SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - July 19, 2018

MEETING NO. 2018-21: The Special Meeting of the City and Borough of Juneau Assembly, held in Room 224 of the Municipal Building, was called to order at 12:06 p.m. by Deputy Mayor Jerry Nankervis.

I. CALL TO ORDER / ROLL CALL

Assembly Present: Jerry Nankervis, Maria Gladziszewski, Beth Weldon, Norton Gregory, Jesse Kiehl, Rob Edwardson, Loren Jones (teleconference), Mayor Ken Koelsch and Mary Becker joined the meeting at 12:06 p.m.

Assembly Absent: None.

Staff Present: City Manager Rorie Watt; Deputy City Manager Mila Cosgrove; Municipal Clerk Beth McEwen; Human Resources/Risk Management Director Dallas Hargrave (telephonic).

II. AGENDA TOPICS

A. Municipal Attorney Replacement

Ms. Gladziszewski stated that since she was the one to have given Notice of Reconsideration at the last meeting on this topic (July 11, 2018 Assembly Committee of the Whole), that she should make a motion to bring it back from reconsideration.

MOTION by Ms. Gladziszewski to take up reconsideration of the motion made at the July 11, 2018 Assembly Committee of the Whole.

The motion being reconsidered from the 7/11/18 meeting was as follows: "Motion to look for the City Attorney internally before we go outside [for recruitment]."

Hearing no objection, the topic of Municipal Attorney Replacement was brought back to the Assembly for reconsideration.

Mayor Koelsch joined the meeting at that time and Jerry Nankervis turned the gavel over to him.

III. EXECUTIVE SESSION

A. Municipal Attorney Replacement

MOTION by Ms. Gladziszewski to go into executive session to discuss matters which may prejudice the reputation or character of any persons. *Hearing no objection, the Assembly adjourned into executive session at 12:06p.m.*

The Assembly returned from Executive Session at 12:58p.m.

MOTION by Ms. Gladziszewski that the Assembly recruit for a city attorney, open to all applicants, for a 2 week period with a minimum salary of $140,000 which will be negotiable depending on experience.

Mayor Koelsch asked Mr. Hargraves what work staff has done on this so far. Mr. Hargraves noted that he has put together a draft recruitment bulletin. Ms. Cosgrove distributed a copy of the draft bulletin and said that she had emailed it to Mr. Jones as well.

Ms. Becker asked for clarification regarding the motion on the floor and whether the motion is to open up the recruitment across the country all at the same time. Ms. Gladziszewski said that her intent with the motion is to open up the recruitment to anyone interested, locally or nationally, and gets their paperwork submitted within the 2 week recruitment period.

Ms. Becker objected to the motion. She said she doesn't feel it necessary to recruit outside of CBJ but if they do, they should go in stages by starting internally first and then if they aren't satisfied with that pool of applicants, then to advertise outside of CBJ.

Roll call vote on the motion:
Aye: Gladziszewski, Gregory, Jones, Kiehl, Nankervis, Weldon, Edwardson
Nay: Becker, Koelsch

MOTION passed 7:2

Discussion took place regarding the next steps in the process. Mr. Kiehl suggested delegating this to a small group of 2-3 Assemblymembers to go over the draft posting. Mr. Koelsch asked if the previous members Jones, Weldon, and Nankervis would be willing to serve in that capacity. Mr. Jones noted that he would have to be traveling again for medical reasons and would prefer not to be a member of the subcommittee. Mr. Kiehl was substituted for Mr. Jones on the subcommittee.

Mr. Hargraves was asked to speak to his draft bulletin. He noted that most of the wording is the same from the previous opening but that the salary was the main change.

Additional discussion took place regarding timing and the subcommittee status and requirements for public notice of their meetings. The Assemblymembers agreed to take a brief at ease to review the document provided by Mr. Hargraves.

An at ease was called and Mr. Jones excused himself from further participation in the meeting. The meeting resumed at 1:12 p.m.

The committee reviewed the document, discussed the previous process and whether or not background checks are routinely done for this type of position. Ms. Cosgrove and Mr. Hargraves explained the usual hiring/recruiting practices used by CBJ. Ms. Cosgrove also explained that since this is an exempt position that the Assembly has a lot of discretion on the process they decide upon.

They asked Mr. Hargraves to begin the recruitment process as of Monday (7/23/18) with an August 6 deadline to submit applications. Members asked that a cover letter be requested along with the application. Ms. Cosgrove explained that the last time the Assembly went through this process, the Assembly asked staff to contact each of the candidates and run them through a short script/questionnaire to address their experience, etc... No one was weeded out through that process but staff reported back to the committee about the outcome of those conversations. Ms. Cosgrove noted that while a cover letter would provide some of that information, it shows those applicants who can write, or get someone who can write for them, but it does not provide the insights into their ability to communicate verbally, which for an attorney, is a big deal. Mr. Kiehl noted that had been extremely helpful, professional and neutral and very well done when staff provided that service for the Assembly when they went through this same process five years ago.

Mr. Koelsch asked about the background check process. Ms. Cosgrove said that generally it includes reference checking, to see what it out in the electronic sphere in terms of an internet search and they also look at court view.

Mr. Gregory asked if a credit check was done and suggested they go through a full background check from DMV similar to what their agency does when they do housing checks. That includes a full check in all 50 states as well as the TSA watchlist, etc... Ms. Cosgrove said they do not do that within regular CBJ processes, she asked Mr. Hargraves what they do with Hospital staff. Mr. Hargraves noted that they do not do a credit check but there is a comprehensive background check, including with fingerprints, but that is done through a state agency due to state laws

relating to health care. Ms. Cosgrove said there are some legal issues with checking people's credit and while she is not an expert in that, there is is some cautions around that. She said that if that is something the Assembly is interested in, they can look into it and get back to the Assembly with answers. She noted that whomever is appointed to the position has to be a member in good standing of the Alaska Bar. She said they have not done those checks in the past for this type of position but they do that for other positions such as individuals who work with children, police officers, firefighters, vulnerable populations, etc...

Mr. Edwardson said he would agree that background checks would be cheap insurance and although the Bar Association does have high standards for certain things, complaints against lawyers are not public.

The Assembly then turned to discussing possible changes to the job announcement. Members asked for clarification of the August 6 date and whether applications would be considered if they were received after August 6. Mr. Hargrave stated that what this message communicates is that if you don't get it in by August 6, you may not have it reviewed but that you can still submit it after and it is possible that it may be reviewed.

Ms. Weldon said this provides latitude for the Assembly to begin the process and continue to accept applications after the August 6 date if they feel they have not found their chosen candidate. Ms. Cosgrove also explained that this is an exempt position and the Assembly is free to consider whomever they want at whatever time period they become aware that they are interested, regardless of what is written in the recruitment bulletin. It is not like a classified position and the Assembly has a lot of latitude with this process.

Ms. Weldon asked whether they need to address the appointment of an acting City Attorney for the interim period. Ms. Cosgrove said that as a practical matter, department heads appoint their acting replacement during personal leave periods. If it is a matter of appointing a vacant position, that would be appropriate for the Assembly to appoint an acting attorney. Mr. Koelsch asked what date is slated for Ms. Mead's last day in the office. Mr. Watt explained that at this time, it is anticipated to be August 17 unless they have to go to trial on the Gastineau litigation matter. He said if they are not on trial in that matter, it may be vacant earlier than August 17.

Mr. Nankervis suggested that they revisit this matter at the August 13 Assembly meeting during executive session if necessary.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

V. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 1:25 p.m.

Signed:_____ Signed:_____
Elizabeth J. McEwen, Municipal Clerk Kendell D. Koelsch, Mayor