



MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Tuesday, May 1, 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
Janet M. Lopez	Council Office

Mr. Brass welcomed participants to the Council Initiative Workshop at 4:58 p.m.

Discussion Item #1

Council Office Staff

Mr. Brass noted that no decision had been made about the Council Executive Director's position; however, discussions had taken place with him and he was present in that meeting. No decision was made. Additionally, because of the way the agenda item was written, "Council Office Staff," that was all that could be talked about, the positions, job descriptions, expectations and whether those positions are valid. Talking about individuals cannot be done. Another meeting could be scheduled to have that as an agenda item if that is what the Council wants to do. Mr. Brass opened the meeting for discussion.

Mr. Stam asked for clarification if the person with whom the mentioned discussion took place was aware of the terms clarified or if he had a different understanding of the decisions made regarding the Council positions. (Mr. Nakamura stated that the question could be answered.) Mr. Brass stated that he could not say what that person was aware of. Further he expressed that Mr. Wagsaff had called him the previous evening and Mr. Brass told him that no decision had been made and the topic would be discussed in a meeting. No decision would be made until the meeting was done and he stressed that he was very clear on that.

Mr. Nakamura advised that this is a very broad agenda item and that a job description was attached. That is appropriate for discussion. Any specifics beyond that would be inappropriate. He stated that he would appreciate a more specific agenda item if the Council wants to discuss other things. Clearly, no decision of the Council can be made without a vote in an open meeting and three votes are necessary to take any official action.

Mr. Shaver clarified that the current discussion was of the two positions that exist of the Council staff.

Mr. Brass emphasized that no votes or straw polls would be taken in that meeting and if a vote was to take place it would be an agenda item in a Council meeting. If Council direction is determined regarding the number of staff, type of staff or any changes of positions, then that must be brought up in a Council meeting, as well.

Mr. Shaver reiterated that based on the agenda item during the current meeting no discussion of changes could take place, all that would be talked about are the two positions.

Mr. Nakamura confirmed that and noted that no votes on changes could take place. At this point the Council does not even know if future agenda items would be addressed. Now it is discussion of Council staff.

Mr. Brass said that the concern expressed to him has been if the Council needs the position of Executive Director as it exists now. That can be discussed. Mr. Nakamura confirmed that. Mr. Shaver mentioned that the position of secretary to the Council could also be discussed.

Mr. Stam pointed out that the job description of the Council Director was included with the agenda; however, the job description for the Council Secretary or Office Manager is not available. Mr. Shaver stated that it would be helpful to have the descriptions of both staff members to have the present discussion.

Ms. Lopez offered to pull the job description for the Office Secretary position from the website and bring it in. She was excused to do that.

Mr. Hales talked with Mr. Wagstaff who shared what he did and he brings it up to asked what others think about it. The discussion was regarding whether the Council Director position was really needed. Personally, Mr. Hales said that after discussing it with every person present, he feels that it is not necessary to pay that much money out for a Council Director.

Mr. Shaver asked Mr. Hales if the issue is the money or the position. Mr. Hales

responded it is both, but more the cost that is roughly \$120,000 plus a few extra benefits. This includes health and he feels it is a lot. He added that the Council has a Secretary or Office Manager that is a good position to have; however, he is willing to talk about other things too. He personally feels that is a lot to spend for the Council Office.

Mr. Brass asked if Mr. Hales feels the position is unnecessary. Mr. Hales responded that he does; although, after talking with Mr. Stam he feels there is more to it than he originally thought, but he still feels it is not necessary to have. The description he read makes him believe it is a lot of money to pay and the Council could get by with less.

Mr. Stam said that he feels the focus is on money more than on the job duties. He thinks that is a different issue all together.

Mr. Shaver expressed his belief that there were two issues that need to be addressed. In talking about the budget, he recommends starting at zero and moving forward into what the Council needs and must have and how to cover it. Then it can be discussed what the position includes. If we talk about a budget item, and saying the Council budget is too large, then we talk about how to reduce the budget. Both offices can be considered to see how to adjust the money one way or the other. In his mind the discussion is two areas: one budget; and second positions, Executive Director and Office Administrator. If we look at the two positions, their duties and what the Council needs of those duties. Then we may make a decision whether we want to have either one of them and if we want to have either one of them, then we make a decision on budgeting X amount of dollars as a Council for these duties to be performed. We can say it can be done with one person, two people or one and a half persons. If it is decided what things are pertinent to be done, then we decide how to cover these responsibilities, and how much money it will take, Mr. Shaver commented. He feels these are the two discussions that need to take place, and the budget should be looked at separate from duties. If the duties are considered first, then the budget can be established. Others agreed with that concept. He mentioned that the Council Director position could be discussed first and then when wait for Ms. Lopez to bring the other job description. Her position is more detailed according to the way the city does its work.

Mr. Nicponski asked if the question is, do we need the Council Director to carry out the functions of the City Council. Mr. Brass said he feels the point is, do we need an Executive Director and Administrative Assistant. Mr. Shaver agreed that is the question. Once that decision is made, the Council can decide how much money they want to spend to get it done.

Mr. Brass added that if a position is eliminated and it is decided it can be done with one person, then the Council must create that position. Then it must be decided

how to go about hiring the individual that fills that position. Shall an assumption be made using in-house people or put it out?

Mr. Shaver suggested going through the Executive Director position as described by the City Code then go through the second issues.

The job descriptions were detailed:

- Serve as liaison to the administration - Mr. Shaver felt that was an important issue to have someone working directly with the administration to follow up and coordinate.

(Ms. Lopez returned with copies of the Office Administrator III job description and noted that it was not specific to City Council but was a Citywide position. The Council took a short break while Ms. Lopez made copies of the Executive Director job descriptions.)

Mr. Brass commented that the Council members did receive copies of both job descriptions. He continued on with the job description items for the Director:

- Coordinate administrative reviews with assigned Council Members - Council members were not sure of the meaning of that item.
- Coordinates Council Auditing activities as prescribed by law - Mr. Brass explained that the Council has the right to audit the budget and departments. Mr. Shaver said that he feels this relates to the budget chair and vice chair and Mr. Zollinger in his capacity to serve both the Council and Administration. The auditing activities are prescribed by law, not the position.
- Coordinates Council activities regarding City budget analysis, review and adoption - This goes along with the item just before.
- Coordinates Council activities relating to budget tracking and appropriations - This, again, goes with the budget item. Mr. Shaver asked if the three prior items on budgeting taken together are critical. Council members agreed that they are critical.
- Coordinates Council activities related to Council meeting agenda requests - Council members saw this as important. The Council Chair by the Council Rules, and by ordinance, has ultimate say in the agenda. If anyone wants an item on the agenda, they go to the Chair or to Mr. Wagstaff, Mr. Brass explained. Mr. Shaver said that it is critical to have someone to help set agendas for Council meetings, Council Initiative

Workshops and Committee of the Whole. Mr. Stam said that also relates to outside entities who would like to get something on the Murray agenda.

- Coordinates and attends Council meetings, citizen meetings, and other similar meetings as caused by Council Members - Requested might be a better term than caused, Mr. Brass suggested. Mr. Shaver noted that meetings such as with the citizens before the last tax increase. The storm water meeting and individual district meetings, are critical to have staff participation. Mr. Nicponski asked if the new city hall would fall under that purview. Mr. Stam said it includes all meetings of the City Council. Mr. Brass said the scheduling had always gone through the City Council office.
- Under direction of the Chair, supervise Council employees - This line could become mute, otherwise that is part of the job responsibility, Mr. Brass commented.
- Submits a proposed budget for Council Office operations - Council members felt this was an important duty.
- Helps coordinate and provide policy analysis - Mr. Shaver remarked that if the Council establishes a policy and takes a step to do something a particular way then sometimes we need someone to look at how that fits in policy and code.

Mr. Nicponski said that one could basically identify the four main items for the Council's existence: policy, advice and consent, budget and ordinance. Mr. Stam asked if a Council member was going to create a policy would they write it themselves or give direction to someone to write it. Mr. Hales asked if Council members could go to Mr. Nakamura to write policy. Mr. Nicponski confirmed that there are other alternatives. Mr. Stam said the Council needs to evaluate whether it has someone to research and write and then go to Mr. Nakamura for a legal review. Or do Council members go to Mr. Nakamura and have him write policies, Mr. Stam asked. Then would someone else review Mr. Nakamura's work?

Mr. Shaver reviewed that the question is whether it is valuable to have someone on staff to help write policy or add it to Mr. Nakamura's responsibility? He reiterated that there are two City department heads that coordinate and work with the City Council just as closely as with the City administration and those are the City Attorney and the Finance Director. As he looks through the list of job responsibilities, the two areas that are prominent are on policy creation, ordinances, procedures and making sure it is done the correct way and those go to the City attorney whether the City Council has someone on staff or not. Even if we create it, he will look at it for content and will write

it. The other area is budgeting and we need someone on staff to assist and then go to the Finance Director. Would it behoove the Council to have someone on staff to coordinate and work with them or just go to Mr. Zollinger on desires of the Council?

Mr. Stam asked if as budget chair he had the time to do that or does he need someone on staff to help and assist with coordination. Mr. Shaver said that based on his three years of experience that answer was no. Therefore, Mr. Stam noted that it would be important to have someone on staff fulfill the last responsibility.

Mr. Brass suggested that the Council go through the list of Office Administrator III responsibilities. He sees a lot of overlap.

- Uses appropriate software applicable to the department; answer questions from others regarding software programs; determines which software programs the department will use; sets up department accounts on various websites; takes minutes at departmental meetings.
- Provides input into departmental budgets; monitors existing budget expenditures in relation to available budget dollars; inventories and purchases office supplies; provides data entry related to payroll; pays invoices.
- Provides customer relations to solve problems of a technical or complex nature; represents the City at community events.
- Prioritizes technical research and investigation; performs legal or technical research and analysis and offers solutions. - This is an overlap.
- Prioritizes monthly and quarterly projects; provides opinions on important department matters. - Overlap, Council members noted.
- Plans and coordinates departmental projects or community events of a large nature under the direction of a supervisor. - Mr. Shaver mentioned that what is being read was originally written for the administration and if you change that to direction of the Council Chair, then it applies.
- Answers phone when other employees are occupied; responds to requests of a detailed and complex nature; offers information specific to the needs of the customer.
- Utilizes seasoned technical skill; gathers and analyzes data and makes informed recommendations; may perform editing of a technical nature on documents and reports; drafts correspondence; performs complex and

detailed record keeping; completes and maintains records on expungements; responds to GRAMA requests; performs background checks on people or organizations; processes bar cards; interprets and explains policy to public and staff. - This was not appropriate to Council.

- Writes and edits complex reports and documents using an in-depth knowledge of office procedures and processes; utilizes functional knowledge of resources within the department and community to resolve customer problems, etc.
- Performs related duties as required.

Mr. Brass indicated that going by those descriptions there is a lot of overlap in the positions. He asked if one person could handle all of it, or, as Mr. Shaver mentioned could a person and half handle it. The one item not on either description is the legislative analysis, because it was determined in a St. George meeting two year's prior, that the Council did not need someone to do that and if the Council still feels that way, it is fine. It was in the job and then taken out. The City has someone that does that.

Mr. Shaver brought up one other staff member that was hired to do that very thing and is being paid \$40,000. Mr. Brass confirmed that was the lobbyist, which is subject to appropriation every year and an item that can be discussed. He did not feel that person was a staff member technically. That is more of a budget item. It is a contract consultant.

Mr. Nakamura asked the Council to avoid that discussion during this meeting.

Mr. Shaver confirmed that position should be considered under the budget review.

Mr. Stam said that one thing not mentioned is the liaison or coordinator from the Council to the lobbyist. Mr. Shaver asked if that duty should be added to the list. Mr. Hales suggested that a Council person could take that responsibility just as they sit on other committees. Mr. Stam clarified that it was something the Executive Director had been doing: representing the Council to the lobbyist as the lobbyist worked with both the administration and the Council. Mr. Brass said that was a difficult time and Jan Wells was involved in that. It should be discussed during budget meetings. Should the Council choose to have a lobbyist then the Council Director should oversee that position.

Mr. Shaver commented that looking at both the job descriptions, it is an awful lot of responsibility for a single individual. The person coordinating all these activities of the Council, staying late on Tuesdays for all of the meetings, then they are taken away from

the phone. If they attend administrative and council meetings, again, they cannot answer the phone. It looks as if it is requisite; however, at some point a person and a half or person and a quarter as backup may be needed. He noted that Ron Koller, former Treasurer, said that if there are two people in the office and one goes on vacation, someone from another office must be brought in because there is no one to man the phones. If you have a single individual and they take two weeks off, there is no one in the office for two weeks. A temp could be hired, or a person and a half. Mr. Hales agreed with the thought of a lower paid individual for backup.

Mr. Brass said that for him, he does his own research. He goes to Mr. Nakamura for legal advice, the department heads and he has bounced ideas off of Mr. Wagstaff. He added that he bounces things off a lot of people. He does prefer to collect his own data and filter his information himself and he is willing to put in the time to do so. That is his style, he pointed out. Ultimately, the legal department writes up the ordinances that the Council acts upon. Regardless of how anyone starts that process, it ends up in Mr. Nakamura's office. He likes to cut out the middle man. He thinks one person can do this job, however, some backup is necessary for vacations.

Mr. Stam thinks it depends on the ability and time commitment of each Council person. He noted that Mr. Brass may have the ability, time and background to do that research; although, personally, he does not. He spends a lot of time now in City meetings, probably 25 to 30 hours per week, and he is still trying to make a living, which is hard. He needs someone to do this research for him because he does not have the time to do it all himself.

Mr. Nicponski suggested a system change could accommodate both styles without adding anything relative to utilizing existing City departments and staff. It is something that can be discussed, but he felt there was a resource the Council members could avail themselves to.

Mr. Shaver asked what he meant by available resource. Mr. Nicponski said the department heads and their staff and a working relationship with the Mayor and his office. Utilizing those resources could be used under a structured agreement with them and a control of work load.

Mr. Hales said that in his four months he has gone directly to department heads, making sure that it was okay with the Mayor and he has respected that and had great response from department heads.

Mr. Shaver stated that knowing the discussion that would take place in the meeting, he went to three former Council Members and asked what their feelings were

on staff, personnel and how they used them. All three said things similar to what he was hearing: we need a staff in the Council office and objective input on other items is needed at times on other items. Even if we go to department heads, the City attorney, or Finance Director an objective viewpoint outside of that is very helpful. That is the issue for him. We need someone in the office, answering phones, taking care of correspondence, talking about technical issues, someone like an Office Administrator III position or something similar; but sometimes an objective viewpoint outside the perspective of the administration or even our own Council is helpful. That is what three Council members mentioned. Two of them said they did not feel the Executive Director's position was necessary.

Mr. Brass said that if the Council goes down that road, then a position and job description will have to be created for a position and a half or a quarter and then, how the Council goes about filling that will be necessary.

Mr. Shaver suggested that two people from the Council take the two job descriptions and see if one position can be created. Then in another CIW meeting of the Council could look at it to see if it covers everything that is needed. Following that the Council can go on to a budget assessment. If more input from the total Council is needed, the job description can be reworked.

Mr. Brass suggested another CIW be set to discuss it. Giving his opinion, knowing there are five Council members, he recommended Mr. Shaver and Mr. Hales be given the responsibility of working on the job description. He feels they fairly represent both sides of the argument. Mr. Hales and Mr. Nicponski agreed with those individuals.

There was some discussion on when to meet again.

Mr. Stam did not agree with the two people mentioned for representing both sides of the argument. After discussion it was decided that Mr. Shaver and Mr. Nicponski work on the job description.

Mr. Brass proposed that they get it done in a week and have another meeting for discussion.

It was decided that on May 14, 2012 another CIW could be held prior to the budget meeting that was already scheduled.

Mr. Nakamura said the notice requirement was only 24 hours. Please understand there could be no decisions made in that meeting either, he cautioned. He was concerned because there seemed to be some confusion on what could take place.

Mr. Brass said that they would sit down as a group and agree or disagree to the list and then go forward in a Council Meeting. He repeated that no decision had been made on the position. The job had not been vacated nor was the individual who occupies it on any form of administrative leave. He has a job and should come to work the following morning. Mr. Brass agreed to call him that night.

Mr. Brass adjourned the meeting at 5:45 p.m.

Janet M. Lopez
Council Office Administrator