vice chair because he has a wealth of knowledge in that area. He has already served as chair several years. Mr. Stam is the current chair.

As far as Budget chair, Mr. Wagstaff pointed out that there is a calendar to be determined every year. He is referring to the entire Murray City budget.

Mr. Hales asked about the budget process and if the Mayor is part of the approval process. Mr. Wagstaff explained that it is similar to the federal with the president and legislature. The budget originates with the Mayor and his administration. They send it to the legislative branch, the Council. After the Council approves, it goes back to the Mayor. Mr. Shaver clarified that once the budget is approved the Mayor and administration acts on what the Council has approved. The Council has review authority, like the midyear budget review that will take place in a couple of weeks.

Mr. Brass added that the Council appropriates the money and the administration executes it, or spends it. He detailed that the Council will get a suggested budget that the department heads have brought to the Mayor and he has approved. The Council makes changes and approves the final budget.

Mr. Nicponski asked about the budget time line. Mr. Wagstaff mentioned that the department heads start early in the year, about now. Then they send it to the Council, who approves by the end of June. Mr. Brass said that during midyear review they may get an idea of what next year may look like. May and June are the discussions.

Mr. Nakamura said that by state law the tentative budget must be to the Council by the first Tuesday in May. The Council must hold a public hearing and have the budget adopted before June 22.

Once the budget has been approved, Mr. Hales asked if we trust the administration to run their budget or if the Council is constantly following up. Mr. Shaver mentioned that occasionally the Council is called upon to "open the budget" to make adjustments on things that were not foreseen at approval time. For example, there may be an opportunity to receive grant money during the year, or perhaps the fire truck has had an engine problem; therefore, we must hold public hearings to receive grants or make arrangements for expenditures. We "open the budget" as little as possible during the year, but it does happen.

Mr. Brass stated that if we receive a homeland security grant, we must open the budget to add the revenue from the grant and approve the expenditures. It becomes a net change of zero to the budget; however, the public hearing must be held.

Mr. Shaver mentioned that under the Budget and Finance Committee there is also an audit committee and participants may be asked to serve on that.

Mr. Stam asked if the Council chair should also approve agendas. Mr. Brass

stated that is in the Council Rules currently.

Mr. Wagstaff would draft the position responsibilities and send them out. Once it is finalized, it needs formal adoption before going into the Council Handbook.

Discussion Item #2

Municipal Administration Reviews

Mr. Shaver explained that it is in the purview of the Council to conduct administrative reviews. The Council has talked about reviewing single departments, how the department is managed, the budgeting of the department, etc. It would be a single department reviewed or financially audited at a time.

Mr. Wagstaff expressed that this was originally brought up by Mr. Dredge and the single audit was expanded into the Strategic Plan that is being conducted now. This topic is just coming back to single department audits.

Mr. Hales concluded that currently individual departments are not audited. When the Financial Statement was reported recently, the individual departments were not audited, he asked.

Mr. Wagstaff said that various audits have been conducted in the past, although, this would be a way to formalize department auditing going forward. The Information Technology (IT) audit was done by Azumuth recently. Under the umbrella of the Council this should be done as management and performance audits.

Generally speaking isn't someone hired to do the department audits, Mr. Nicponski asked.

Mr. Shaver mentioned that a general audit (financial) is done which was reported the previous week. Mr. Hales stated his assumption that every department was done along with the financial audit of the City. He asked what is being referred to when they talk about department audits.

These audits under the Council would be management and service audits, Mr. Wagstaff responded. The IT audit was not just financial. It was to determine if, as a City, Murray is up on what is available - technology available to run the City well. It was discovered that in many areas Murray is not where it should be, Mr. Shaver related. Some computers are many years outdated. How we communicate interdepartmentally was discussed. It was an overall review of the technology in the City. Part of the outcome was the formation of the IT Governance Committee formed by Tim Tingey. Product decisions will be made by this committee and it is a way of doing business more effectively.

Mr. Shaver mentioned his surprise at discovering that the City owns programs

that could improve service, which are not being used.

Mr. Shaver reiterated that as a Council it would like to go through the City departments to do these reviews. It could be actual technology owned, how it is used, how the budget is used, how requisition forms are submitted; it is a review of each department.

Mr. Nicponski asked under whose purview the Financial Audit was done. That was done under the Finance Director, Mr. Wagstaff commented. The binder is the executive summary and it is done annually by statute.

Mr. Hales asked if a review of Parks and Recreation were done, would Mr. Hill be involved with that. Mr. Wagstaff said that it would not be profitable without Mr. Hill's input.

Mr. Shaver proposed the idea of a review of the Park Center as a service to the community. He said that it could answer the following: is it managed well, does it have the equipment needed, how is the funding done, is the basketball court used to the fullest extent, and are the charges for services enough? All of these things could be under review. It would be beneficial to have Mr. Hill and Ms. Williams involved.

Mr. Nicponski asked if the department heads conduct annual audits, or if some do and some do not, is there any uniformity.

Ms. Wells informed the Council that they will all receive a report in the next few weeks called the End of the Year Report that contains statistics of the things done for the year. From that, you will be able to see where the budget was spent. It will not be listed by dollars and cents, however, it will give an overview of what was accomplished. This is completed by each department.

Mr. Nicponski asked if this is something completed by the department head or by an outside party. Ms. Wells responded that they do it themselves every year.

Mr. Hales mentioned his concern because relating that to his credit union if the Board came in telling the departments how to run their area, it may be a problem because they are not there on a day to day basis to know the things that are dealt with. He would feel pressured to have a Board member do this. Mr. Shaver pointed out that this is not a review that the Council would do itself. An expert, someone who fully understands the department being audited, would be hired to complete this audit. The IT study is a perfect example where an outside company was hired to do this.

Mr. Hales asked why the Council would do this sort of audit. He wondered why the Council needs to go beyond the report that will be coming from the administration.

Mr. Shaver related that just like looking into a mirror, we are looking at a two dimensional image of the three-dimensional face. We get so used to looking at it that we believe that is what we look like. In reality, when someone else looks at you they see a three-dimensional face because they have an objective viewpoint. When a writer edits their own work, they overlook mistakes. Sometimes an outside perspective can give a different view. We lose perspective when we look at things day after day. Mr. Hales agreed with the finance side; however, he does not understand the management audit.

Mr. Wagstaff noted that from the IT study many things came out that are now being implemented in the City to make the system run better.

Mr. Stam said that things change, business in government must be open, we must show that we are spending public dollars as efficiently as possible. People do not want higher taxes because the City is being wasteful. By having an audit the City is making sure it is being resourceful and conducting business properly. It is important to know that things are not being done just out of habit, but in a way that may save money and stay up to date with best practices. We are responsible to our citizens.

Mr. Hales feels that there must be some trust and that is why we have we have administrators. We could always be worried about someone taking money.

Mr. Nicponski said that he feels his constituents do not want him to trust anybody, they want him to be on top of things. He asked if the audits would be one of the General Fund and then one of each enterprise fund, and would they be done annually or biannually. This would be decided by the discussion, Mr. Shaver added. Mr. Nicponski does feel an outside entity audit would be valuable.

Mr. Brass pointed out that whatever cycle is decided upon, it must be funded, and we have a lot of employees that have not seen a raise in three to four years. They question the need for paying outside consultants every time it is done since they have not even had cost of living raises.

Mr. Shaver addressed the issue of trust. He said this is not about trust. It is about knowledge and access. When the IT study was done, it was discovered that the City owned a software program that was not being used. He asked if that is a trust problem. Others agreed that at that point, it was a trust problem. That was not the intent of the audit, but it was determined that this particular software was never able to be utilized because of the structure of the computer. Now the issue is being uncovered. An outside perspective revealed the best practice.

Mr. Shaver described a police policy in the City that says officers trade in their weapons based on the manufacturer's recommendation. (Mr. Nicponski was surprised at this because it was self serving for the gun manufacturer.) If we compare to policies

of other police departments around us, practices may be different. He said that in Salt Lake the weapon an officer is issued is theirs for their career. If an audit is done on police, then it would be important to have the Chief involved.

That may need to be verified. Most agencies rotate their weapons, Mr. Brass confirmed.

Mr. Hales asked if it is the due diligence of the Council to have professional studies, such as the IT study, completed. Who is responsible? Is it not the manager's job to make sure that purchased tools are being utilized? Mr. Shaver made the point that he does not want to give the impression that it is us against them. With the IT study the administration with the department head felt the need for the outside study. Based on that a set of priorities was established. Whatever area is analyzed, over time, the administration must be involved. On the IT study, some of the department heads' ideas were confirmed, however, regarding some other things he did not agree.

Mr. Stam asked Mr. Hales if his management came to him and asked if they could bring in an outside consultant to help him become more efficient, what would his response be. Mr. Hales confirmed that he would welcome that sort of study. That confirmed what Mr. Shaver had been trying to relate.

Mr. Tingey is now looking at IT to see how the suggestions can be implemented to bring the City up to where it should be.

Mr. Nicponski stated that each of the enterprise funds would be done separately, to determine if functions and service are where they should be. He felt the General Fund would have to be broken out into several key areas, for example, one would not audit police and fire together. Then the Council must figure out what it would cost and how much there is to spend. It is a challenge.

Mr. Stam said that in discussions he has had, there was talk of doing two different areas per year. It would take three to four years to go through the City. Of course, Human Resources would not take much, Mr. Shaver said. When the budget is determined then the Council could decide what should be done with that amount of money and if more than one department could be done.

Mayor Snarr said some hard choices will have to be made, because there will not be the money to do quality studies.

Mr. Nicponski mentioned Fleet as an example. It would be nice to have someone from the outside come in and compare services relative to financing. He said it would take someone else to inform the Council.

Mr. Shaver brought up an area that Mr. Nicponski was more familiar with. He

said that as more cities around Murray go with the Unified Police Force there will be pressure for Murray to do that. He questioned should Murray do it or not, would it be cost effective to do that. Those are decisions the Council may face in the next little while. Unified Fire, we have our own, should we continue to operate it? The only way to know is to have full knowledge and understanding of how our departments function and work and the benefit it is to the City and the control the Council has. The Council could opt to go outside and have someone else put the people in place and Murray would have a Captain over them. Those are decisions in which a review would allow us to have the knowledge that the Council needs to make decisions or that kind. Is it cost effective?

Mr. Nicponski commented that he would have to pass on that as he has two conflicts in that regard. He works with the UPD (Unified Police Department) and the UFA (Unified Fire Authority). He would wait to see what the Council decided and then he would do the Council's bidding on that.

Mr. Nakamura thanked Mr. Nicponski for his disclosure.

Mr. Nicponski says there is a rumor within the Police Department that he would like to do that and he is not. He said that, honestly, he has made it clear to the Sheriff that certain departments are just not going to be UPD. Salt Lake City, South Salt Lake, West Valley City, Murray, and Sandy City all have sustainable populations. Should it be studied, absolutely, Mr. Nicponski added.

Mr. Brass said that the Council must know what it will cost. Because what is being done, is exactly what the Council has asked department heads not to do. It sounds like the Council is willing to spend whatever it will cost.

Mr. Stam suggested that the Council go out and find out what other cities have done and what different audits cost. That would give a general feel. Mr. Brass confirmed that we should have a base line to talk about. Mr. Shaver said we know what the IT study cost. Ms. Wells said it was done by Azumuth for \$100,000.

Council members agreed on doing a cost study first. Mr. Wagstaff mentioned his ability to do that cost analysis. Mr. Brass said that something would need to be budgeted for that expense. Mr. Shaver concurred on the cost analysis.

Mr. Nicponski confirmed his agreement with an outside company grading the departments, because the Council itself gets graded and they are the ones who represent City needs to the constituents.

Discussion Item #3

Council Travel Policy

Mr. Brass commented that the Utah League of Cities and Towns have a

conference in St. George in April and in Salt Lake in September. The April meeting is a travel issue to consider. The Power Department invites the Council to go to conferences for APPA (American Public Power Association), which meets yearly. UAMPS (Utah Associated Municipal Power Systems) has its annual meeting in various locations. This year they are meeting in Ephraim. The International Council of Shopping Centers (ICSC) is held in Las Vegas every year. Mr. Tingey attends that along with some Council members. The Council needs a policy.

The administration took travel and training out of their budgets last year, Mr. Brass explained. The Council did not request that, however, it was the only way to cut the budget. Council members went to Washington, D.C. for the APPA and to Jackson for UAMPS last year. This is not lost on the employees. He stated that whatever advocacy for whatever is required of the employees should be required of the Council too.

That being said, Mr. Brass urged Council members to attend the APPA meetings, and added that the pre meeting sessions are invaluable; they are a great opportunity for training. There is a cost to the Power Department for airfare, registration, meals and hotel for the Council to attend. The League events come out of the Council budget, ICSC comes out of RDA and power conferences come from the Power Budget. They are all worthwhile, and Mr. Brass feels that travel and training for all City employees is critically important. Power is a \$39 million budget and it is something the Council should know about. They have very good Public Power 101 classes. It is a question of how many Council members go to each event each year. The discussion is how many people should the Council send. He does not feel that the entire Power Board needs to go either. It is treated as a perk.

Mr. Brass feels we should limit attendance to two Council members to an APPA event, and two Council members to ICSC, which will give first hand experience of the cutthroat nature of trying to get businesses to Fashion Place Mall or locations in Murray. He goes because others have not wanted to attend. The deals the City is now crafting for hotels, etc. have come right out of ICSC. They had to be shown the medical center and all the open ground around it. Suddenly, people thought that being first in would be an opportunity to make some money. He mentioned his appreciation for the Economic Development Corporation of Utah (EDCU), but they work for the entire state and they push companies toward areas where there are not redevelopment issues. Mr. Shaver clarified that if we attend then we have a better chance of bringing companies to Murray, than just somewhere in the state. Two Council members who have not attended should go to ICSC. Mr. Brass said that the Las Vegas Convention Center is accessible; although, it is large and crowded.

Mr. Shaver said that it is beneficial for the Council to go. He feels that those attending should be involved in development, such as the chair and vice-chair. Second he feels it should be limited to two people. Mr. Nicponski agreed with the idea of limiting Council attendance, but he asked if it would be acceptable if someone wanted to go at

their own expense. Mr. Shaver shared his low travel costs to Jackson Hole when the City only paid his hotel expense. Mr. Nicponski feels the ICSC is a tremendous experience. He added that the League conferences should be attended by all.

Mr. Brass said that he would like the rule to be two attending ICSC, however, if there is a large project then it pays to have more in attendance representing the City. In advance the Council could decide to send three. But the Council does need to have a policy. However, he stressed that the employees know and talk about it.

Mr. Hales has heard talk from employees who mentioned that UTOPIA staff members received raises. He asked if that were true, since it has been almost four years since raises in Murray.

Mr. Brass pointed out the volume of H & M arguing the value of travel. Mr. Nicponski asked if the departments have travel. Some travel is being done.

Mr. Shaver noted that City revenues have dropped by 15% so the Council has had to cut and cut on budgets. This year with a little increase, we want to reinstate that. Mr. Brass' point is that the Council must set the example for the City. We have to think carefully about how money is spent. APPA is paid for by the Power Fund so it is not as big an issue as General Fund expenditures.

Mr. Nakamura said that some training has been retained in the budget due to the necessity of training for certifications. Mr. Brass would prefer not to cut travel for training, particularly in public safety and power. If we have a policy there is something to fall back on and to set a precedent for incoming Councils.

Mr. Stam asked if travel expense should come out of the Council budget anytime Council members travel on behalf of the City. Some say that is the way it should be allocated. An enterprise fund is treated differently, Mr. Shaver related. This does not affect employees like the General Fund.

Mr. Nicponski noted that Mr. Brass' point is to first be comfortable with supporting these events and then talk about the policy. He agreed with that concept.

Councilman Dredge had interest in all of these issues and he asked Mr. Brass to bring them forward. He feels the travel policy is good business.

Mr. Nicponski likes the idea of being informed on power issues. Decisions made five to ten years ago were debated and chastised but today they have all paid off. You will only know that by attending these functions.

Mr. Brass said that when he ran for office he heard nothing but criticism about the generators the Power Department invested in. The generators allow Murray to buy

power at \$60 on the spot market instead of for \$200.

Mr. Nicponski said the generators are great. He added that he was very impressed with Mr. Haacke and with every department head that met with them on the orientation day.

Mr. Brass confirmed the Council's agreement to come forward with a policy on travel.

Mr. Nicponski offered that by combining the two travel policy examples, one from a Washington municipality and the other from Ogden, would make a good policy.

Mr. Shaver explained that policy criteria would be developed and then brought to the Committee of the Whole.

Discussion Item #4

Council Internal Communication

Mr. Brass explained that Council members attend a variety of different meetings on behalf of the City. VECC, UIA and Central Valley were mentioned. He said that a lot of things get done in meetings that are not communicated. Critical information must be shared with the Council members. Quarterly reporting is done in the Committee of the Whole for entities that have representation from City staff or elected officials.

Other meetings, that are not official boards, like the legislative meeting just previously held, should be communicated with a written note that is sent out to Council members.

Mr. Wagstaff has done this for the Council - Administration meetings. If any two people get together it should be communicated.

Mr. Brass mentioned that the legislative meeting was a discussion of funding streams for the Bus Rapid Transit system from Salt Lake Community College into downtown Murray. We know it is happening because the Council appropriated funds for the environmental impact, but information from this meeting should be communicated so that no one feels that secret meetings are taking place.

Mr. Shaver commented that he does not have the time or ability to focus on the many issues of the City. Having someone summarize meeting data is so much better.

Mr. Brass said that it works best to develop the policy that if someone speaks to him, they are speaking to the entire Council. That creates a stronger Council.

Mr. Shaver mentioned that some of the entities, TransJordan or Central Valley Water for example, boards may decide to give raises. They are committing funds from

the City and we have only one vote. We can lobby the other cities when we know those votes are going to be coming up.

Mr. Hales was pleased to have an understanding of this so that he can respond intelligently to City staff.

Mr. Nicponski said that five working together is more effective than one. He suggested building a network plan around that by who knows who. It would be very helpful.

Mr. Stam noted another issue on internal communication using the example of Judge Thompson's meeting with the Council. By statute he is the only employee that has the right to come before the Council. He brought some valid points that align with the reorganization where some people received raises for increased job responsibilities. Mr. Stam did not know ahead of time that the Judge went to the Council two years prior and he was the last employee to receive a raise, other than Gabe. Mr. Stam did not have that information. Because of longevity on the Council, some members have knowledge that others do not have. He would like someone to brief Council members on that sort of information in advance. Also, when someone does come before the Council he feels that the Council has the responsibility to respond back to them.

There was some discussion about who can come before the Council and as judiciary he has that right. The Mayor's salary would be discussed at budget time. Mr. Brass mentioned that the Employees Association will be offered the opportunity to come in to talk to the Council once a month to start. The back and forth feedback is good. That puts a stop to rumors.

Mr. Shaver addressed the situation with the judge. Had information been given to the Council in advance, then the Council members would have had the entire perspective when listening to the judge.

Mr. Brass urges that Council members talk to each other as well as doing research prior to meetings.

Mr. Stam pointed out that he sent out an opinion regarding the judge's statement to the Council only. He said that he got no response.

Mr. Wagstaff suggested that he could develop, as a guide only, a possible checklist for new Council members with a note to ask for history on each particular subject.

Mr. Brass related that the basic research is even more critical for the new Council members, as 20 years of history was lost with the retiring Council members.

Mr. Hales agreed with this concept and Mr. Nicponski related his feeling that he is getting good data from the Council staff. He would rather have too much than not enough. He also likes this sort of discussion.

The Council Initiative Workshop has been used for a couple of years and to have a business item brought forward. It is necessary to have three Council members agree on the need for the discussion.

Mr. Brass reminded the new Council members that according to the Open and Public Meeting Act everything must be published on an agenda in advance to hold a discussion on any topic.

Mr. Shaver mentioned his understanding that some of the meetings are specifically for Council discussion, whereas, the regular City Council Meeting has a time for public comments. This is a time for people to address the City Council.

Mr. Nicponski was interested in talking about the new city hall. He would like a time for an open discussion among Council members. He would like to know how to go about moving forward on that.

As that was not an agenda item, Mr. Wagstaff offered to explain further, afterwards, how that can happen.

Mr. Hales referred to a public hearing conducted by Mr. Brass where he was able to allow people to speak, but kept the meeting in check. He thought it was very effective and would like to conduct like that because people were happy when they left the meeting.

Mr. Brass mentioned that on the Planning Commission the chair conducts every meeting for a year. Then that responsibility is passed to someone else. He stated that he had learned that if you let angry people speak, within certain rules, often they do not go away angry. You take the time to educate them on the topic. It is important to listen to the people. You do not have to allow cheering and clapping.

Mr. Shaver reiterated that comments should be made to the Council and not between folks in the audience. Mr. Brass said that to eliminate cross talk you can tell people that they must come to the microphone and state their name and address for the record. Mr. Brass said that the leader of a group is given five minutes to talk and the sponsor has 15 minutes.

Mr. Shaver mentioned the need to be gentle with the people, as they are the citizens that the Council represents. But the leader does have to lead the agenda, discussion, and conversation.

Mr. Nicponski stated that the room sets the environment and may influence how a meeting goes. Take the Salt Lake City County building, spread out the people don't feel that there are many present.

Mr. Brass thanked everyone for their input and adjourned the meeting at 4:58 p.m.

Janet M. Lopez
Council Office Administrator