



MURRAY
CITY COUNCIL

MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

A Murray City Council Initiative Workshop was held on Tuesday, July 17, 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
Jan Wells	Mayor's Chief of Staff
Mike Terry	Human Resource Director
Justin Zollinger	Finance Director

Mr. Brass called the meeting to order at 4:30 p.m. and welcomed those in attendance.

Minutes:

Mr. Brass asked for additions, corrections or changes to the Council Initiative Workshop minutes from the meeting held on June 19, 2012. Hearing none Mr. Hales moved approval. Mr. Shaver seconded the motion. Motion carried 5-0.

Discussion Item #1 Council Office Staffing and related matters

Mr. Brass mentioned his recent email request for each Council Members' list of requirements for the Council staff. He read in the Council Handbook that the Council Initiative Workshop is a method of undergoing a "first blush evaluation" of a topic. This would begin here and then move through the process in a Committee of the Whole discussion. He noted the need for this to move forward, as Ms. Lopez had been working in limbo for a while and some backup, full time or part time, was needed. Mr. Shaver asked if that would be for Ms. Lopez. Mr. Brass responded affirmatively detailing that as

long as he had been on the Council and before there had always been a secretary for the person occupying the Council Office. Whatever the positions are called, the Council Rules state that there would be a Council Executive Director and an Office Administrator III. He understands that this will clearly be changed and it will require a Rules change and a meeting to do so. The first task is to decide the description of what the two positions would be, or would there be two positions.

Mr. Shaver commented that his desire was to decide what the tasks are and then what positions can be created to fulfill those duties, whether it is one position, one and a half or two.

Mr. Brass reiterated his request for the required responsibilities. He said that the major position is the Council department head. A person can be appointed with no need to go through advertising and interviewing for the position. There are five people and it should be discussed. This is an appointed position serving "at will." Mr. Terry confirmed that. Mr. Brass said the process does not have to be lengthy.

Mr. Brass said that if Ms. Lopez is hired, she needs to know what it is she will be doing. He stated his belief that a second person is needed, even if it is part time. Ms. Lopez does not need to be answering phones and doing clerical work if she is taking care of the work for Council Members and the ability to take time off is necessary.

Mr. Brass asked for those lists by the following day and commented that his past experience shows that people do not respond when asked to.

Mr. Hales asked to meet with Mr. Terry to go over his list and grades. Mr. Shaver said that he had talked with Mr. Terry. Ms. Lopez is classified as an Office Administrator III without oversight of other employees. The next position step up is one that he asked Mr. Terry to explain.

Mr. Terry explained that there were previously numerous job titles including office manager, secretary, receptionist and office clerical types. A study was done to consolidate these positions into a series of Office Administrators, I, II, III and a supervisor. Ms. Lopez is a level III, which is the highest level without being a supervisor. He distributed copies of the job description and salary ranges (as of the recent COLA).

Mr. Hales asked what that is classified as grade wise. Mr. Terry stated it is a grade 17 and Ms. Lopez is currently a grade 14.

The Office Administrator Supervisor position is a Citywide generic job description. The Council may also create a brand-new job description with very specific customized job responsibilities specific to Ms. Lopez. The Office Administrator Supervisors' description applies to about six people in various departments.

Mr. Shaver said there are very few with this description. He stated that in Power there are two level three Office Administrators and they both report directly to the General Manager. Mr. Haacke serves as their supervisor and that is also a consideration, rather than hiring someone that will then supervise another staff person. The Council Chair could serve as supervisor to an Office Administrator III and a part time person to do strictly clerical work. He said that is also an option; the Council does not have to have a Council Director or Supervisor person. He would like to think of as many different ways and options to move forward as possible. The Council can create the position and rewrite that.

Mr. Brass said that the other issue is that the Council Handbook will be discussed in Committee of the Whole, which explains the job descriptions. They will have to be rewritten depending on what is decided.

Mr. Hales suggested that the Council could use that at a different level if it desired. Mr. Terry said that a specialized job description would be created that applies only to this position. It would be named and a grade selected higher than that. Mr. Brass said that the Council has a specialized job description now, for a position that no longer exists.

Mr. Stam said that he feels the criteria for the job should be established before a grade is decided. Mr. Shaver agreed adding that is what Mr. Brass has asked for. Mr. Shaver is finding it hard because his experience with the Council Office includes the two current positions. It is difficult to think outside that, recreating these two positions and how to fill them.

Mr. Brass mentioned his experience the first four years with Shannon Jacobs who was the Council Executive Director, however, her description was different. When she retired, the description was enhanced; although, the Council could go back to what Ms. Jacobs did. They could go to what Mr. Wagstaff did or in between. He needs to know each person's expectations. His own are different. He likes to do his own research. He looks into things and talks to people. He also likes to have someone to come in and bounce ideas off of. He had that and then he did not. This is not to create policy with each thought, but someone to be honest about thoughts and ideas. He also does not need someone to hold his hand.

Mr. Nicponski also thought the previous position was more than what was needed.

Mr. Hales feels this is a supervisor position.

Mr. Brass mentioned a second email that pointed out Ms. Lopez' work for two people for a while and with money in the budget he would like to look at some way to recognize that, even if it is simply a bonus. Once the expectations of the position are

determined, the Council will ultimately look at a grade to start out. It will certainly be more than an Office Administrator III but probably not as much as the former Executive Director.

Mr. Shaver said that if the Council wants to give her a raise then they may put her in a position not to fit the job that is created. He would suggest a bonus until the issue is resolved but he does agree to some sort of compensation for the work being done. He asked if that is something that could be decided in the current meeting.

Mr. Nakamura said it is internal and like other issues can be discussed and decided in this meeting.

Mr. Shaver asked Mr. Terry if there were other advice to be considered. Mr. Terry said the Council is right on track and once the job duties are understood and decided a job description can be written around that, if they chose not to go with the generic job description. Then some internal equities can be worked on as far as a grade assignment is concerned. Even within a grade assignment there is wide latitude. On a higher grade she could be placed lower and on a lower grade, she could be placed higher.

Mr. Hales said that the best thing to do is give room to grow, because once someone caps, it is tough. This allows one to move along and not be stuck.

Mr. Shaver said that the generic supervisor or III position can be used as a template removing duties that don't apply and add functions without actually recreating a position. He is averse to creating a new position.

Mr. Brass stated that two job descriptions were included in the packet that could be used as the framework for where the jobs are going. The Office Administrator Supervisor can be added to the other two.

Mr. Hales stressed that if you have someone with expertise that has been carrying out the responsibilities already, then they should not be started at the lowest point. Others agreed with that.

Mr. Brass said that Ms. Lopez' five year service award was in and it would be a good time to award that. She has been doing this for five years so she will not be started at the lowest point. A lengthy discussion will take place in the future.

Mr. Brass presented the awards while everyone was present. There was a charm and amethyst ring. Mr. Hales complimented Mr. Brass on including everyone in the presentation. Since we are talking about the future, our five-year employee has done excellent work and he had the pleasure of being a Councilman the entire time.

At that time, Mr. Brass asked Ms. Lopez to step out for the discussion to continue on her position.

Mr. Brass said that a change would be made in the future for whoever has the position. He did not want to do a salary raise, but rather a bonus retroactive to when Ms. Lopez started these job duties. It could be done equivalent to another position.

Mr. Nicponski confirmed that Ms. Lopez' position description would be decided with a salary increase. Others agreed. Mr. Shaver said to look at a grade as an example. Mr. Brass said he recommended a bonus based on a grade 17. Mr. Nicponski wanted to make sure that Ms. Lopez did not think that was all she would get once the position was decided. Others agreed.

Mr. Shaver did not want to confuse those two things. He said that as much as he wants to say it is Ms. Lopez' job, it is her job to lose, not her job to win.

Mr. Hales said he did not feel that way.

Mr. Shaver did agree with Mr. Brass to a bonus compensation based on a grade 17. It would go retroactive and be in effect until a decision was made. Mr. Hales asked for further explanation as he stated that she is too valuable to lose.

Mr. Terry said that with a grade 17, it would be a 10% increase because it is a three-grade jump. Mr. Brass said he would like it calculated back to when the documents were created. And it would go forward or it could be done again. Mr. Nicponski stressed that she is too valuable an employee to be under the perception that a bonus was given and that was that.

Mr. Hales said that he does not want Ms. Lopez to think that the words "it is her job to lose" would come from him. He would never think that and feels she has the job and has his vote.

Mr. Brass said that at this point the Council wants to thank her for taking on the extra responsibility and what value the Council puts on that is the question. Mr. Shaver said that Mr. Wagstaff was given two months and if the Council goes back two months at 10% that would be the bonus.

Mr. Hales asked about the future. Mr. Shaver said we are giving her a bonus based on two months and if we go another two months we can give another one. Mr. Nicponski said that it is important to let her know the Council is working on a new job description. And with a pay increase, Mr. Brass stated. Mr. Shaver said that all Council Members need to agree to that language. Mr. Shaver said he agrees to the bonus but not a job description for her. Mr. Nicponski asked why not. Mr. Hales said that all five do not have to agree, only three have to.

Mr. Nakamura said the City has a policy for employees called working out of classification that happens quite frequently. For example, the police have captains working as battalion chiefs or sergeants working as lieutenants. No explanation has to be given but we do know she is working out of classification. It must be done retroactively. There is a time limit in the City and if one is working out of classification then the City is essentially having someone do that job. The City is disingenuous if there is a lengthy working out of classification so the limit is six months. This is an acknowledgment of her work.

Mr. Brass said he likes that plan, and it is nice for now until the Council creates a job description for the position.

She is already in this for two months and it amounts to \$350 a month, Mr. Terry said. It is an extra \$2 per hour. Mr. Hales said that \$700 for the work done does not seem like much, Mr. Nicponski agreed. We can be careful. Mr. Terry said that she has been doing the work of a 17, but maybe she has been doing work much higher than that, because Mr. Wagstaff was a much higher grade.

Mr. Nakamura said you want to stay within the range of what you are anticipating for the new position.

Mr. Stam said the new position has not been anticipated. He noted that some people have their minds made up and are not open to any other opportunity or suggestion. He asked if there is no other job assignment or duty that would be considered for a job description beyond what Ms. Lopez is at this point capable of doing. He continued stating that the others don't believe they could have someone with a legal background or a land use background that could be beyond what she has in her capability right now. If not and there are three in agreement, why are we wasting our time, Mr. Stam concluded, because the other opinions are not going to matter. Give her the job, he said.

Mr. Brass clarified that everyone has a right to their opinion, whether it differs or not. As a Council, in the past, there have been differing opinions; however, it did not affect the relationships at the end of the day. He is weary of the background noise and everyone is entitled to their opinions. That is why there is a process and why it is followed. It is better for the City because all the 378 employees watch what the Council does.

Mr. Hales said that he disagrees with other Council Members but he walks out the door with respect. He never feels angry with other Members. Mr. Brass said that is good because he senses tension.

Mr. Nicponski said he does not feel it is necessary to go beyond the capabilities that Ms. Lopez offers because Murray has legal counsel and department heads for

expertise. If we get into an adversarial relationship with the Mayor then we may need to revisit that.

Mr. Brass said that he has worked that way for nine years. Murray has a City Attorney and a Deputy City Attorney whose specialty is land use. We have an Administrative Services Director with land use background. We will not find that without paying the maximum amount of money and duplication of services is not necessary. Mr. Nicponski said the Council can go outside the City for expertise too.

Mr. Shaver proposed the Council stick with the process. The process is an open discussion. What we are talking about now is how to compensate an employee who is serving far beyond what was originally capacitated for her to do. He feels that has been decided. He recommends everyone send their information to Mr. Brass who will collate it and get it out. He recommends a retreat rather than a Committee of the Whole so everyone can say what they feel is important. Others need to remain open to that. Then the position can be created by everyone. If three out of five feel Ms. Lopez fills that, then it can be done.

The amount needed to be agreed upon, Mr. Brass said. Others agreed. Mr. Nicponski said \$3,000. Others suggested a grade level she is working to or a percentage of income, like 15%. Mr. Terry said that would be \$3 per hour or \$520 per month. Everyone agreed with that; although, Mr. Nicponski would have liked a little freer spending.

Mr. Brass commented that on more than one occasion he went into a Planning and Zoning meeting knowing exactly how he felt on an issue. Then after listening to the facts given by the attorney and others and by learning new things in some cases he changed his mind. One of the good things about going through this process and getting a list of ideas on the job description is that you may find something you had not thought of and agree that it should be added to the responsibilities. He said that he did not think the Council needed a position that paid what it did previously because the City has other people doing that. Mr. Brass added that Murray is a small city, not Salt Lake, not Ogden, not Provo, and he does not want to be. Murray is a good City and the Council needs to look at what is needed to maintain that expectation.

Mr. Shaver said that he had never been hurt by a discussion and is always open to hearing new ideas, concepts and thoughts. If he disagrees that is okay but he loves the idea of having an open conversation with the opportunity to express opinions and ideas and know that they will be heard, not necessarily received, but heard. As long as they are, he feels good about it.

Mr. Brass agreed and is open to people telling him if they think he is wrong; show him, prove it, he said he will listen; however, he would like to keep the rancor out of it.

Mr. Brass asked that Ms. Lopez be brought back into the room.

Discussion Item #2

Use of General Fund Reserves

Mr. Nicponski brought this up for purposes of discussion to get a sense of what each Council Member envisions when the fund reserves are talked about, whether General Fund or enterprise funds. They may have different applications in our minds. He said they are treated like a sacred cow and sometimes the City may be over funding the General Fund reserves when they could be used as a tool to take care of some other existing problems. He has not heard or seen the specifics of where the City would use the General Fund reserve money, the 18%. If there were an earthquake, where exactly would the money be plugged in? Does the City have insurance to cover catastrophes that we think General Fund money might be used for other than to make a deduction payment? He wanted a brief discussion about how each Member felt about the General Fund reserves and if it is worth looking at using part of it for other projects.

Mr. Shaver recommended that Mr. Nicponski take Mr. Zollinger to lunch to discuss what things the City is insured for and things that are not covered. Second, he feels that budget retreats, part of our policy and handbook and some of the things the Council needs to decide would be the circumstances when the Council would use the reserve money. Part of it is used by the Capital Improvement Program (CIP). He feels there are emergencies that the Council needs to establish policy on or some protocol that is followed in an emergency. What is considered an emergency? It is not a temporary policy. Like we follow policies that were created long before this Council was elected. He feels a retreat is one way to do it.

Mr. Brass suggested the budget retreat topic should also look at: how did we get where we are today, why do we do things the way we do, what is the history?

Mr. Nicponski liked that idea.

Mr. Brass said that the City is behind on a number of things and we have X number of dollars in the bank. As long as he had been on the Council there had been talk of a CIP and if nine years ago planning for a City Hall had been done with money put aside, the City would be further along on that. It has finally started and he would not want to take that part of it down. Just because 18% is the legal amount for a reserve fund balance, is it too much, he posed? It would be a good philosophical discussion.

Several years ago, both boilers at the recreation center went out and they had to be purchased right away. That is what reserves are used for, Mr. Brass noted. The pavilions are another issue. If there were an earthquake and station #81 fell in on the engines and they were destroyed, how much would insurance cover, he asked. Engines would need to be replaced and they cost \$500,000 each. Enterprise fund reserves stays in the enterprise fund and that is law. We can help with ILOT (in lieu of tax

transfer) but there is a cap on that too. We want our enterprise funds to be healthy. Power, for example, reliability is important.

Mayor Snarr mentioned a time when the General Fund had to rescue the Power Fund in the amount of \$5.4 million. That was due to Enron and natural gas prices. Murray was lucky to have the ability to cover that.

Council Members agreed to the idea of a retreat and Mr. Brass said that it is good for everyone to learn and decide if changes need to be made.

Mr. Nicponski said it would be good for Mr. Zollinger to talk about it and educate the Council.

Mr. Brass thinks a minimum of a half day would be necessary. Mr. Shaver said that as part of that discussion, he would like to discuss self insurance. He noted that the City had someone review insurance who noted that Murray was paying more than was necessary and if that is put into our own fund we could insure ourselves in many areas.

Mr. Brass suggested that as budget chair and vice chair, Mr. Shaver and Mr. Hales should set the agenda, with Mr. Nicponski's approval.

Mr. Nicponski asked Mr. Shaver and Mr. Hales to keep this in mind. He would like each of the department heads presents based on a formatted presentation model, with all following the same model. Not all departments would need the same amount of time. Police, fire and public services would need more time. He said that maybe more than a day is needed. It will depend on the format, looking at manpower, fleet and to get a good understanding of the mechanics of the City.

Mr. Brass confirmed that Mr. Nicponski is not looking at a line item explanation as much as where the money goes. Correct. Mr. Nicponski said that even to the extent that the department heads would highlight their areas with something like two to three employees describing what they do on a typical day.

Mr. Hales proposed that Mr. Nicponski meet with Mr. Shaver to detail what he wants, since three Council Members cannot meet together.

Mr. Shaver suggested doing this in three half day sessions. Others concurred. Mr. Nakamura, Mr. Zollinger and the Mayor could be included too.

With no further business the meeting adjourned at 5:27 p.m.

Janet M. Lopez
Council Office Administrator