

**CITY COUNCIL SPECIAL MEETING
JUNE 24, 2013 @ 12:00 PM
LIBRARY MEETING ROOM
MINUTES**

A. CALL TO ORDER

Mayor James Kacsh called the Council Special Meeting to order at 12:00 pm on June 24, 2013 in the Library Meeting Room.

B. ROLL CALL

Present for roll call were *Mayor James Kacsh* and Council members *Kristen Carpenter, Tim Joyce, David Allison, Bret Bradford* and *David Reggiani*. Council members *EJ Cheshier* and *James Burton* were absent. Also present were Interim City Manager *Don Moore* and City Clerk *Susan Bourgeois*.

C. APPROVAL OF AGENDA

M/Reggiani S/Bradford to approve the agenda.

M/Joyce S/Reggiani to amend the agenda by striking item 4 and to moving item 3 before item 2.

Vote on motion to amend: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

D. DISCLOSURES OF CONFLICTS OF INTEREST - none

E. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

1. Audience Comments regarding agenda items - none

F. NEW BUSINESS

3. City Clerk Contract

(may be discussed in executive session)

M/Reggiani S/Bradford to approve the Clerk's contract as stated Clerk's Employment Agreement 2013 final.

Reggiani said we have discussed this at length and have had executive sessions regarding this and there have been many communications with *Susan Bourgeois*. *Joyce* said that he has missed several of those so he just wants to catch up – he has seen several emails and he sees where there is a difference of opinion and different questions. *Joyce* said one of his questions is have we sat down with *Susan (Bourgeois)* and discussed, with *Susan (Bourgeois)* what would work for her, that sort of thing, as a Council? *Mayor Kacsh* said, we have, but I don't think we have had a good back and forth discussion; that's my opinion, now is a good chance. *Carpenter* said she wanted to comment that the conversations we have had don't change anything with the positive review that we put together when we evaluated you. She said she seems to think the main sticking point is the annual leave accrual and for her, she doesn't think of annual leave as a cash benefit. She went on to say if more salary was desired, then that was something we could talk about. *Bourgeois* asked if it was appropriate for her to respond, *Mayor Kacsh* said yes, please do. *Bourgeois* said that as the contract reads now, it is not something she is willing to sign. She went on to say she didn't believe there was ever a back and forth negotiation between her and the Council, instead she was able to state her requests and then sent into the hallway while Council discussed those requests. She also clarified that she was not asking for more of an accrual of leave, but simply more carryover of leave. *Bradford* said that this is the process, Council comes up with a contract, if the Manager or Clerk doesn't agree with terms, he or she brings those to Council then Council goes into an executive session to discuss those changes. He went on that Council has to agree as a whole on a counteroffer so it is impossible for five or seven people to sit here and negotiate with one person. That is why we do it the way we do it. *Bourgeois* said she didn't feel like there was a negotiation. *Joyce* opined that are a variety of ways that leave can be administered. *Allison* agreed that it is difficult to negotiate as a group which is why we have always had a representative do that. He echoed

what **Carpenter** had said regarding how this has nothing to do with your job performance; you are doing an outstanding job for us. **Reggiani** said he would agree, the process is the process and several times we've had offers and counteroffers and we have even gone beyond the normal process to allow **Bourgeois** to speak directly to the City Attorney to answer questions.

Bourgeois explained that her current contract equates her leave benefits to the same as given to other exempt City employees and she understands that the attorney tightened that up in this draft contract. **Bourgeois** explained that presently, exempt employees at the City are cashed out at separation the full number of hours on the books at the time of separation, yet **her** new contract specifically says the maximum that she can cash out is 240 hours, which therefore would be a loss of said benefit and less than is still given to her colleagues at City Hall. **Bourgeois** also said that she has felt like Council has made her feel expendable, unvalued and replaceable, regardless of how they say she still received an exemplary evaluation and excels at her job. She said this has been a very stressful contract negotiation. **Carpenter** said the interpretation that she speaks of (the separation cash-out in Code) has been the most liberal interpretation and they will have to look at that moving forward. **Carpenter** apologized if there were bad feelings but it wasn't meant to be that way. She said they looked at the whole package and the whole package Council was offering was comparable to other Clerks elsewhere. **Bourgeois** said she had done the research and as far as leave accrual, carry-over and cash out Cordova was considerably below all the other places she researched. **Reggiani** opined that he didn't know where this process was leading; he thought that maybe performance and evaluations could be discussed in a different executive session with **Bourgeois**, scheduled for a future date, but at this point Council has a contract before them that they should vote up or down and then **Bourgeois** will have a decision to make.

Bourgeois asked one more question, she wondered what would occur on July 1. Her current contract expires June 30 and this draft contract has an effective date of July 1, if this contract is approved and then she does not sign it, what occurs on July 1. **Reggiani** said he thought she has already received that answer from the City Attorney. **Bourgeois** said that in fact, the City Attorney said she would advise Council, as her client, of what would occur at that time but that it is not her duty to advise me; therefore, she did not know the answer to the question.

M/Reggiani S/Bradford to go into executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically to talk to the City Attorney regarding the City Clerk's contract.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

M/Reggiani S/Allison to table the City Clerk's contract.

Mayor Kacsh said what they would like to do is offer the Clerk a one month extension to go over the Title 4 issue, the manager's contract, etc. to make sure we are consistent with everybody. To make sure that Council's intentions are correct across the board.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

Joyce asked if the Mayor would explain to **Bourgeois** what Council had learned from the City Attorney in the executive session regarding the expiration of the contract. **Mayor Kacsh** said that the end of the contract, if an extension wasn't signed and if a new contract wasn't signed, it would just be the end of the contract, there would be no termination and no resignation, just the end. There would be no severance but all the other benefits would be the same. **Mayor Kacsh** asked the Clerk to put a one month extension before them on the special meeting agenda of Wednesday, June 26.

2. City Manager Contract

(may be discussed in executive session)

M/Reggiani S/Allison to go into executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government, specifically to discuss the City Manager's contract.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

M/Joyce S/Bradford to direct the City Manager to proceed as was discussed in the executive session regarding the contract with the City Manager.

Vote on motion: 5 yeas, 0 nays, 2 absent (Cheshier, Burton). Motion carried.

G. AUDIENCE PARTICIPATION - none

H. COUNCIL COMMENTS - none

I. EXECUTIVE SESSION

see above (agenda items 2 & 3)

J. ADJOURNMENT

M/Allison S/Reggiani to adjourn.

Hearing no objection, the meeting was adjourned at 1:50 pm

Approved: August 21, 2013

Attest: *Susan Bourgeois*
Susan Bourgeois, City Clerk

