



Agenda Item No.: 6.

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: Bill No. 2010-45 Repeals provisions of the Municipal Code relating to citizen complaints about city employees. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact:

☐

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will repeal Chapter 2.56 of the Municipal Code relating to citizen complaints about City employees. The chapter is outdated and no longer necessary.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2010-45
2. Business Impact Statement
3. Written Comments by Charleston Neighborhood Preservation by Juanita Clark

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that a 1970 City Code provision allows for citizens to issue complaints about City employees, have that complaint investigated by the City Attorney and brought forward to the City Council, who would then decide on the employees discipline. However, this is in conflict with the current bargaining units agreements and with personnel policy and procedures. Since the adoption of the 1970 provision, only one case is currently pending, which the City Attorney is in the process of resolving. The City Attorney has asked that this provision be repealed because it is outdated. Currently, citizens who

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have a complaint against a City employee can call a supervisor or Human Resources and obtain a faster result than following this outdated detailed process. Staff recommended that the bill be repealed.

JUANITA CLARK, Charleston Neighborhood Preservation, expressed concern that this ordinance does not have the requirement that a record be kept of all complaints. CHIEF DEPUTY CITY ATTORNEY STEED clarified that any written complaint will be a public record with the exception of personal information, such as a social security number.

DEPUTY CITY MANAGER JIM NICHOLS added that citizens have called any level of supervisors on any issues regarding employee performance and behavior. Depending on the issue, severity and circumstances, an investigation will be conducted. Many complaints are usually verbal and are not necessarily documented but followed through accordingly. If a form of discipline is needed, the bargaining units process must be followed for represented employees.

MS. CLARK pointed out she has never had a reason to complain about City employees, but felt a procedure should be in place even if it may never be used. She asked what happens if she were to submit a complaint in writing. DEPUTY CITY MANAGER NICHOLS responded that it would depend on the bargaining units and their contract. Each is unique and has strict rules and steps that the City must follow in order to comply with that agreement and reach a resolution. There are four bargaining units for represented employees.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that this provision never applied to elected officials. The remedy would be to file a complaint through the Attorney General's Office or the Ethics Commission.

CHIEF DEPUTY CITY ATTORNEY STEED noted that he surveyed other local jurisdictions and did not find anybody in the State that has a process in place. Only law enforcement has a citizens review board that reviews complaints.

COUNCILMAN BARLOW declared the Public Hearing closed.