

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN WORKSHOP
NOVEMBER 27, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the workshop to order at 6:04pm, in the Council Room at Brentwood City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144, and immediately led the Pledge of Allegiance.

ROLL CALL

Deputy Clerk Pittman performed roll:

Alderman Saunders	Present	Alderman Robertson	7:28pm
Alderman Manestar	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	Present
Alderman Toohey	6:25pm	Mayor Kelly	Absent
Alderman Kramer	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, Planning and Development Director Ellen Rottjakob, City Attorney Frank Albrecht, Labor Attorney Brian Hey, Police Chief Steve Disbennett, Fire Chief Ted Jury, Assistant Fire Chief Terry Kurten, Public Works Superintendent Jim Nahmensen, Finance Director Gina Jarvis, HR Manager Julie Echols, Parks & Rec Team Sue Krewson & Brad Barbeau and Deputy City Clerk Octavia Pittman.

DISCUSSION/REVIEW

Municipal Code Book (6:00pm)

Mike Perry, Sullivan Publications, announced the process to provide the draft code for review. The first item listed is the quotation of RSMO 71.010. It defines municipality's authority and states that the city shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with the state law upon the same subject matter; meaning the city cannot allow what state statutes disallow nor can cities disallow what state statutes allow. He explained that updates were made to bring the code in line with state statutes (RSMO). They also looked for internal conflict, areas in which updates were made via ordinance that are not reflected in all applicable sections, typographical errors or Scribner's errors.

Alderman Saunders stated her expectation to do a page by page review. Mayor Kelly responded that the workshop is to address questions members may have in hopes that the material had previously been reviewed.

Discussions were held regarding:

- The insertion of RSMo 1.020 which seems to be less restrictive; Perry referred back to RSMo 71.010, during the editorial conferences the decision was made to switch to the updated language.
- The omission of "tangible property"; it is no longer referenced in state
- Code section 100.050 and ordinances not affected by code; they will be listed in the adopting ordinance (includes ordinances that adopts contracts, subdivisions, etc..those that are not laws)
- Elections; language was inserted that outlined officials term capabilities, that language can be removed
- Wards; includes updated boundaries via ordinance #4311 but does not included additional changes to ward 4

- Code section 105.060; removed due to continuous statute updates, would prefer officials rely on attorney
- Code section 105.080; section moved to Board of Aldermen form better placement based on the subject matter
- Code section 110.090 – updated statutory language included
- Previous Code section 2-3 (inventory); was removed and will be amended
- Bond deductible increase based on amount paid to SLAIT
- Code Section 110.150; meetings also are not held if it falls on a holiday

Explanation was also given of the cross reference section; how to locate information using statute numbers and ordinance numbers.

- Code section 115.250; specific pay is normally removed because it is included in the budget, this also eliminates the need to change the ordinance each time
- Code section 200.100 and 205.020; this shows the inconsistency of police and fire reporting and should be addressed by the board
- Chapter 215 was changed to model ordinances for consistency; the city's ordinances have not been removed but additional language may have been added.
- Human Rights Commission; included as a requirement for grant funding

A short recess was taken at 7:00pm before beginning the handbook review.

Employee Handbook (7:00pm)

After review by the Ways and Means Committee, 9 items were outstanding and needed attention by the board. Discussions were held regarding:

- Cell Phone Usage
 - Alderman Leahy stated his understanding that officers may need to take calls at times; as this has been seen by residents, they have expressed concerns that they are role models and should be setting an example and should pull over to take calls if possible.
 - As requested by Alderman Kramer, Attorney Hey responded that discussions have been held with department directors and a specific policy will be drafted to tailor to their needs; police and fire communication policy will have to be treated differently.
- Education Benefits; early termination requirements have been added, and funds are based on first come availability
 - Alderman Leahy asked if reimbursement can be based on performance in class.
 - Alderwoman Saunders agreed and stated that the \$3,000 per person is extremely lucrative.
 - Attorney Hey offered comments of grade limitations being discriminatory and offered suggestions of raising the standard to a "B" instead of a "C".
 - Alderman Wynn commented that a "C" is a good grade to have and the standard should be lowered.
 - Echols replied that the benefit is competitive and is based on previous 5 years usage.
 - Alderman Robertson questioned reimbursement exceptions for employees that leave employment or stop taking class for emergency reasons; reimbursement exceptions must be approved by the Board of Aldermen
 - Discussions continued in regards to ensuring that the policy is clear that the benefit is per person, employees are required to notify their department head of the intent to take classes and because department heads must approve the benefit they will know if funds are available
- Political Activities; no employee shall publicly support or actively campaign, on duty or off duty

- Alderman Kramer agreed with the professional standard rationale and stated his opposition to employees having an opportunity to campaign for someone that has the potential to be their boss or elective oversight, in uniform or not. Alderman Wynn agreed. Attorney Hey commented that you are setting up the possibility of retaliation claims.
- Alderman Toohey questioned the level in which employees would be able to campaign. Attorney Hey responded that this includes any partisan election, employees cannot campaign on behalf of the city; wearing uniforms would be a violation of the law. He also commented that we would be creating unnecessary risks.
- Alderman Leahy stated employees, not on duty, have every right to participate in any form of election that they choose especially when they are encouraged to live in the area. This is an infringement of their freedom of speech; however, they should not say that they represent the city of Brentwood and should not be while in uniform. Attorney Hey stated that this language has been proved to be lawful; no one is being discouraged to participate in the election, its just saying they can't actively campaign; and lastly, not every employee is a citizen of Brentwood and may give the perception that something improper is going on.
- After questions, Mayor Kelly commented that he has previously used some fire department personnel to support his campaign while off duty and that he is torn on the issue. This is the lowest and most close form of government and has seen how such situations have been taken to the extreme; it does put those that don't want to get involved in a bad situation and makes you question if you are protecting the interest of the city.
- Alderman Robertson asked that language is added to state that it is only at the Brentwood level and question the consequences. Attorney Hey responded that the action would fall under the disciplinary policy.
- Suggestions were made to add language stating that elected and appointment board members to not fall into this category.
- Campaign Contributions; now includes independent contractors and consultants as best practices
 - Mayor Kelly commented that it is more difficult if the consultant or contractor is located in the city of Brentwood as opposed to someone outside doing it only to get city business.
 - Alderwoman Saunders questioned if it was necessary to include if they are not considered employees. Attorney Hey commented that the language could be eliminated but it is included as protection.
 - Alderman Robertson commented that funds (over \$250) must be listed.
- Organization Chart; Mayor Kelly collected sample charts from neighboring communities for the board to review. Comments were made that the type of government makes a difference and others that the day to day operations are still the same.

ADJOURNMENT

The meeting adjourned at 8:05pm.

Approved with corrections the 3rd day of December , 2012

Attest:

Mayor Pat Kelly

Bola Akande,
City Clerk/Administrator