

COUNCIL WORK SESSION

Wednesday, March 21, 2018

Casper City Hall

Council Meeting Room

AGENDA

1. Full-time Municipal Court Judge (Judge Hand)
2. NAPA IBS (Zulima Lopez)
3. Council Repeal Ordinance (John Henley)
4. Police Recruitment Incentives (Chief McPheeters)
5. School Violence Resolution (Councilman Laird)
6. Agenda Review
7. Legislative Update
8. Council Around the Table

Mayor Pacheco called the meeting to order at 6:20 p.m. with the following Councilmembers present: Powell, Laird, Humphrey, Morgan, Hopkins, Walsh, and Mayor Pacheco.

City Manager Napier began a discussion regarding hiring a full-time Municipal Court judge. He stated that this has been an ongoing discussion with Council and that the specific information that was requested is contained in the work session packet. He then reviewed data that has been analyzed regarding this issue including case data, revenue data, and trend data. He stated that Judge Hand was present at the work session to answer any of Council's questions.

Councilmember Laird asked Judge Hand if he was interested in being the full time judge, and Judge Hand responded that if the job became available he would need time to consider. The decision to apply. Councilmember Powell asked about the advantages of the current model as opposed to a full time model. Judge Hand explained that he and the other judges feel that the current model is working well and there have not been problems with conflicts of interest. He stated that there is an advantage to having several judges for cases where there is a conflict of interest and the case needs to be assigned to another judge. He added that there would be increased delays with a full-time judge model due to the time it would take to assign cases to another judge for instances of conflicts of interest. Councilmembers Laird and Walsh discussed issues they have heard regarding conflicts of interest, including a DUI case regarding a city employee in Mills where Judge Hand was the prosecutor. Councilmember Hopkins stated that he has not received the same feedback from attorneys about issues with conflict of interest. He added that he think having several judges meets the ethical standards of the court. Councilmember Walsh discussed efficiencies in the court and stated that a full time judge would make the court more efficient.

Judge Hand discussed having a judge administer the court, and stated that he does not think a full time judge would be able to handle the increased case load as well as court administration. City Manager Napier stated that he would recommend using a similar model to what is used in the City Attorney's Office for Municipal Court administration would recommend utilizing other staff to assist in administrative responsibilities.

Councilmember Laird asked City Manager Napier what his recommendation would be with regards to hiring a full-time judge, and City Manager Napier responded that he would recommend moving to a full time model. He stated that he was concerned about budgetary concerns, but there are options that would make it possible. Councilmember Humphrey asked about the impact changing models would have on court services, and City Manager Napier responded that it would take some work with the full-time judge to ensure that cases are heard in a timely matter. Councilmember Powell asked about a Juvenile Court, and City Manager Napier stated that he would need to look into this further to see how it could be employed under the current laws. Councilmember Morgan asked about issues with burn out that could occur if a full time model was adopted, and Judge Hand stated that the monotony of the simplistic cases could cause burn out. He also explained that scheduling will have to be rearranged quite a bit if changing to a full-time judge. Councilmember Morgan discussed that the perception of conflicts of interest are just as damaging as actual conflicts of interest. Council gave their thumbs up to move forward with option two for a full-time judge model, with stipulation the hiring of one or more part-time judges would be arranged with the full-time judge when hired. The effective date for the model to be in place will be July 1, 2018.

Next, City Manager Napier discussed privatizing inventory at the Fleet Division. He stated that this was put out for bid and there was one respondent, NAPA. He stated that he would recommend employing this contract no later than July 1, 2018. Councilmember Hopkins asked about purchasing Caterpillar parts and City Attorney Henley stated that he can look into the stipulations for this in the contract. Councilmember Morgan stated that he would like to see Fleet utilize NLC (National League of Cities) for purchasing. Council gave their thumbs up to move forward with preparing the NAPA IBS contract for formal approval.

Next, City Attorney Henley discussed the Council Repeal Ordinance involving unethical behavior by Councilmembers and stated that he does not feel that it would be held up in court due to the ambiguous language. He stated that he would recommend repealing this ordinance and replacing it with an ordinance that incorporates language from state statutes with regards to conflicts of interest. He then discussed the enforcement mechanism that would be used if there were issues with a Councilmember. Mayor Pacheco asked what the process would be if a Councilmember committed a felony, and City Attorney Henley stated that they would be able to be removed if convicted. Councilmember Powell stated that he would like to see something that could address using public office for personal gain. City Attorney Henley stated that he thinks it would be covered by the proposed replacement ordinance. Councilmember Morgan stated that he would like Council to have the ability to reprimand Councilmembers if necessary, and City Attorney Henley stated that the reprimand could be done by resolution without using criminal statutes. Council gave their thumbs up to move forward with repealing the ordinance and look into a replacement when new Councilmember Huber is part of the discussion. Councilmember Humphrey asked about abstaining from bills and claims reimbursements, and City Attorney Henley stated that staff would recommend abstaining. City Manager Napier discussed a conflict claim process that would make this process transparent.

Next, City Manager Napier discussed police recruitment incentives. He stated that there are concerns that the average tenure of the police officers is under five years. The incentives would help recruit laterally to increase the average years of experience for the Casper police officers. The incentive program would pay cash to recruits who fall into that category and would include a retention requirement tied to the incentive. There is funding available to make it happen on a temporary basis, because there has been a gap in paying salaries and benefits. Unused dollars would be rolled forward to the next fiscal year. Councilmember Morgan expressed concern with not rewarding the officers who have stuck with the department, and Councilmember Walsh expressed concern with retaining officers. Chief McPheeters addressed these concerns, and stated that the department is not able to catch up because of unqualified applicants and there is a cycle where more burden is placed on officers. He stated that this incentive is necessary to help employ the public safety goals that Council is focused on. Councilmember Laird asked about removing the pay freeze on the Police Department. City Manager Napier stated that there is not funding available to make that happen right now, and if Council wants to do this then they need to support cost cutting measures. Councilmember Laird asked that staff bring forward options that would allow this to happen. City Manager Napier responded that these options will be presented to Council with budget discussions. Several Councilmembers discussed that Council needs to accept criticism and move forward with necessary cuts that may upset certain groups of citizens. Councilmember Morgan stated that he would like to see the pay freeze removed for all City employees. City Manager Napier stated that he would recommend that Council look into a COLA which would benefit all City employees and that this would be discussed during budget sessions. Council gave their support for the police recruitment incentive program.

Councilmember Laird discussed that he would like to see support for the resolution prepared by City Attorney Henley regarding school violence. Councilmember Hopkins stated that he does not feel that the resolution is necessary and this issue should be dealt with in the appropriate manner by the school district. Mayor Pacheco stated that it needs to be recognized that the school district is working on this. Councilmember Morgan stated that he thinks the resolution gives reassurance to the community. Council gave their thumbs up to move the resolution forward for formal approval. Councilmember Laird suggested that a list of each Councilmembers votes be listed at the bottom of each resolution.

City Manager Napier asked that Council review their grid document to see what will be on upcoming meeting agendas.

Councilmember Morgan discussed issues with the budget and asked that Council consider and support options that are brought forward by the City Manager. Councilmember Hopkins stated that there is a gentleman willing to work with Council on City taxing abilities.

The work session was adjourned at 8:12 p.m.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Ray Pacheco
Mayor