

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
OCTOBER 24, 2016
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Ken Martin-Public Works Director/City Engineer; Rus Ketcham-Library Director; Paul Anchondo-Parks and Recreation Director; Jon Vlaming-Community Development Director; Bill Pitman-Police Chief; Sylvia Payne-HR Director; Lance Dunagan-Public Works Superintendent

I. CALL TO ORDER

Mayor Belloc called the meeting to order at approximately 6:00 p.m.

II. INVOCATION

Invocation was given by Councilmember Tidwell.

III. PLEDGE OF ALLEGIANCE

Mayor Belloc led Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember Andrew Rodriguez; Councilmember Augustine Saucedo; Councilmember JoAnne Galindo; Vice Mayor Micah Powell; Councilmember J.R. Nagy; Councilmember J.W. Tidwell; Mayor Joel Belloc

Council Members Absent: None

V. COMMUNICATIONS

Mr. Krauss had no communications.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

Mayor Belloc moved Executive Session after Informational Items on the agenda.

VIII. CONSENT AGENDA

Agenda Item

Subject

IX-A. Approval of Minutes: 10/10/16 (regular)

IX-B. Adoption of Resolution No.: 16-1397 approving a staff initiated request for a Minor General Plan Amendment on approximately 5.08 acres changing the land use designation from Community Commercial to Medium Density Residential on 5.08 acres located at the southeast corner of W. Battaglia Road and N. Eleven Mile Corner Road (Assessor's Parcel Number: 405-05-131D in a portion of Section 6, T8S, R8E of the G&SRB&M, Pinal County, Arizona).

Motion by Vice Mayor Powell, seconded by Councilmember Nagy to approve the Consent Agenda as presented, passed unanimously by roll call vote.

IX. BUSINESS

C. ADOPTION OF RESOLUTION NO.: 16-1403 DECLARING THE CITY OF ELOY POLICY AND ADMINISTRATIVE GUIDELINES MANUAL DATED OCTOBER 24, 2016 AS A PUBLIC RECORD.

Cover sheet discussion: *Council adopt Resolution 16-1403 declaring that certain document entitled "City of Eloy Policy and Administrative Guidelines Manual dated October 24, 2016" as a public record, and providing for three (3) copies to remain on file in the office of the City Clerk of the City of Eloy for examination by the public.*

The administrative policies are a statement of employee expectations, adopted by the Mayor and Council, which defines benefits, employee responsibilities, obligations and opportunities for employee professional growth. The City's administrative guidelines further define how the policies will be carried out. The Administrative Policies and Guidelines Manual was adopted by the Council in 2002; however there have been numerous amendments through the years.

Recently staff completed a comprehensive review of the policies and guidelines. The purpose of the review was to update and revise the policies and guidelines in order to comply with applicable Federal law, to reflect current personnel practices and procedures, and to address areas of concern. Due to the size of the Policy Manual, it should be adopted as a public record prior to adoption of the revised document so that the revised Manual does not need to be published in the newspaper.

FISCAL IMPACT: N/A

Mr. Krauss conveyed that adoption of the resolution will allow the city to publish the resolution only in the newspaper and not the Administrative Policies and Guidelines Manual which is approximately 172 pages.

Motion by Councilmember Tidwell, seconded by Councilmember Saucedo to read Resolution No. 16-1403 by title only passed unanimously.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to adopt Resolution No. 16-1403 passed unanimously by roll call vote.

D. ADOPTION OF RESOLUTION NO.: 16-1404 APPROVING UPDATES AND REVISIONS TO THE CITY'S ADMINISTRATIVE POLICIES AND GUIDELINES MANUAL ADOPTED IN 2002.

Cover sheet discussion: *Council adopt Resolution No. 16-1404 approving updates and revisions to the City's Administrative Policies and Guidelines Manual adopted in 2002 which defines benefits, employee responsibilities, obligations and opportunities for employee professional growth.*

The administrative policies are a statement of employee expectations, adopted by the Mayor and Council, which defines benefits, employee responsibilities, obligations and opportunities for employee professional growth. The City's administrative guidelines further define how the policies will be carried out. The Administrative Policies and Guidelines Manual was adopted by the Council in 2002; however there have been numerous amendments through the years.

Recently staff completed a comprehensive review of the policies and guidelines. The purpose of the review was to update and revise the policies and guidelines in order to comply with applicable Federal law, to reflect current personnel practices and procedures, and to address areas of concern. The majority of the policy updates involved the rewriting of policies to clarify issues, or to remove unnecessary and outdated language. Examples include a total rewrite of the policies and procedures pursuant to the Family and Medical Leave Act (FMLA), an update of the City's internet use policy, eliminating the vehicle allowance policy for

department heads reporting to the City Manager, and a simplification of the City's dress code policy. Ms. Kylie Tenbrook, an attorney specializing in personnel law, has reviewed the policy and guideline revisions from a legal and risk management standpoint, and finds the proposed amendments acceptable.

The Mayor and Council discussed the proposed major revisions to the Policies and Guidelines Manual at a work session on October 3, 2016. At the work session, staff focused on those policy changes that will have a fiscal impact, or have a direct operational impact on employees.

There were two areas discussed at the Council work session that required additional research from staff.

1. *Policy #700 – Residency Requirement for Sworn Officers - As requested, staff has completed a census on the residency for sworn police officers. Attached is the census for Council information. Of the 28 sworn officers within the Department at this time, a total of seven officers do not fall within a 50-mile residency or 45-minute response time from the Police Station. In case of an emergency requiring additional officers for one or more incidents, the Department would typically call adjacent agencies, i.e. the Sheriff's office, Casa Grande, Coolidge, for backup and/or contact off duty officers to respond depending upon the severity of the incident(s). There are two residency options that staff offers Council for consideration: 1) a 50-mile residency or 45-minute response time from the Police Station; or 2) a new officer must reside in Pinal County. Regardless of which standard is selected, current officers not meeting the new residency requirement would be grandfathered-in.*
2. *Policy #800 – “At Will” Status for Police Chief – Staff proposes that the Police Chief appointed after the retirement of Chief Pitman, be classified as an “at-will” employee. Based upon the discussion at the Council work session, staff completed a survey of 10 cities on the status of their police chiefs. Attached are the survey results. Of the 10 cities surveyed, eight cities classified their police chiefs as “at-will”. Of these eight cities, four of them have contracts with their police chiefs. Police Chiefs should be treated differently than other department directors based upon these factors:*
 - a. *As the leader of the Police Department, the Chief provides direction to officers who are expected to be benevolent community problem solvers and compassionate role models, while at the same time to be “warriors” who must be able to deal with shooting incidents and take away a person's liberty during an arrest. The cost of mistakes can be very high in civil liabilities and can have lasting harm to community relations for many years to come.*

- b. Residents must have trust and confidence in the Police Chief and police officers to enforce laws fairly if local government is to function properly. If the Police Chief lacks that trust and legitimacy, then there needs to be a fair and efficient way to remove the Chief from office.
- c. The Mayor and Council, Manager and the officers in the Department must have full confidence in the Chief's abilities, integrity, and commitment to the whole community and the City. If that is lacking, the Manager must be willing and be able to make a change in leadership at the top of the police department.
- d. A contract for the new police chief would outline the conditions and circumstances if the City Manager needs to make a change in police department leadership, as well as giving the new appointed chief a level of job expectations and security if separation from employment occurs. Further, a contract would provide the City Manager with the ability to provide for a residency requirement if deemed appropriate.

The specific areas discussed at the Council work session were as follows:

1. Policy #200 – Call-Back Pay – Currently an employee receives a minimum of two hours of call-back pay, in addition to being paid for any hours actually worked, to respond to an emergency, such as a water leak, flooding, or storm damage. Per the Fair Labor Standards Act (FLSA), the employee would receive 1.5 times their regular rate of pay if they worked over 40 hours in the work week. If an employee took any vacation or sick leave during that work week and the employee is called back to work, then the employee would receive their regular rate of pay for hours worked up to 40 hours in the work week. Staff proposes to pay an employee a minimum of two hours at 1.5 times their regular rate of pay for any call-back regardless of whether or not they have worked a full 40 hours in the work week. Examples of when call-back pay applies were also added to the policy to assist supervisors with administering this policy.
2. Policy #200 – Longevity Pay Program – The existing longevity program provides for an employee with 5 years of service to receive \$250, and \$500 for 10 years of City employment with an additional \$500 for each 5 years of service thereafter. Staff proposes to pay an employee \$500 for the first 5 years of service, and \$500 for each 5 years of service thereafter. For example, an employee who completes 20 years of service would receive \$2,000.
3. Policy #390 – Nepotism – Staff proposes to change the definition of “Relative” in Policy #390 to limit the type of relationships that would be

4. *considered relatives. For instance, the current policy would include great nephews, great nieces, and third cousins as relatives for purposes of Funeral Leave benefits and employee supervision. The revised definition would limit relatives by blood and marriage relationships.*
5. *Policy #520 – Tuition Reimbursement – Employees are eligible for tuition reimbursement provided Council budgets funds for this purpose and the courses are directly related to the employee’s job or further the interests of the City. The current policy allows tuition reimbursement for a maximum of 12 credit hours at an Arizona university. As the cost of college increases, the City would not have control over costs for reimbursement. Staff is proposing that reimbursement be capped at \$2,000 per fiscal year. No employee is currently enrolled in any classes that are eligible for reimbursement.*
6. *Policy #600 – Attendance and Leave – Regular part-time employees receive one-half the number of hours earned per pay period for vacation leave. While this policy is current practice, it is not included in the Administrative Manual. The proposal is to codify the vacation hour accrual rates for part-time employees within Policy #600.*
7. *Policy #620 – Holidays – Eligible employees receive eight hours of pay for holidays observed by the City. If an employee works during a City holiday, they are currently paid for actual hours worked in addition to the eight hours of holiday pay. Similar to Call-back pay, staff proposes to amend this policy to pay employees at time and one-half (1.5) for actual hours worked during a holiday.*
8. *Policy #700 – Professional and Personal Conduct – Current policy requires that sworn personnel with the Police Department must reside within a 30 minute response time of the police station. In lieu of a response time standard for residency, staff is suggesting that sworn personnel reside within 50 miles of the police station. This residency requirement is easier to administer than response time.*
9. *Policy #800 – Discipline and Appeal Process – Section C. of Policy #800 provides that the City Manager, City Attorney, City Magistrate, City Clerk, and seasonal and temporary employees are currently classified as “at-will” employees, which means that the Administrative Policies and Guidelines do not apply to these positions. The Municipal Code provides for the Police Chief to be appointed by the City Manager as an “at-will” employee. Further, the City may enter into a two-year contract with the Police Chief with Mayor and Council approval. Thus, there is currently a conflict between the Municipal Code and Administrative Manual in regards to the classification of the Police Chief position. To resolve this*

issue, staff proposes to include the Police Chief as an “at-will” employee in the Administrative Code; however, Chief Pitman would be grandfathered in and not considered an “at-will” employee. Chief Pitman’s successor would be classified as an “at-will” employee and a 2-year contract will be proposed to Council for approval.

10. Policy #820 – Employee Disciplinary Measures – Policy #820 addresses the causes for initiating disciplinary suspensions. Four additional causes for disciplinary action are proposed: 1. Stealing, destroying, defacing, or misusing City property or another employee’s or customer’s property. 2. Smoking where prohibited by local ordinance or State statute. 3. Sleeping on the job without authorization. 4. Refusal to cooperate in an administrative investigation by refusing to attend scheduled meetings, refusing to answer questions, or willful obstruction of the investigation.

11. Policy #830 – Employee Disciplinary Appeal Procedures – The most significant policy change is included in Policy #830. Currently an employee may appeal a disciplinary action to a Personnel Board composed of citizens. Due to potential relationship conflicts between employees and citizens, staff is recommending that the Personnel Board be replaced with the use of a hearing officer. The hearing officer would likely be an attorney or judge specializing in personnel cases. The City would not be limited to one individual, and the hearing officer would be retained by the Human Resources Director on behalf of the City. Upon the conclusion of an appeal hearing, the hearing officer’s recommendation would then be forwarded to the City Manager for final action. Due to the cost and time involved with processing an appeal, staff is proposing that disciplinary suspension appeals apply only to suspensions of more than 24 hours (3 days).

FISCAL IMPACT:

None.

Mr. Krauss, Chief Pitman and Council discussed in detail Policy #700 which pertains to the residency requirement for police officers.

Mr. Cooper conveyed that any current police officer who lives beyond the 30 minute response time will be grandfathered in.

Several members of Council expressed concern about some police officers living outside the response time. One of the concerns was officers getting to the police station within 30 minutes should there be an emergency.

Mr. Krauss told Council there are other law enforcement agencies (Coolidge, Pinal County) who can assist the city should an emergency arise.

Mr. Krauss also discussed in detail Policy #800; a proposal to have the Chief of Police position reclassified as "at will" and retain the current option of offering a two year employment contract. He pointed out that the reclassification would not affect the Chief Pitman.

Councilmember Tidwell expressed concern about giving department heads contracts. He said he does not want to encounter the same situation Council found themselves in three years ago with the former city manager; entering into a contract that some didn't like after it went into effect.

Mr. Krauss told Councilmember Tidwell that he understood his concern; however there is liability whether or not the police chief has a contract. There is less liability if there is a contract because the contract would specify the terms of separation and financial exposure.

Councilmember Galindo wanted to know if the police chief is given a contract would he/she serve under the supervisor of the Council or the city manager.

Mr. Krauss said the police chief would serve under the supervision of the city manager.

Mayor Belloc asked Mr. Cooper if Council could vote separately on the two policies.

Mr. Cooper conveyed that Council can vote on the two policies separately; however there would be a final motion to approve the resolution. He said there will be four motions:

- A motion to read the resolution by title only;
- A motion to approve the amendments as it relates to the chief of police;
- A motion to approve the amendments as it relates to residency requirements;
- A motion to adopt the resolution with the two amendments as approved by Council action.

It was the consensus of Council to vote on Policy #700 and Policy #800 apart from the resolution in its entirety.

Motion by Councilmember Galindo, seconded by Councilmember Saucedo to read Resolution No. 16-1404 by title only, passed unanimously by roll call vote.

Motion by Councilmember Saucedo, seconded by Councilmember Galindo to approve Policy #700, requiring a 50 mile residency and/or 45 minute response time from the police station for sworn officers, passed unanimously by roll call vote.

Motion by Councilmember Galindo, seconded by Councilmember Saucedo to approve Policy #800, classifying the position of Police Chief as an "at-will" position with an employment contract, passed 4-3 by the following roll call votes:

Yea: Councilmember Galindo; Councilmember Rodriguez; Councilmember Saucedo; Mayor Belloc

Nay: Vice Mayor Powell; Councilmember Tidwell; Councilmember Nagy

Motion by Councilmember Saucedo, seconded by Councilmember Galindo to adopt Resolution No. 16-1404, approving updates and revisions to the city's Administrative Policies and Guidelines Manual adopted in 2002 with the following revisions: (1) Residency requirements for public safety officers to be 50 miles and/or 45 minutes from the police station; (2) Chief of Police will be an at-will employee under an employment contract. Motion passed by the following roll call votes:

Yea: Councilmember Rodriguez; Councilmember Saucedo; Councilmember Galindo; Mayor Belloc

Nay: Vice Mayor Powell; Councilmember Nagy; Councilmember Tidwell

E. PRESENTATION BY THE CONSULTING FIRM OF AMEC, FOSTER, WHEELER OF THE FINAL DRAFT OF THE SUN CORRIDOR METROPOLITAN PLANNING ORGANIZATION'S STRATEGIC TRANSPORTATION SAFETY PLAN.

Cover sheet discussion: *Council to receive a presentation of the final draft of the Strategic Transportation Safety Plan, prepared for the Sun Corridor Metropolitan Planning Organization by the consulting firms of AMEC Foster Wheeler and Rick Engineering for review and discussion.*

The S.C.M.P.O. awarded a contract to AMEC Foster Wheeler in June of 2015 for the preparation of a Strategic Transportation Safety Plan for the Sun Corridor region. When completed, the Federally-mandated plan will aid all of the member agencies involved with the S.C.M.P.O. to identify areas of the greatest safety concerns, and present significant plans and ideas to make these areas, and all of our transportation facilities, safer for the public by reducing fatalities and serious injuries on our roadways.

In November of 2015, AMEC presented a progress report to the Mayor and Council on the Safety Plan, and have since been working diligently to bring it to fruition. With the plan nearing completion, it will soon be submitted to the S.C.M.P.O. Transportation Advisory Committee, and then the Executive Board for approval.

In reaching out to the local agencies, AMEC Foster Wheeler hopes to insure full public knowledge of the plan, as well as receiving any feedback on the final report. The anticipated presentation time is fifteen minutes, plus time for questions.

FISCAL IMPACT:

There is no direct fiscal impact to the City of Eloy.

Mr. Krauss introduced Ms. Irene Higgs from the Sun Corridor Metropolitan Planning Organization (SCMPO) and Mr. Michael Blankenship, consultant from AMEC Foster Wheeler, who gave a PowerPoint presentation on the final draft of the strategic transportation safety plan. The purpose of the safety plan is to reduce fatalities and injuries in the Eloy city limits and region.

X. INFORMATIONAL ITEMS

RICO Expenditure Report – No questions or comments from Council.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to hold an executive session at approximately 7:38 p.m. for approximately 30 minutes with the city attorney, city manager and city clerk (transcribing) for:

Consultation with City Attorney and City Staff regarding legal advice, negotiations, Council's position and to instruct City Staff on Annexations and possible or potential litigation involving Annexation issues initiated by the City of Coolidge - Coolidge Annexation affecting the City of Eloy pursuant to A.R.S. '38-431.03 (A) (3) and (4).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 8:06 p.m.

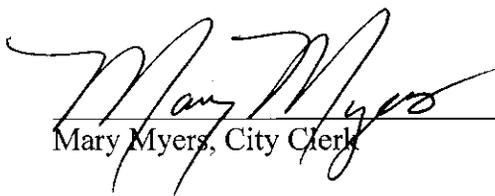
XI. ADJOURNMENT

There being no further business Mayor Belloc adjourned the meeting at approximately 8:07 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk