

MINUTES

TOWN OF PARKER COMMON COUNCIL
SPECIAL WORK SESSION
TOWN COUNCIL CHAMBERS 1314 11th STREET
MONDAY, SEPTEMBER 30, 2019
3:00PM

MAYOR'S ANNOUNCEMENT:

**Please turn off all electronic devices
during the Council Meetings**

CALL THE SPECIAL WORK SESSION TO ORDER

3:04 P.M.

ROLL CALL OF COUNCIL: Mayor Dan Beaver, Vice Mayor Jerry Hooper, Council Member Karen Bonds, Council Member David Lucas, Council Member Frank Savino, and Council Member Randy Hartless. Absent, Council Member Marion Shontz

Other Staff Present: Town Manager Lori Wedemeyer, Town Clerk Amy Putnam, Community Development Director Nora Yackley, Director of Public Works Steve Ziegler and Chief of Police Clay Romo

Others Present: Mary Hamilton

Purpose: Introduction of Town of Parker Attorneys, Justin Pierce & Aaron Arnson and presentation of:

1. Discussion

Town Manager Lori Wedemeyer welcomes Mr. Pierce and thanks him for taking the time to come to Parker. Mr. Pierce speaks to the council regarding his areas of expertise and the other municipalities his office represents, streamlining some processes. CM Savino asks how the relationship with previous town attorney is and if there have been any issue communicating with their office. Mr. Pierce notes there have been no issues as of yet, as they have not had to be contacted regarding any issues.

Mayor Beaver moves to discuss items on the agenda

Re: Elected Officers

a. Council/Manager Form Government

Mr. Pierce notes that he has not prepared a formal presentation, he wanted to take this time to talk about things that work in other municipalities, and he wants to make sure that he is able to be reached at any time. He notes that he will include the TM in all communications that deal with the business of the town, he feels it's important that the TM is the key point of contact when it come to the business of the town. While there are some things that can be kept confidential, if it deals directly with the business of the town it's important that as the administrator of town business the town manager should be involved.

The Council and Mr. Pierce discuss the flat fee model that is being used for billing. Mr. Pierce noted that about 95% of the general legal items that come up will be dealt directly under the flat fee model, he notes that there are specialized areas (waste water, water issues etc.) may need to be held by specialized attorneys. He goes on further to explain the flat fee model. He notes they still keep track of hours in order to assure we are not over spending and his office is not under billing. It also helps to note that with this flat fee model no one is afraid to pick up the phone for guidance for fear of being billed. The flat fee model avoids that. He notes for most municipalities this is the most cost effective model. Mayor Beaver notes he would like to avoid the "back and forth" and have items addressed in a timely manner, Mr. Pierce notes hid office tries to have everything completed quickly and efficiently, unless the item needs additional research or a more detailed answer.

b. Open Meeting Law

Mr. Pierce notes that most issues with the open meeting law comes from electronic communications, and warns to not be a "conduit to other members" the "splintering" of the quorum is the main issue that needs to be avoided. He further explains scenarios, such as meeting for lunch at the league conference to discuss items, there is some case law that suggests that if that happens that could be an open meeting law violation, even if no action is taken on items discussed, It important to remember that there should not be a quorum held outside of municipal limits because the public has the right to be present. He notes that while it may be convenient its best practice to not do that. He also notes the importance of notice of possible quorum present, and making sure that if there is a possibility the notice is posted properly. Mayor Beaver notes we are particularly good at making sure that we post notices regarding this issue in a timely manner due to the small size of our town and the events that most council attends. He notes that the council attempts to avoid sitting together or gathering to avoid the appearance of the council doing business without notice.

Council and Mr. Pierce discuss their service times and how long everyone has served on council.

Mr. Pierce asks the Council about the policy's in place for when a council member needs to call in for a meeting. He notes that a violation can occur, especially in an executive session if the person calling in is not in a place where they have not insured they are out of earshot of others. This can result in penalties. Council notes they were under the assumption that they could not conduct executive sessions over the phone. Mr. Pierce also notes the importance of using your secure town email and not a shared account; this could also lead to a violation.

Mayor Beaver asks about specifics for executive sessions. Mr. Pierce notes there are several instances that require an executive session. The topics include personnel issues, real estate transactions, negotiation of contracts etc. He notes that the over use of

executive sessions can give the appearance that something is being hid from the public. Council notes they call executives sessions seldom. TM Wedemeyer notes that she or the Town Clerk will always send the agenda for approval before posting. While this is not required it's a good practice.

Mayor Beaver asks how communications between council and town manager should be conducted. Mr. Pierce notes that all members of council may openly speak with the Town Manager, however to Town Manager shall avoid discussing items with other council members this is where she becomes the conduit and the "splintering" of the quorum. There are other questions or issues at this time to be discussed. Mr. Pierce invites all council to contact him at any time with questions.

ADJOURNMENT: 3:47 P.M.

Approve

Dan Beaver, Mayor

Some members of the Council or the Town Attorney may attend the meeting either in person or by telephone conference call. Persons with a disability may request reasonable accommodation by contacting, the Town Clerk, (928) 669-9265, at least (72) hours before the scheduled meeting. Facilities are handicapped accessible.