

**CITY OF MONTAGUE
MINUTES
November 12, 2014
3:00 PM
WORKSHOP MEETING
(Continued from October 21, 2014)**

CALL TO ORDER

3:02 PM

ROLL CALL

Keller, Aiello, Hammond, Robustellini and Benson

OTHERS:

D. Kincade, D. Dunn, B. Sims, Y. Rooker, J. Sprague, F. Barber, J. Vela
T. Newton, B. Newton,

PLEDGE ALLEGIANCE

PUBLIC COMMENTS: There was no public comment.

However, the City Clerk, J. Sprague asked the council if they had received her email from the City Engineer requesting a Special Meeting pertaining to the winter water delivery source from the (MWCD) Montague Water Conversation District. All council members were present and acknowledged that they had received the email and Friday, November 14, 2014 at 5:30PM was a convenient time for the special meeting.

Kincade explained that Tyhurst was taking care of a testing problem at the water plant and had told him what he wanted to discuss. Rooker said that Brown had asked her to explain that she had a doctor's appointment that had been scheduled long ago.

WORKSHOP AGENDA:

1. Discussion regarding:
 - a) Part-time employees vacation, sick, holiday benefits
 - b) Fire department stipend
 - c) Minor update to employee handbook
 - d) Benefit package

Mayor Keller began the meeting stating that this and future agenda workshop meetings should be changed up to combine agenda items a, c and d since they are related and would be discussed in conjunction with one another and that the fire department stipend should remain separate. Keller asked if any opposed changing the agenda to read as:

- a) Fire department stipend; and
- b) Employee handbook and development of policies and procedures manual.

No council members opposed the change.

Keller asked J. Vela, the Montague Volunteer Fire Department Chief, to talk about the stipend.

Vela stated that he had been having conversations with the mayor for over a year about the personal liability placed upon him as the fire chief. He continued by explaining all of the new and extra reporting requirements mandated by the Federal, State and local agencies and research he has been doing to find grants to help supplement the Montague Fire Department. He said that he has had to pay out of pocket for the extra costs to attend meetings in this regard. He also added that Montague was the only city in Siskiyou County that did not pay a stipend to its fire chief and that is why the council finally made the decision to approve a fire chief stipend. Vela said the stipend amount is \$500 per month, or a total of \$6,000 per fiscal year which was approved by the City Council at the July meeting when the FY 14-15 budget was approved.

Keller remarked that Vela had also put a lot of time into getting the ISO (Insurance Services Offices) rating lowered which reflects on personal property insurance premiums within the Montague city limits and in the Montague Fire District Area.

Sprague suggested that since everyone had been brought up-to-date about the stipend and it had been budgeted, it be removed from the next workshop agenda. Keller and the other council members agreed it could be removed and the next agenda would have only one matter for discussion.

- a) Employee handbook and development of policies and procedures manual.

Keller wanted to say that she had met with the Montague Employees' Association on November 10, 2014 to apologize about the October 21, 2014 Workshop Meeting and the way the Aiello – Employee Handbook was presented (which should have stated “DRAFT” on it). Keller stated that she took it upon herself to retype the 1994 Employee Handbook so it would be in a digital format going forward. She also noted that Robustellini had a handbook dated 1993, and there were other handbooks dated 1994 with different updates in them and that the original handbook was actually dated 1990. Keller also stated that some of the resolutions over the years had not been included and that there may be typos in her retyped version, but if that could be overlooked maybe everyone could agree to review her retyped version and provide their opinions at the next workshop.

Keller provided every employee and current council member a copy of her retyped version and asked if this could be the starting version. The general consensus was that all agreed.

Keller said that she would recommend developing three documents. The first would be an Employee Handbook with all the “warm & fuzzies” and references to the other documents for details. The second would be a policies and procedures manual that would have the dry stuff and the governmentalise. And the third would be the Memorandum of Understanding that would lay out the specifics.

Benson commented that in his many years of experience with the City, including having been on the Council for the last few years, the current staff is probably the best staff we've ever had. He talked about having three types of documents triples the problems of keeping them all up-to-date and said he did not see the purpose of the “warm & fuzzy”, especially if it is understood that it doesn't really count.

Hammond, Kincade and Sims tossed around different ideas of what the “warm & fuzzies” would be, as compared to personnel policies and procedures. Kincade went on to talk about the first thirteen policies and how he felt that they were fine the way they were and we should skip over them. He said Tyhurst had said the first ten were fine the way they were and did not need any changes.

Benson talked about the Handbook having been in place for twenty years with updates and changes and that just sitting down and changing things would be an expensive proposition. He said we need to define what is wrong with what we've got. Kincade commented that he felt Aiello's handbook section on computer policy should be added. Benson suggested employing two methods: deciding what was wrong with the current handbook specifically and looking at new items from Aiello's and proposing additions from that draft. Keller pointed out some problems with the existing Handbook, in that more definitions are needed (such as part-time employees) and that there are conflicting references to the city, the company, the agency. Benson said those were editorial changes. Keller said that one should at the same time look at the content and make sure that it is current with today's technology. Benson asked why the personnel policies would change with technology.

Sprague commented on how the existing handbook is more descriptive and easy for the layman to understand, compared to the draft. Keller suggested starting with the one that is in existence. Benson suggested making sure that all the changes that have been made over the years are in it and that it is accurate, so that it is a base document that all agree is the right starting place.

Sprague suggested taking the current handbook and renaming it as the 2015 or 2016 Montague policies and procedures manual, with the “warm & fuzzies” in the beginning and then go section by section and see what is wrong with the existing handbook and find it in the Aiello draft to look at how it is worded and what needs to be changed to end up with what is applicable.

Aiello spoke up to explain the cross-referencing she had in the back of her draft. Benson said if Council and employees change this thing all through it line by line, it will need to be reviewed by the City Attorney. Instead, Benson suggested taking what is currently in the handbook, incorporating the seventeen changes that were made by resolution over the years, then sitting down and determining what’s wrong with the existing handbook and what needs to be added. Then the City Attorney can just look at what has been changed.

Keller said she did not think the City Attorney should look at it until it has been gone through as far as it can be. Benson said the Attorney would need to review it in terms of whether it meets state regulations. Keller said it was not known if any of it meets state regulations. Benson pointed out that it had been approved and in existence for twenty years and he saw no reason it would not meet state regulations. Keller responded that state regulations had changed dramatically. Sims said that Benson was suggesting highlighting the changes for the lawyer and Keller was suggesting looking at everything and that both were right.

Hammond said we need to go section by section. Rooker said she did not think anyone at the meeting had the expertise to know what needed changing and that she thought having the City Attorney take a short preview of what is being discussed or at least of a couple of sections being considered as additions. Rooker said she was not up-to-date on everything and neither was anyone else and said it would be valuable to ask John Kenny to spend only one hour (no more) to preview a couple of the proposed new sections to make sure that those are in accordance with state regulations.

Benson agreed that state regulations that deal with public employees were something no one at the meeting was capable of dealing with. Hammond agreed but said it still needed to be reviewed before the attorney.

Newton commented that this needs to be an employee handbook and the employees needed to be looked out for. Newton said it was not policies and procedures and that each of the employees needs to know, but that it is to protect each of them individually. Hammond said it was both. Newton said it was policies and procedures and to protect the employees and that it should not be renamed when it is for the employees’ best interest and the City’s.

Secondly, Newton suggested going page by page and identifying what needs changing. After a draft is ready, the City can contact the attorney. She pointed out that the workshop had gone on for over twenty-five minutes and nothing accomplished.

Sprague said Tyhurst had suggested going through policy by policy and that these workshops should only consider a small number of policies at every workshop so that the workshops would be shorter and more employees would be able to attend.

Kincade said that was why Tyhurst had suggested accepting policies one through ten and that he, Kincade, had no objections to policies one through fourteen. Rooker said she wanted to go through policies one through ten and Sprague agreed that the policies should be discussed one by one. Rooker said that what Tyhurst had said was that he had no objections to policies one through ten, but that they can still be discussed.

Newton asked who was in the Employees’ Association. Kincade listed the officers; Sprague said there were six full-time and three permanent part-time employees. Keller said the Employees’ Association started kind of as a grass roots organization and they pay \$1.50 a pay period and they were not recognized or organized as

a 501(c)(3). However, in 2000 a Memorandum of Understanding (MOU) was created and the City has been operating under the tenets of the MOU.

Newton asked what the \$1.50 was for and asked if it was a slush fund. Rooker explained that it had been a slush fund up until now; that the Employees' Association is an association; and that the employees had talked about raising the dues. Rooker explained that it was a bargaining unit recognized by the City but not an "agency shop", which would be the term used to refer to a union. Up until now the employees dues had been used for such things as Christmas dinners and flowers when Frank died. Keller said that the Employees' Association was recognized in 2000 by the MOU and that the City has been operating with the Employees' Association as a bargaining unit under the articles of the MOU.

Newton asked who represented the employees as a bargaining unit, which attorney? Kincade responded that nobody did. Rooker said the Association had not faced that yet. Sprague said the Association did not have an attorney to represent it at this point. Newton brought up Rooker's suggestion that several items be turned over to the attorney to review. Everyone clarified that she meant Kenny, the City Attorney. Newton said that as a bargaining unit the Association would have a representative to represent them, not the City Attorney. She said the City Attorney represents the City.

Benson said there were two things involved, the MOU and the Employee Handbook and that they were not just for the employees but to govern the relationship between the City government and the employees. Newton objected to an employee telling the City to have the City Attorney to review the Handbook.

Hammond said the effort was to find something by consensus and cooperation that works for both parties, the City and the employees. Once there is a draft all are in agreement with, then it will be run by the attorney to make sure it is legal. Keller said she thought it was the City's document that outlines what and how the City operates with its employees.

Aiello said she had hoped that by this workshop there would have been some review of the two handbooks and that so far all that had occurred was arguing.

Benson said what was needed first was to get one copy done to represent what is existing.

Rooker wanted to clarify what she had said about a lawyer was to point out that no one present was an expert and that she thought it would be valuable to have legal review. Rooker said she personally would prefer that it be done earlier in the process than after it was all over. Rooker also said she agreed with those who said it was more personnel policies than employee handbook.

Kincade said he wanted to make something perfectly clear: that there has been a split between Public Works and the Office from the start. Kincade said Public Works is willing to work with the City Council, but in his opinion the office has not wanted to work with the City Council. Sprague said that was true or correct and was interrupted by Kincade when Keller called for a time out. Kincade continued that the office has wanted an attorney from the start and Public Works is willing to work with the City Council. Rooker explained that she was only talking about having the City Attorney involved, not anything else. Sims objected that this was Employee Association business.

Sprague said she was not sure what the other employees felt but she felt that because the Employees' Association did not have legal representation on all this, the Association would be willing to work with the City Council. If review was necessary, and with the Association not having legal representation, she personally felt that the City Attorney would give an unbiased and honest opinion. Sprague continued by reiterating that she knows it would be for the City itself and he would not represent the employees. Sprague said he would provide a very unbiased opinion and everything that the employees would agree with, since the

Employees' Association cannot afford an attorney and does not have legal representation. Hammond added that John Kenny would not be hired to negotiate, but to review. Sprague said she felt that when we got to the point of reviewing the handbook, that the employees would feel good about having the City Attorney review it.

Hammond repeated the earlier suggestion that of using a version of the original as a template and going through that and adding suggestions from Aiello's research.

Keller explained the Table of Contents and how it would be re-created as the project goes forward. Keller said she just wanted everybody to have the same copy of something. Benson said that was a good idea; the effort needed to be completed. Keller said everyone now has the copy she created and there will be some changes because resolutions that change some of the policies have not yet been included. She said she would indicate the resolution number when she typed in the changes.

Hammond suggested that based on what Benson said and what he heard from the rest of the group, this meeting was perhaps premature. Hammond suggested working with the document Keller started and adding the resolutions, then getting the revised document to everybody and giving them a set amount of time to read the material. At the next meeting, everyone will have all the same material and will have read it and be prepared to discuss it. And then everyone can go through it and deal with it, edit for wording, discuss whole sections if needed.

Keller said she would take care of all the typing if that met with everyone's approval. She would prepare a one-pager identifying the resolutions that changed the Handbook. She said she would send it to Janie for verification that she had not missed anything and then Janie would send it out to everyone.

Sims commented that she liked the format of the one that Keller typed. She said Aiello had a great idea in that it was long overdue for an overhaul, but she thought we did not need to reinvent the wheel, just fix it.

Benson wanted to suggest that the format for the next meeting be exactly what Hammond said, but that each person should mark the changes they wanted for each page. Sprague agreed, suggesting going around the table asking if anyone had a change to each page. Hammond said we should set a time limit for an hour or two hours and just get as far as possible within the time limit.

Newton asked which version was to be reviewed. Keller said her version of the 1994 Employee Handbook was the one that would be discussed and adjusted, but said she also wanted everyone to read Aiello's draft because she thought there was some valuable stuff that probably needed to be incorporated. Benson said it was another source of possible changes or updates.

Newton asked if it would be decided in advance how far the next workshop would go in reviewing. Sprague suggested picking a number of policies. Rooker said it was going to vary and everyone agreed. Keller said everyone needed time to read it and to look at the Aiello draft. Newton asked for a copy of the MOU and Rooker gave her one.

The next workshop was scheduled for Monday, December 15 at 5:30 P.M.

The workshop adjourned at 4:01 P.M.

ATTEST:

Janie Sprague, City Clerk

CITY OF MONTAGUE:

Jayne Keller, Mayor