**UNIVERSITY CITY COUNCIL**

**STUDY SESSION**

5th Floor of City Hall

6801 Delmar

January 9, 2017

**MEETING CALLED TO ORDER**

The City Council Study Session was held in the Council Chambers on the fifth floor of City Hall, on Monday, January 9, 2017. Mayor Shelley Welsch, called the Study Session to order at 5:31 p.m. In addition to the Mayor, the following members of Council were present:

Councilmember Rod Jennings

Councilmember Paulette Carr; *(Arrived at 5:33 p.m.)*

Councilmember Steven McMahon

Councilmember Terry Crow

Councilmember Michael Glickert;

Councilmember Bwayne Smotherson

Also in attendance was Acting City Manager, Charles Adams.

No members of Council will be requesting any changes to tonight’s regular session agenda.

**AGENDA**

1. **Discussion of next steps related to the City Clerk position.**

Mayor Welsch stated that she and Councilmember Jennings requested this Study Session to initiate a general discussion about the options available for handling the various duties performed by the City Clerk's office going forward. And although late with respect to its delivery, each member had been provided with information to review for tonight's session. Mayor Welsch informed members that the Director of Finance was in attendance to answer any questions and that the discussion should not include any specifics related to personnel matters.

Councilmember Crow stated that in spite of the fact that he still has several questions regarding the guiding principles behind FMLA, and Council's ability to move forward this evening, he would be curious to know whether the City has a Director of Human Relations? Mr. Adams stated that the former Director recently accepted a new job outside of City Hall, and in the interim, all HR-related matters are being handled by the Director of Finance and her staff. Interviews are currently underway to hire a replacement for the Human Relations manager.

Councilmember Smotherson stated that while he appreciates the Mayor's information, without the knowledge of the current City Clerk's status, and a response to questions he had previously posed, he is uncertain as to whether Council could actually move forward on this matter.

Mayor Welsch stated that she would like to note that tonight's regular meeting agenda includes a request by Councilmembers Smotherson and Carr to vote on issues related to this topic. This session is being conducted simply to discuss available options that would allow the City to successfully move forward during this transitional phase.

Councilmember Jennings stated that unfortunately, unlike a football team, the City has not developed a reinforcement strategy for things of this nature. So he thinks it would be wise for Council to look at options to address the issue.

Mayor Welsch stated that her options included hiring someone on a temporary rather than permanent basis, since at this point, no one knows how long the City Clerk will be on leave.

Councilmember Smotherson stated that while he understands that this topic is on tonight's regular agenda, that's still somewhat different from having a Study Session on what the Mayor has labeled a transition. In his mind, the Clerk's status must first be addressed, and the City Attorney should be present to corroborate whether this is even a legal discussion.

Mayor Welsch stated that what is on tonight's regular agenda has substantially more impact than this Study Session, where several members have asked for a vote regarding the creation of another position; which is contrary to what she is recommending, although that is provided as an option to consider.

Councilmember Jennings stated that it was his understanding that everything regarding this FMLA request had been done in accordance with the City's personnel policies.

Councilmember Smotherson stated that in his mind, receipt of a doctor's statement and email from the City Clerk, does not mean that this as an appropriate topic for tonight's session.

Mayor Welsch stated that temporary employees have been hired in the past to assist when permanent employees are on leave. Since there is no one in the City Clerk's office to perform this job, there is a need to find someone who can do so.

Councilmember Glickert echoed the Mayor's comments regarding the need to find someone, at least on a temporary basis. That should be Council's immediate focus, and any unresolved issues or questions regarding personnel matters should be reserved for Executive Session.

Councilmember Glickert asked Ms. Charumilind if funds were available to hire a temporary employee? Tina Charumilind, Director of Finance, stated that although she would have to review the budget again, her belief is that she could amend the budget to include the salary for a temporary hire.

Councilmember Carr thanked Mayor Welsch for the information she had provided, and stated that she had been told that at various times Deanna Townson had performed these duties on a temporary basis in the past.

Mayor Welsch agreed that Deanna; whose current status she is uncertain of, had assisted during City Council meetings in the past, although did not believe she had performed any of the additional responsibilities associated with the City Clerk's position.

Ms. Charumilind informed Council that currently, Ms. Townson is the secretary to the Chief of Police.

Mayor Welsch asked Ms. Charumilind if there was anything she wished to add to the discussion? Ms. Charumilind explained that FMLA had been utilized by 26 employees in 2016, and that by law, it is the City's responsibility to approve such requests as long as the employee has met the following criteria: they have worked over 1,250 hours, and they have coordinated this action with their supervisor. Upon approval, an employee is allowed to take up to twelve weeks of unpaid, job-protected leave per year.

Mayor Welsch asked Ms. Charumilind if the provisions of FMLA permitted employees to take leave for health-related issues and the care of family member? Ms. Charumilind stated that that was correct, as well as the birth and care of an employee's newborn child.

Councilmember Carr asked Ms. Charumilind if the City Clerk's position was governed by the policies established in the Employee's Handbook? Ms. Charumilind stated that the City Clerk's position is treated the same as all other employees.

Councilmember Carr stated that any additional questions she had should probably be covered in a closed session, and therefore would request that Council include this on the Executive Session under personnel. Mayor Welsch acknowledged that Councilmember Carr had included personnel matters on the closed-session agenda.

Councilmember Carr stated that she had contacted GovTempsUSA regarding this matter, and in the event Council elects to go this route, would like to provide everyone with a copy of their response detailing the agency's specializing in placing professionals in local government positions.

Mayor Welsch asked Councilmember Carr if this was a fee-based service? Councilmember Carr stated that it was. However, the temporary employee would be vetted and any benefits would be absorbed by the agency.

Councilmember Crow asked Mr. Adams if he was aware of any internal solutions to this problem? Mr. Adams stated that currently staff is taking care of the immediate needs. However, since he is uncertain as to how long the City Clerk will be on leave, his belief is that the most viable solution would be for Council to hire someone on a temporary basis. And if this individual is vetted, it would certainly make for a smoother transition.

Councilmember Crow asked Mr. Adams if he had an estimated timeframe for how soon he would like to see this vacancy filled? Mr. Adams stated that although he and his staff are going to do whatever they can to make sure things run as smoothly as possible, it would be greatly appreciated if the position could be filled within the next few weeks.

Councilmember Jennings stated that the information provided by Councilmember Carr is essentially, Kelly Girls for government entities, which seems to indicate that they can provide immediate placement of a vetted individual, benefits, and an extensive background check. So, he would like to receive more information about how soon they could provide a replacement, the cost to the City, and whether they offer any temp-to-hire options?

Mayor Welsch informed Councilmember Jennings that she did not believe Council should probe in to the topic of a permanent replacement.

Councilmember Carr stated that she had not delved deep enough to discern any of the questions posed by Councilmember Jennings. However, if Council would like, she could contact the agency tomorrow and obtain additional information. Mayor Welsch stated that she would be in favor of proceeding in that manner.

Councilmember Jennings inquired whether it would be appropriate to include Ms. Charumilind in the screening process? Mayor Welsch stated that although she is certain that Council will be asking Ms. Charumilind's department for assistance moving forward, the responsibilities associated with the City Clerk's position rests solely with Council.

Councilmember Glickert stated that he appreciated Councilmember Carr taking the time to gather this information and thinks that Council should take the comments made by the Acting City Manager seriously, and make a decision within the next two weeks.

Mayor Welsch stated that since there seems to be a consensus among Council, she would ask Councilmember Carr to contact the agency tomorrow and inform members of her findings. A subcommittee can then be established to work out the details, if Council finds it beneficial to do so. Councilmember Carr agreed to obtain the additional information.

Ms. Charumilind suggested that Council give consideration to the customary practice of requesting several applicants, who can then be interviewed to determine who Council believes would be best suited for this position. And in the event that that person does not work out, they would already have an alternative replacement.

Mayor Welsch informed Councilmember Carr that she would also be interested in knowing whether this agency has any provisions in place that address employees who will be asked to work in sensitive areas related to legal and confidential matters. Because it is her belief that the City should make certain that their contract includes such a remedy, in the event a breach occurs.

**ADJOURNMENT**

Hearing no additional questions or comments, Mayor Welsch adjourned the Study Session at 5:51 p.m.