

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, September 19, 2016**

The meeting of the Public Works and Safety Standing Committee was held on Monday, September 19, 2016, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Johnson; and Jeff Bryant, BPU Board Member. Commissioner Kane was absent. The following officials were also in attendance: Gordon Criswell, Joe Connor, and Melissa Mundt, Assistant County Administrators; Misty Brown and Henry Couchman, Senior Attorneys, Kathleen VonAchen, Chief Financial Officer; Renee Ramirez, Director of Human Resources; Shakeva Christian, Human Resources; Matt May, Director of Emergency Management; Mike Tobin, Interim Public Works Director; Jeremy Rogers, Director of Parks & Recreation; and Mike Baughman, Emergency Management Program Coordinator.

Chairman Bynum called the meeting to order. Roll call was taken and all members were present as shown above.

Chairman Bynum said we have a blue sheet this evening. Additional information for Item 3, update Human Resources Guide Item 4, Amendments to Block Party Policy and a new Item 5, 2016 Mowing.

Approval of standing committee minutes for July 25, 2016. **On motion of Commissioner Markley, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Measurable Goals:

Item No. 1 – 16768...DISCUSSION: REVIEW OF DEPARTMENT GOALS

Synopsis: Presentation and discussion of measurable goals for various departments, submitted by the County Administrator's Office.

Chairman Bynum said last month we had a list of measurable goals come in our packets. I'm going to turn it over to our Assistant County Administrators, Joe Connor and Gordon Criswell and we'll hear your presentations.

The list of measurable goals was presented to the Public Works and Safety Standing Committee on August 22, 2016.

Gordon Criswell, Assistant County Administrator, said I think in your packets, commissioners, are the various departments you guys will be reviewing. I think these departments have been before you in the past and you had some questions and recommendations for staff. We want to just make sure we've answered all of your questions before we revisit them with more measurables around the goals.

Joe Connor, Assistant County Administrator, said I just want to add too, this is in planning for our Strategic Planning workshop, November 5th. This is a format we kind of came up with to try to tie it all together, like it, you don't like it. There are other things we can do. We can do it differently or however you'd like to do it, but we'd like to have some feedback from you on kind of what we've compiled and how it's formatted so we can have a really good discussion with the consultant leading the way for us on November 5th.

Again, the ones we've listed here are the ones that have been before this committee throughout the year. Again, this is the compilation of all the different pieces so—**Chairman Bynum** said I am struggling with my technology and cannot find—I looked at this packet earlier and now I see all of the Emergency Management stuff. So the goals for Public Works & Safety include Community Corrections. I think Juvenile. Can you say them for me? I cannot get to this section of my—**Mr. Connor** asked would you like for me to state which ones are—**Chairman Bynum** said yes please. **Mr. Connor** said Community Corrections, Emergency Management, Fire, Parks and Recreation, Police, Public Works and then Parks and Recreation combined, that's the mowing program; Sheriff and then you've got Commission Priorities from previous goals that we already had setup. **Chairman Bynum** said okay. I found it finally, Mr. Connor, I'm sorry. What you're asking tonight, are there additional questions or concerns from us. **Mr. Connor** said or just some general feedback about what's been presented. Is this kind of the way and the direction you'd like us to go? Is it too much detail? Is it too little detail? Again, as we get ready

for the first part of November, just kind of what the feedback is from what we've presented so far.

Commissioner Markley said again, this is just general feedback. I didn't have any intention of reading through every goal tonight and talking about each goal individually. I like the way we've been having departments come and present to us and that was sort of new from the last round of Strategic Planning to this round. I like that. I think it's good to have that interaction with each department as they come before us. I think it's good for us to see how the goals the departments are developing are linking up to our overall goals and I liked, I mean they were good. They were relatively short presentations, but I felt like it gave us just enough detail to know more about what the department's doing and how that links up to what we're doing. I really appreciated that and I would like to see that continue in our standing committee's going forward.

This format you presented, I think it's nice. It's just an easy way to sort of organize what we've been doing. I think it's just, for me, I felt it was just the right amount of detail for us to be able to glance at it and know sort of what's going on and whose committee that falls under. My only question would be is it as useful to staff and is it helping you in some way. If there's anything that would make it more useful to staff, I'd be happy to see that as well because you are the ones that interact with this more often than we do.

My final comment, and this is something that I shared with Joe as he was putting together information about Strategic Planning, is that I want to see us focus on the goals in Strategic Planning but on a very high level. One thing I'm wondering is whether I love that the departments now have all these goals. This is something that didn't exist when I first got elected and it's something that's sort of come out of all these sessions that we've had over the years. I wonder if we should start to develop an overall goal annually that applies to the whole organization so that if you ask somebody on the elevator what's the annual goal? What's the one big thing? The reason I'm sort of thinking that way is because I started thinking about some of the most successful companies in the world and what things they do in terms of goal setting.

One thing that I noticed as I was doing a little research on that is that those really huge successful companies, what they all do is have just a couple, one, some do the one big thing. Some have a couple of big things, but they tend to focus the whole organization on one goal annually and then all the departments sort of support that one goal and they have maybe one departmental goal that supports that big goal. What I think is nice about that is sort of the

unifying factor and also the really nice ability at the end of each year to say this was our one big thing and look what a great job we did. Now this is going to be our big goal next year and look at what a great job we're going to do. I just saw that as a commonality between other super successful organizations. Not something we need to do tonight but something that I think in Strategic Planning might be good discussion point for us is if we can accomplish one thing organization-wide in the next year, what would that be and how would that impact all of our different departments. I love that I just said all this general stuff in your committee so then when my committee comes up I won't have to say anything.

Chairman Bynum said anyone else as we look through these items, again, as we're preparing for our Strategic Planning.

Commissioner Johnson said, Joe, can you kind of tell me as the departments are establishing their goals what is guiding them in terms of as far as the percentages and the numbers? Is it prior? Are we looking at trends from the past 2, 3 to 5 years? Are we looking at information from other municipalities that are doing what we consider to be "best practices?" What are we utilizing to establish our benchmarks? **Mr. Connor** said a lot of the ones that came forward, all four of the committees actually were kind of the benchmark year. There were some that had this is what we've done previously. We're going to try to maintain but a lot of it was comprehensive, we're going through it for the first time and so I would say that generally these are where we're starting with our benchmarks. Now, I think getting into the Strategic Planning Session, staying at a higher level I think that some of those goals could be disseminated to us as departments. I think that's still kind of in line with Commissioner Markley's comments. Generally, I would say that a lot of it is first time. A lot of it is kind of the this is where we're trying to start to measure and go from here, up or down depending on whichever way we want to go.

Commissioner Johnson said what caused me to come to that question was when I looked at the Police and it talks about reducing complaints filed against officers by 50% and then reverse the upward trend of complaints and I just thought to myself if the goal is to reverse an upward trend, that's an awful lofty goal in terms of reduction of the number of complaints, not to say that I don't think we should or try to accomplish that. It's just from a logic standpoint, we're trying to reverse a trend and then we're talking about reducing these complaints by 50%. I certainly hope so, would love to see it happen, I'm just trying to understand the psychology behind how we put

together the goals. **Mr. Connor** said I think that's a good comment. Again, I think what you're saying is basically realistic versus lofty or achievable. That's kind of the whole point is making sure these are achievable, what the department say, what they bring forward to make sure we can actually get there. **Commissioner Johnson** said yes, we want to get as many wins as possible.

Chairman Bynum said anyone else on these measurable goals, if not we will move on and we will be in preparation for our November 5, Strategic Planning Session and I know we'll have more when we move to the next standing committee as well. **Mr. Connor** said, again, to Commissioner Markley's comments, we'd like to leave Strategic Planning with some overall direction and we want to get the departments in this so let's put some meat on the bones of where you guys want us to get to. That's where you get into the benchmarks, percentages and what's realistic. Its great feedback and I think it puts us on course.

Action: *For information only.*

Committee Agenda:

Item No. 1 – 16783...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN – ESF 7

Synopsis: Request approval of proposed revisions to Section ESF 7 - Resource Support of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director.

Matt May, Emergency Management Director, said as we forewarned you last month, we're going to be doing this routinely. We'll start with ESF 7 and I've got both the redacted copies and the ones with the full set of changes. My big question to you, are there any questions about the changes and why. I know it's a lot to consume. Again, I'll just remind you the process as we bring together our key stakeholders, all the players that you see listed in the back that have action items that we expect them to take certain actions and certain kinds of responses. You are both welcomed to question us and our lead coordinator as well. As the Finance Department has taken on the coordinator role, and I offer to all of you that I am going to be changing that as we go

through these trying to clarify that coordinator role and what the responsibilities are, so we've done that in those meetings. Really my questions are back to you.

Commissioner Philbrook said as I understand this, as you're going through this and changing this practically line by line—**Mr. May** said literally. **Commissioner Philbrook** said then you're having the folks who are coordinating with us signing off on that as we're going or are you waiting until the end. **Mr. May** said absolutely, we actually do a couple of things. We make a lot of changes right there during those meetings. They tend to be a little arduous because it is literally a paragraph by paragraph process, but we can solve a lot of issues right there in the room with the other partners. Somebody else can say, hey I can help with that. We work that out.

A couple of cases have been significant enough changes that time really was of the essence so we chose to let them come back to us with revisions. It was strictly theirs, it was something you know to pick on the Red Cross. Something the Red Cross was going to handle, no problem, but they wanted to revise it and we allowed them an opportunity to get back to us. We'll talk more about that in the ESF 8. **Commissioner Philbrook** said yay! Thank you for doing that. **Mr. May** said it needs to be done. We're on a five-year schedule and my intention is to hold these meetings annually. We'll continue this rotation into the foreseeable future and that'll make sure this document stays fresh, but I want to make sure you folks have seen it and understand why we're making changes. If they are significant enough and at the end of this process, like I said in the spring of 2017, we'll bring back not only these sections that you've already looked at but also the base plan, which a piece we write within Emergency Management, and bring that all back to what I would expect you to go ahead and take to full commission for final approval as the resolution requires, as I believe.

Chairman Bynum said so this is the County Emergency Operation's Plan. How does it now and once revised fit into the regional? There's a regional plan. **Mr. May** said there are regional plans and fortunately for us, they're broken up the exact same way, by these ESFs. We often call in these revisions to that plan. That plan is also on a revision schedule. It's constantly a dynamic green document, if you will, that's constantly being looked at refreshed. It's easier for us here to point to those documents where it's appropriate and the best example I can give you right off the top of my head is ESF 10, which is the hazardous material's response section. They work very well together. They write their own response plans. It's a separate document in that regional

construct and we simply point to it with some detail added to it that's unique to us. **Chairman Bynum** said and 7, that we're on, is all about the support piece. **Mr. May** said primarily it's financial and resource management elements but there are fingers of this that poke into other folks. We make sure that they all have that voice, but it's really about how we're going to do resource management and who's going to be at that table to make those funding decisions, including yourselves.

Chairman Bynum asked are there other questions are comments from the committee members. Are there questions are comments from the public? Anyone want to make a comment on this item? **Commissioner Markley** said do we need a motion? **Chairman Bynum** said we do need a motion. **Commissioner Markley** said separately for 7 and 8. **Chairman Bynum** asked do we need to take these separately, ESF 7 and ESF 8, take them separately in motions. **Misty Brown, Senior Attorney**, said yes. **Chairman Bynum** said alright, this will be a motion for revisions to ESF 7.

Action: **Commissioner Markley made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

Item No. 2 – 16783...PROPOSED REVISIONS: COUNTY EMERGENCY OPERATIONS PLAN - ESF 8

Synopsis: Request approval of proposed revisions to Section ESF 8 - Public Health and Medical Services of the County Emergency Operations Plan (CEOP), submitted by Matt May, Emergency Management Director.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

Item No. 3 – 16784...UPDATE: HUMAN RESOURCES GUIDE

Synopsis: Update to the Human Resources Guide, Policy 7.1 - Rules and Discipline, to include new discipline rules related to concealed carry by employees, submitted by Jenny Myers, Senior

Attorney.

Joe Connor, Assistant County Administrator, said this is a follow-up to what was approved last month with regards to employees and concealed carry or carrying of weapons in our buildings. What you asked for was a change—for us to review the rules and discipline section of the policy to make sure there were appropriate and clear actions taken against employees that violate the policy. I'm going to let Renee, Henry and Shakeva go through this with you. This is on Rules and Discipline Policy for tonight.

Review

- ▶ July 1, 2016 changes in Kansas law regarding conceal carry (HB 2502)
- ▶ UG modified the Violence Free Workplace Policy (HRG 6.2)
- ▶ The UG prohibits possession of any type of weapon in UG buildings and workplaces
- ▶ Unified Government continues its commitment to providing a safe working environment for employees and the general public to conduct business.
- ▶ This rule does not apply to employees who must carry weapons as a condition of their employment

▶ Notification to UG employees



Renee Ramirez, Director of Human Resources, said so as Joe stated, we were asked to come back by this committee to make some modifications regarding our Rules and Discipline, which is located in the Human Resources Guide in Section 7.1. Just to review a little bit, this past July we came before you to make a modification to our Violence Free Workplace because of the law changes in Kansas that went into effect July 1st allowing conceal carry. The Unified Government prohibits possession of any type of weapon in buildings and in the workplace. I want to make sure and reiterate that the Unified Government is still going to continue with its commitment to provide a safe working environment for our employees and for the general public to do business here.

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This rule does not apply to any employees who must carry weapons as a condition of their employment such as our police officers and there are sheriff deputies that would be exempt from this provision here. Once we passed the 6.2 HRG Policy for the Violence Free Workplace, we then immediately sent notification to Unified Government employees advising them of the new changes in the law and the changes in the policy for 6.2. We also required department heads to meet with all of their staff in regards to these changes because we wanted to ensure that staff was aware of what policy changes we had here. We asked every department head to receive an acknowledgement from each of their staff members that they were aware that these policy changes existed.

Today we have about 80% of the departments that have complied with that acknowledgement. We're still working on about 20% in trying to collect those. Some of the reasoning for that is because people have been out, probably on extended leave. Those are some stragglers that are coming in.

Review cont'd

- ▶ All Unified Government buildings are exempt from the 2013 law
- ▶ No guns, concealed or open, by anyone in UG buildings
- ▶ Exemption expires July 2017



Again, just as a reminder, all Unified Government buildings are exempt from the 2013 law; no guns concealed or open, by anyone in UG buildings and our exemptions does expire July of 2017, at which time we're going to have to revisit again, these policies for a second time.

Changes to Violence-Free Workplace HRG 6.2

Prohibits the following acts:

- ▶ Physical or verbal reference that an employee is carrying a weapon
- ▶ Display of a weapon
- ▶ Open carry is prohibited
- ▶ Failure of an employee to keep a gun in his or her immediate possession and control
- ▶ Unlawful use of a handgun in the workplace
- ▶ Possession by an employee who is not legally qualified to carry



Changes to the Violence Free Workplace Policy, as a reminder, it prohibits the following acts which were physical or verbal reference that an employee is carrying a weapon, display of a weapon, open carry is prohibited, failure of an employee to keep a gun in his or her immediate possession and control, unlawful use of a handgun in the workplace any possession by any employee who is not legally qualified to carry a weapon.

Changes to Rules and Discipline HRG 7.1

Rule Violation	Discipline
Possession of a weapon in a UG building	Penalty to be determined by the circumstance
Failing to keep a handgun carried by an employee concealed or in one's possession at all times	Written Warning, Suspension, Termination
Any physical or verbal reference that an employee is in possession of a weapon or any display of a weapon	Written Warning, Suspension, Termination
Openly carrying a firearm while conducting UG business	Written Warning, Suspension, Termination
Unlawful discharge of a handgun	Termination
Possession of a weapon that the employee is not legally qualified to carry	Termination
Failing to notify a supervisor of another employee's violation of the Violence Free Workplace policy	Penalty to be determined by the circumstance



So that takes us to the Rules and Discipline in 7.1. Here I just wanted to highlight the actual rule violations that are specific to the conceal carry. We did take the time to actually review and make several modifications to this policy as you have in front of you. We tried to redline everything that we had as far as any changes that we would of had. Many of the changes may be just changes that we were trying to mirror what we were actually practicing because this policy had not been revised since 2005.

Just to bring you back to the actual rule violations that are specific to the conceal carry, and these are specifically the ones that you asked us to come back and put some discipline onto, possession of a weapon in a Unified Government building; we left the penalty to be determined by the circumstance. Just for clarification again, all Unified Government buildings are exempt from the law and until then, no guns are allowed in any of our buildings. With that, depending on if a situation occurs, this allows us the flexibility to really vet out what the situation is before imposing discipline on the employee.

Failing to keep a handgun carried by an employee concealed or in one's possession at all times; we felt that if this happened, maybe the first time we would issue a written warning. The first occasion, a written warning is actually in our level of progression, it is like the second level.

The first would be a verbal but because of the severity of this violation we felt that the first violation should be at least a written warning and then move to a suspension and a termination.

Any physical or verbal reference that an employee is in possession of a weapon or any display of a weapon; again, that is a written warning, a suspension and a termination.

Openly carrying a firearm while conducting UG business; again, we followed the same progression of a written warning, suspension and termination.

Unlawful discharge of a handgun; on that one we are going to move for termination because if for whatever reason that someone did discharge their handgun, if it was lawful they would be going through the procedures through the courts to justify if the discharge of that weapon was within those constraints. We also wanted to consider if it was accidental, if someone was just sitting there and their weapon went off. We needed to be able to address, but we wanted to take a stance that any discharge would be termination of employment.

Possession of a weapon that the employee is not legally qualified to carry; that is going to be immediate termination as well because if you are not legally qualified to carry a weapon, you should not be carrying that weapon.

Failing to notify a supervisor of another employee's violation of the Violence Free Workplace Policy; we took that as the penalty to be determined by the circumstance. We wanted to make sure employees understood that we are very serious about this policy and any knowledge—if you know that another employee is violating this policy, employees have an obligation to report.

Henry Couchman, Senior Attorney, said I'm going to interrupt here for a second because I don't think that slide is accurate. We've been changing this back and forth so many times that I'm not sure all of the revisions got in, well I know they didn't get into the slide and what you have in front of you in terms of the policy is not what's shown on that slide. Let me go through what I think we finally determined should be the penalties for these things. The first one, Possession of a weapon. That is correct. The penalty is to be determined by the circumstances. I'm thinking there was it is possible that an employee could accidentally bring a gun into the workplace. That would merit a different penalty than somebody who consciously and deliberately brought one in in violation of the policy.

Failing to keep the employee's handgun concealed or in his or her possession at all times, also, that is correct, first a written warning, then a suspension and then a termination. The next

two; however, are not correct. For any physical or verbal reference that an employee is in possession of a weapon or display of a weapon, our recommendation is that there be a suspension the first time and termination the second time. It's stronger than what's reflected on that slide.

Then openly carrying a firearm while conducting UG business, again, our recommendation would be a suspension for the first offense, termination for the second offense so it's stricter than what's shown on that slide. Then the other two would be unlawful discharge of a handgun or possessing a weapon that the employee is not legally qualified to carry; I think any discharge of a handgun is a very serious matter, whether it's accidental or intentional, and we felt that termination was warranted in that situation.

Possession of a weapon that the employee is not legally qualified to carry; that's usually with regard to someone that's been convicted of a felony or has some other disqualification that's almost certainly knowing and that should also be a termination offense.

Commissioner Philbrook said so the unlawful discharge of a handgun, I just want to understand, you are going to terminate someone for the unlawful discharge of a handgun. **Mr. Couchman** said yes. **Commissioner Philbrook** said not for just the discharge of a handgun. Is that correct? **Mr. Couchman** said yes. That's what it says. **Commissioner Philbrook** said I know. I'm just trying to make sure because sometimes people try to get rid of the unlawful part and just see discharge and, so as she was saying earlier, you referenced the fact that the normal things that would happen it would be going through the Police Department and/or the D.A.'s office for the discharge of a handgun and they would be looking that over and determining if it was lawful or unlawful. **Mr. Couchman** said that could be in some situations, yes. I would think—my view would be that almost any discharge of a firearm is going to be unlawful. There are only certain places where a firearm can be discharged lawfully. Now, there may be circumstances where in self-defense or whatever a discharge of a firearm would be found to be legal or lawful but by and large no. **Ms. Ramirez** said and we do have a city ordinance that prohibits the discharge of a firearm. **Commissioner Philbrook** said I know.

Mr. Couchman said in the last one 18, that is correct as far as failing to notify a supervisor. **Chairman Bynum** said well I'm glad to hear that two of those were not correct as shown because as we were going through them I was not agreeing and so suspension and termination,

openly carrying a firearm while conducting UG business was one of them that was really standing out for me. I'm fine with it as stated correctly.

BPU Board Member Bryant said just for clarification, the same subject of unlawful discharge; is that only during their working hours or would that include like on their weekend? I have no idea what—**Mr. Couchman** said this would be in connection with their work.

Commissioner Johnson said can you remind me again, I might have been having a senior moment. The first one, possession of a weapon, why the discipline is the penalty to be determined. Is there a rationale? Tell me again why that is as opposed to suspension and then termination. **Mr. Couchman** said I think the main thought we had on there is that it's possible that an employee could inadvertently carry a weapon into the building and that penalty ought to be different than a penalty for someone who actually knowingly brings their weapon into the building. That's the primary reason I think penalty to be determined by the circumstances. **Commissioner Johnson** said someone could inadvertently bring a firearm into the building. **Mr. Couchman** said I think that's certainly possible for somebody that has one in their purse, doesn't realize it's in there. It's possible, still a serious matter, but the penalty could be different you know depending upon whether there is actually some intent to it.

Commissioner Philbrook said so if somebody is not really on the job but they're coming here to maybe talk to the HR person or whatever and they normally do conceal carry, they're not thinking about it. They are just brushing around and they zoom in and they've got their gun. That would be the situation on something like that. I know people go how can you forget you have your gun. Well, if you carry one all the time, it just becomes part of you and you don't think about it as much. The other thing is that am I going to want to leave my gun sitting in my car outside in the parking lot. You know, that's why people conceal carry, which is one reason I'm not conceal carrying right now, because I don't want to have to deal with all the ramifications of that other than away from here.

Commissioner Johnson said the testing on whether someone is inadvertently carrying a weapon into the building, how do you measure that? How is one able to ascertain whether they knew or didn't know? **Mr. Couchman** said well, there would undoubtedly be an investigation conducted and ultimately I think it comes down to a credibility determination by Human Resources or the

Administrator. They would have a heavy burden to show that it was in fact just a slip of the mind rather than an intentional or deliberate violation of policy.

Commissioner Markley said yes, I was going to hit on the exact same issue as Commissioner Johnson. I guess my opinion is, I understand someone could accidentally bring their gun in. I get that, but for me that violation is no less severe because it was an accident because the bottom line is they brought a gun into the building and that the responsibility of the gun owner still rest with the gun owner.

My concern all along has been that the other people in our building still feel safe. I'm less concern with the rights of the gun owner who is the one who violated our rule than I am with the rights of the people in our building to feel safe. I guess if it were me, I would say written warning, suspension and termination for possession of a weapon in a UG building regardless because I feel the same way as Commissioner Johnson in that especially if they know there's flexibility, of course everyone is going to say they brought it by accident. They're not going to say oh yes I intentionally brought my gun in to show it to somebody. You're going to always get the same answer which is that yes of course it was accidental. I brought my gun in by accident because I know it's a violation to bring the gun on the premises.

I would point out just for purposes of the public listening or those maybe who just haven't thought of it this way, obviously, in this building it would be very difficult to accidentally bring a gun into because you have to pass through security. This applies to all of our Unified Government facilities and we have facilities throughout the community that do not have security desks or metal detectors and those are the ones that would be of greater concern because people are going in and out of them more often and without security checking them. **Mr. Couchman** said let me just respond to that this way. My understanding is that you would prefer it to be a written warning, suspension and then a termination. Is that what I—I think the penalty as it's put in is actually more strict than—**Commissioner Markley** said if it's used. **Mr. Couchman** said well, I think the intent of the penalty is if they intentionally bring a weapon into the building it's going to be a suspension or a termination, period. The only time that we would ever consider not doing that, in my opinion, would be is if it was clear that this was inadvertent and there was plenty of evidence. I don't think a written warning—I mean somebody who intentionally brings a gun into the building deserves something harsher than a written warning and that would be my understanding of how this is supposed to function. **Commissioner Markley** said so who is

making that determination I guess is my next question. Is it always coming to your office because my concern is that when we leave wiggle room different departments may treat things differently. The guys who are out in the field doing our public works, patching our streets and those sorts of things, they might come in with a gun and their supervisor might say oh, it was just an accident, no big deal where if it happened in one of our buildings that has a little stricter requirements and maybe more people working there, they might get a different treatment and I don't want there to be enough wiggle room where every employee is treated differently. **Mr. Couchman** said my understanding is that under the Violence in the Workplace Policy, Human Resources has to be notified of a violation of that policy so it would come through Human Resources, likely would come through Legal. I would not expect it to be done on the immediate supervisor level. It's too serious of a matter to be dealt with there. Ultimately, it probably will be a recommendation from Human Resources, probably one that's reviewed by Legal and ultimately it'll go to the County Administrator to make the decision as to what's appropriate in that circumstance. **Commissioner Markley** said I'm okay with it with that, understanding that it's not going to be made at the departmental level. **Ms. Ramirez** said at the beginning of the policy, just to confirm that, we actually in this revised policy if you turn to page 2 of the policy, we actually spelled that out to make sure that departments knew that any violations of the policy were going to be coming through Human Resources and then we would be consulting with Legal and the final authority for termination is going to lie solely with the County Administrator. **Commissioners Johnson and Markley** said okay.

Chairman Bynum said anything else on this item. Does any member of the public wish to speak on this item? This is an action item. I believe we will vote and I believe that vote will mean that we are then moving this forward to full commission. **Mr. Connor** said correct.

Action: **Commissioner Philbrook made a motion, seconded by BPU Board Member Bryant, to approve with the intended corrections as given.**

Chairman Bynum said this is correct. **Ms. Ramirez** said yes, you do have the corrected copy; it's just that we didn't change the PowerPoint.

Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

Chairman Bynum said thank you for the work. I know that was a lot of work to revise that policy and we'll see you next year doing the same thing again, probably.

Item No. 4 – 16745...DISCUSSION/CONSIDERATION: AMENDMENTS TO BLOCK PARTY PERMIT POLICY

Synopsis: Request approval of amendments to the UG's Block Party Permit Policy to address recent public safety and logistical concerns, submitted by Susan Alig, Attorney, Legal Department.

This item was presented and discussed at the August 22, 2016 Public Works and Safety Standing Committee meeting and continued to the September meeting.

Chairman Bynum said this carried over from last month's meeting. You remember we had a fairly healthy discussion about our Block Party Permit Policy and so we made revisions to that based on our discussion. We have Ms. Brown here to share with us the revisions and the updated version of the policy, so that we can also if we so choose move that forward.

Misty Brown, Senior Attorney, said that's correct Commissioner. Last month after reviewing the policy, our draft policy; there was roughly four suggestions that we were asked to go back and change. One in Section 7, we went back and clarified the deposits and fees to make it very clear that you would start with a \$150 permit application, \$30 would be for the application fee, there would be \$50 for the drop-off and retrieval of the barricades and then the \$70 would be for a security deposit and the conditions for getting that deposit back would be the barricades are in good condition and all trash and litter is picked up from the party.

We've made it very clear that Public Works would be picking up and delivering the barricades to ensure that they remained intact and also to give staff a chance to review the area to make sure that it was in fact cleaned up.

We've added another section stating that everyone agrees they would comply with the laws with a specific notation regarding the noise there. We have ordinances that talk about noise and if someone did violate that, they would be guilty of those ordinances but everyone

understands if you're going to pull a block party permit, you're going to comply with all the rules.

Then another section at the end, there was a request to clarify that everyone would need to clean up. If you don't comply with the policy and you have too much contact with law enforcement, you would not be able to get permit again and specifically if you don't clean up your trash, that this permit would not be granted again to that applicant. If this draft meets with everyone's approval, if no other changes are sought, I did put together a small resolution adopting the policy so it could be moved on to the full commission.

Chairman Bynum said I have a question. As I'm looking at what's in the packet and maybe there's something different on paper. Block Party Policy and 1. is Purpose, 2. is the Issuance of Permit et cetera, et cetera. First of all, I think one of the changes was it not the signatures of 75%. Wasn't that an increase, signatures of 75% of the residents in Item 2.6? Number 7 is the barricades section. **Commissioner Markley** said I think you meant to take out little i. but it's not taken out of our version. **Chairman Bynum** said I just want to be crystal clear with this section. Are we saying that folks can still pick up their own barricades and return them or no? **Ms. Brown** said no. They are not. **Commissioner Markley** said it looks like the paper version has that corrected but the electronic version we got does not have that corrected. **Chairman Bynum** said I need to look for my paper version. **Commissioner Markley** said just make sure that you're using the right version. **Chairman Bynum** said I apologize because I want to make sure that we're moving forward with what you've drafted. Here it is. **Ms. Brown** said I apologize for any technology errors. My version has the barricades, the option to pick it up yourself as all struck out so that it's mandatory. **Chairman Bynum** said and I see here on the paper you do spell it out clearly. Must pay \$150, UG will keep \$30; UG will also keep \$50 as a fee for delivering and picking up the barricades. **Ms. Brown** said correct. **Chairman Bynum** said and the remaining \$70 is a security deposit. Okay, that's much better. Thank you. I'm reading the paper one now so I'm in better shape. You do speak to the applicants who have failed to remove decorations, trash and debris etc. will not be granted a new one. **Ms. Brown** said correct. **Chairman Bynum** said now that I'm looking at the correct version of it, to me, I don't want to cause you more work. Maybe on number 7, when we do publicize it or hand it out or anything, those specific items as they relate to money could be bolded and italicized or something. **Ms.**

Brown said okay. **Chairman Bynum** said I think the money needs to be spelled out right up front.

Commissioner Philbrook asked what is your resolution number this, if you want it read in. **Ms. Brown** said my resolution number. **Commissioner Philbrook** said yes. Are they going to give you a number later? **Ms. Brown** said they'll give a number depending on the order if we move it forward. **Chairman Bynum** said now that I'm clear on the version that we're dealing with, are there any other comments or questions on this?

Action: **BPU Board Member Bryant made a motion, seconded by Commissioner Johnson to approve.** Roll call was taken and there were five "Ayes," Bryant, Philbrook, Markley, Johnson, Bynum.

Marcia Rupp, 2816 N. 46th St., said it wasn't opened for anyone to speak. **Chairman Bynum** said I apologize. You certainly may. Would you like to come forward? You certainly may do that. **Ms. Rupp, 2816 N. 46th St.,** said some other people aren't with me today. We had a couple sick, somebody had a family deal so it's me. I want to thank everybody for taking this and working with it and trying to make it better. You know because I think there was one thing that was brought up by Janet Golubski about the—are these just going to be block parties or is this going to be like a birthday party or a single party because that was kind of the question that it should be a block party and the purpose of the block party is to bring the neighborhood together. **Chairman Bynum** said because of the item that includes 75% of the people in that area agreeing, it speaks to that somewhat. That we wouldn't necessarily allow the street to be closed and whatnot, obviously we're not going to allow it if 75% don't. **Ms. Rupp** said for just one family. It's got to be people joining in. It can't be just one family having a private party. **Chairman Bynum** said I don't believe it would allow for that.

Ms. Brown said to clarify, if 75% of the residents approved it and chose not to go to the party, it would be granted but if you know—it could technically be for one family if all of their neighbors were okay with it. **Ms. Rupp** said I just wondered. We have huge backyards in our area.

The other thing that I did bring up was the closing of 46th Street. since 45th, which goes from Leavenworth Road clear through to 46th Street and 47th down and all the way up to State

Avenue which is one of the only through streets. 47th Street is already on the list. 45th Street, you couldn't possible have one on. It's like a roller coaster—so you know about closing 46th Street. It's just way too busy. We've had police chases, all kinds of things. As a matter-of-fact, we've had a couple of crime things happen, knifing and the police had to be out there and put up tape and it was you know. I do want to say the incident did happen on the street is going to court and the flash drive; you can do whatever you want to with it. I let Lieutenant Colonel burn it off on his so they have all the evidence and everything. That will be in court.

Chairman Bynum said any response to that. **Ms. Brown** said I did speak with Ms. Rupp earlier and I definitely understand her concern. I would advise per our code that this list be kept fluid and that it should be the County Engineer's discretion on what roads to add to it. The code speaks to the Commission determining the policy but as far as the work on the roadway and the roadway itself should be something the Traffic Engineer and the County Engineer addresses.

Chairman Bynum said I'm going to agree with you. Thank you. We have voted on this item. I believe we took roll. Did we not? I believe we passed this and it will move forward for adoption by the full commission.

Item No. 5 – 16793...PRESENTATION: 2016 MOWING

Synopsis: Discussion regarding additional mowing in 2016, submitted by Jeremy Rogers, Parks & Recreation Director.

This item was presented and discussed at the August 22, 2016 Public Works and Safety Standing Committee meeting and continued to the September meeting.

Joe Connor, Assistant County Administrator, said I want to introduce this item topic as well Commissioner. This is something we added just today. We're continuing to get complaints about mowing. I'm sure that you all may be still getting complaints as well. We've had an extended season obviously because of the weather and so we wanted to have Jeremy, and actually Mike Tobin is back there as well from the Public Works side, but we were talking about the lots, the Parks part of it, what they do, on a lot of our vacant lots. Jeremy has done a little bit of

research on this and has come up with some options to talk about. We just want to get some feedback from this committee before we move forward.

Jeremy Rogers, Parks & Recreation Director, said as Joe said, I'm here to talk about the vacant lots and not the parks so please keep that in mind. We mowed our first vacant lot this year on March 31st and our budget expired on August 24th. We mowed our last vacant lot on August 24th. We mowed 2,907 different lots. Each one of those were mowed between one and five times for a total of 7,385 mowing's. We mowed a lot and that expired our budget. It's September 20th today. We're not done mowing. Grass is still growing. The rain that we had last week is causing everything to bloom, so we have some options going forward. Option A is to fully fund mowing all of the 2,907 lots one more time. Option B would be to fund the high priority ones; the ones that are more in the front. The ones that you guys get the calls on. Of course Option C is to do nothing. **Commissioner Philbrook** said I move for Option A because I don't think anybody is less important when it comes to one of those lots, especially if it's next to your house and yes, I have had some calls already and seen some so thank you for that.

Chairman Bynum said so my question is, you expended your budget for mowing vacant lots on August 24th. Is that correct? **Mr. Rogers** said that is correct, yes. **Chairman Bynum** said so how much does Option 1 cost? **Mr. Rogers** said Option 1 is around \$96,000. **Chairman Bynum** said and how do we pay for that? **Mr. Connor** said we would have to go back through and find some funds to do a budget revision to make that happen. Any of the options we would be talking about at this point, we would require a budget revision. **Chairman Bynum** said so Option 1 costs \$96,000. Do you have an estimate for Option 2? **Mr. Rogers** said anywhere between \$20,000 and \$40,000. **Chairman Bynum** said and we would be looking at our budgets to identify where we would anywhere from \$20,000 to \$96,000.

Mike Tobin, Interim Public Works, said if I could interrupt Commissioner. Jeremy's sold himself a little short here. His crews are is still mowing lots on a basis that is an emergency only. He has other contractors that are mowing medians and cemeteries. There is quite a bit of mowing still going on by Parks and Street crews. Parks will be working overtime most of this week trying to catch up. Streets will be working overtime trying to catch up on the right-of-ways.

Please consider approving this because this is a big move toward what we've all been talking about and Melissa's here and she's got the SOAR Program going with her, Joe and Gordon. This is part of that whole deal where we go into the neighborhoods and get everything cleaned up. **Chairman Bynum** said I agree and I understand and I appreciate that. **Commissioner Johnson** said if we can find the \$96,000, let's get them cut.

Melissa Mundt, Assistant County Administrator, said I just wanted to remind the commissioners here tonight that we do have more money allotted next year. So hopefully, we will be blessed by the weather gods in a different fashion related to rainfall next year, but we do have more money next year in the budget. That was identified during the budget season that Commission approved related to SOAR so that should help next year, but yes, for right now this is the gap and maybe than next year we won't spend as much. At this point we're going to have to rely on Kathleen over here to help us solve this problem. **Commissioner Markley** said I think we should hope it doesn't snow at all this winter and then maybe we can transfer the money from the snow over to the mowing. **Ms. Mundt** said Commissioner, you're brilliant. We like how you think.

Chairman Bynum said I don't want anyone to think I don't love our green grass and our wonderful community that grows things so well but yes, mowing then becomes a huge problem. I think I've heard two commissioners support the \$96,000, the mowing all the lots. Is there consensus around mowing everything again? **Commissioner Markley** asked do we need a motion. **Chairman Bynum** said I don't believe we need a motion. **Mr. Connor** said no, there's no motion required. This was just an FYI. **Chairman Bynum** said I believe that you have the support of the standing committee to mow all 2,907 vacant lots again.

Chairman Bynum adjourned the meeting at 5:50 p.m.

Adjourn

tpl