

**Troy City Council
Work Meeting
Council Chambers
February 10, 2011
6:30 pm**

The meeting came to order at 6:30 pm. Present: Council: Phil Fisher, Gary Rose, and Fran McCully, John Clogston, and City Clerk Sandra Johnson. Mayor Banning excused absent.

GUESTS: Linda Rose, Dennis Dickerson, and Heather McDougall

PROPOSAL FROM NORTHWEST WEB DESIGN: Web Access to City Codes –Dennis Dickerson submitted different options. The first option; the codification proposal would supply the link to the site they host; the City would only have a link to it on their page. Dickerson stated; the other option is to copy and paste or typing all the codes which would involve a lot more time and cost. Phil Fisher stated Sterling offers the maintenance of \$500, we don't know if this is a good thing or not. I don't feel there will be an enormous amount of Ordinances that would justify the \$500 annual fee. Fran McCully asked Dickerson if the city's site is large enough to host the codes. Yes, the site is set up for growth. Heather McDougall stated the website can be utilized a lot more for agendas and minutes. Fisher asked if there is a per hour cost or is it all included. Dickerson advised some months there is more work than others, but usually information in batches are the best way to do this on the web.

AMENDMENT TO AUDIT CONTRACT: It was explained the OMB133 process that auditors are required to do when there is more than \$500,000 in federal funds. Since there is an additional 25 hours involved, there needs to be an amendment to the audit contract. Phil Fisher asked if it is just increased on the additional hours. Fran McCully asked what funds it would come out of. It was answered that all four of the major funds would be expensed. The Auditor will be starting the FY 2010 in March which ended June 30, 2010. This process is very intensive and requires many hours not only of the auditor, but for City Hall as well.

On another matter, Fran McCully asked what the community connection for the DEQ is. It was advised that this a \$2 fee assessed to each water user in the city once a year by the State and billed to the city. The city collects these fees for the State and sends the total amount back to them. Heather McDougall asked; how can you pass this on to the rate payers without a meeting? Fran McCully stated; it's a State water tax then. Heather McDougall asked; I thought you had to have a hearing to raise the water rates, so if you are passing that on, why don't you have to have a hearing for it. This is a State fee to water users and has nothing to do with the city's rate structure. The State has been billing this out for a long time. McDougall stated; that's not a good enough reason. Can the City pass it on legally, is my question. Since it's your fee to the State, and we are paying if for you, you're giving it back to us.

Phil Fisher asked if everyone understood about the audit; it was council's consensus, yes.

PUBLIC COMMENTS:

Fran McCully asked what the claim is for the pizzas. it was lunch for the CPR class.

Phil Fisher stated; we have some items that we want on the agenda

Fran McCully asked for a copy for the City's racial profiling policy. It was advised that the City doesn't have one unless it is included in the State Standard Operating Procedures Policies. Fran McCully asked if there was a sexual harassment policy. It was answered, yes, it is in the personnel policy. Gary Rose asked if there was a tazer policy. It was answered; yes, that is in standard operating policies of the police department through the state. Phil Fisher asked if our Police Department copy's the State SOPs. Yes, we use state policy. It is general, standard, throughout the state. It is sent to the attorney general to make sure everything is ok. Most law enforcement agencies use them. Phil Fisher stated that makes sense, they are trained and certified by the state. Gary Rose asked Fran McCully if Libby has their own policies. She answered; yes. Rose continued; then isn't it true that each city should have their own policies instead of plagiarizing the States, because every city has their own type of government. Fran McCully stated; we discussed this at the last meeting, about police policy and basically we couldn't see it because then everyone would interfere with the ability to do their job. McCully continued; Missoula has one and it's online.

Phil Fisher submitted the items to Sandra Johnson for the agenda.

Heather McDougall stated; I did speak with Wayne Turnes from the POST Academy and he said that police policies are public record. Phil Fisher asked what his title was. McDougall answered; I think he is the director.

Fran McCully brought up the letter that council received in their boxes regarding releasing employee information. She stated; we have attorney general rulings, we have ARMs and MCAs that saying what we are getting in the time slips and that last payroll report that you gave us are not private. They are public information. It was stated what was given to you is public information. McCully asked, so why did we get the letter from the union then. It says in the letter, until there is an attorney to talk to their attorney and they investigate what is going on, we don't do it. Phil Fisher stated; well, it says until there is an attorney gives us a ruling on what we are receiving. In November, this was brought up when Mark Fennessy was still here, and Mark said there was nothing wrong with what we were asking for. Phil Fisher asked who the union representative it. It is Larry Langley, and Bob Boren is the shop steward. Heather McDougall asked; so are you saying you're not going to give them the information that you have been giving them. The clerk answered; we were told to stop. Fran McCully stated; how can they. Gary Rose stated; if you get a letter that says shut down the city next week, is that what you're going to do? So people just say stop and you stop?; We have been getting them. It was stopped because there is certain protocol that should be followed, and I don't want the City to have additional costs when there's not really any need for it until it's straightened out. Fran McCully stated; a union can't issue a cease and desist, it takes a court order. So what are they just playing with us or what. Fran McCully asked again, . Then what's the letter about. We need to talk with Bob Boren. Gary Rose added; somebody that belongs to the union in the city is disgruntled and has an objection to us seeing their time card; there is an attorney general ruling that says that we get the time cards. Fran McCully gave the clerk paperwork on the rulings and asked her to make copies for the office and get the originals back to her. Heather McDougall stated; this is a sunshine state. McCully stated; we can file an action. Heather McDougall stated; against the city. McCully continued; the council can file an action against the city if it comes to that. Fran McCully asked the clerk, did the councils before us ask to see time slips. The clerk answered they didn't care, if they saw them. McCully continued; for one year now, we have received time slips, and now all of the sudden they are saying we have no right to see them. Phil Fisher stated; the only thing different that we received are the vacation and the sick leave. Heather McDougall stated; it's right in there. Fran McCully reiterated; it's right in the attorney general rulings. Discussion followed. The clerk stated we just need an attorney to talk to their attorney and things will be ironed out. Fran McCully stated; well, we could just talk to Bob Boren and if they have an attorney, the two attorney general rulings can be forwarded to their union and they could take a look at them, and their attorney can just take a look, I don't know if we have to have an attorney to talk to an attorney, just forward the information to them and if they find something that is not kosher in these attorney general rulings then send us another letter, if not, then do away with the non- existing cease and desist. So do we need to meet with Bob? Phil Fisher stated; yes, I think we need to talk to Bob to see what prompted this. McCully continued; then the extra copies of these rulings can be given to him then. Fisher continued; he is the one that had to present it to the union because he is the shop steward. Phil Fisher added; because that's the process, if that's how it went through the union to begin with, then that is how it has to go again. Heather McDougall stated; If I were you, I'd request a legal precedent from the union saying they can issue a cease and desist, and that gives them the legal basis to say that it is illegal information. Fran McCully stated; I agree. John Clogston asked; so how does this progress with Bob? When, next month, next week? Can we request him to come here? Phil Fisher stated; it should be the next council meeting, so we need to get that on the agenda. The clerk advised; if you are going to talk about individuals, they must be present, and you have to ask them if they want it discussed in public. If they do not, you go into a special meeting. Phil Fisher stated; we are not talking about an individual, we are talking about chain of command through the union, but it has to go through him to get to the union. Heather McDougall stated; if you file something on the right to know, the City has to pay the attorney fees.

John Clogston asked where are we on the attorney position. It was advised that it is on the agenda for February 16, 2011 regular council meeting. Phil Fisher stated that he would like to see the position posted again.

Fran McCully stated; we also have another executive session. We would like to have an open or a closed, however the employee wants it. The clerk Sandra Johnson stated; ok, then asked what it was concerning. Phil Fisher continued; attitude at a public meeting. Fran McCully added; and information. Fisher stated; when she was in the capacity of the clerk at the council meeting. Fran McCully stated; that's all we'll say now because we're in an open meeting. The clerk advised; as far as talking to employees. If you are going to reprimand someone, that is something you can't do. You can talk to them, but you cannot reprimand them. Perhaps we should all take a better look at how we address each other. John Clogston suggested talking to the Mayor about it. Fran McCully agreed, stating; that's a good way to start. Phil Fisher stated; what we are supposed to do is; if we are going to have any conversation about a city employee, we have to have it with the employee. They have the right to be present or not present not too sure of what was said or.

Phil Fisher stated; It is my understanding, we've been told we can't come and talk to the mayor about personnel, by the mayor. Anything we have to do with personnel, they have to be allowed to be there present at a meeting and it's done as a governing body. Fran McCully added; and we are requesting it. John Clogston stated; and it would be up to him to request her to be there. Fran McCully stated; we can have a special meeting before the next one if we need to. Fran McCully stated; we never did get follow up reports on the alley resolution. That was supposed to be a monthly report. There was supposed to be a yearly plan submitted. We only have one of five from Clint. The clerk advised that she will get hers in.

ADJOURNMENT:

Meeting adjourned 7:35 p.m.

Phil Fisher, Council President

ATTEST:

Sandra Johnson, City Clerk