



# CITY OF TOPEKA

## CITY COUNCIL COMMITTEE MEETING MINUTES

### POLICY AND FINANCE COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
Fax: 785-368-3958  
www.topeka.org

**Date:** July 1, 2019

**Time:** 3:00 P.M.

**Location:** 1<sup>st</sup> Floor Conference Room - Holliday Bldg 620 SE Madison

**Attendance:** Councilmembers Jeff Coen (Chair), Brendan Jensen, Shelby Harvey (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

Councilmember Tony Emerson was absent.

#### 1) Call to order

Councilmember Coen called the meeting to order. Committee members introduced themselves.

#### 2) Approve June 10, 2019 Minutes

Councilmember Jensen made a motion to approve the June 10, 2019 meeting minutes. Councilmember Coen seconded the motion. Minutes were approved 2:0.

#### 3) Review of current TMC Chapter 2.140 (“Benefits”)

Lisa Robertson, City Attorney, introduced current TMC Chapter 2.140, Benefits.

- Article I: Generally. The language in this article discusses the increase in payments under the 1939 retirement system. Staff is recommending removal of this entire section. There is no historical basis for continued inclusion of this article, and anyone who would benefit from this system would be over one hundred and twenty years old.
- Article II: Old Age & Survivors Insurance (OASI). Staff in the Payroll Division does not work with OASI, payroll staff remits social security payments to the IRS. Fire and Police are not covered by social security; however all other employees are. Staff is continuing to research this information to determine which sections are relevant. Once the research has concluded, Staff may recommend removing current language and replacing it with a section stating “The City will comply with all state and federal laws pertaining to social security benefits”.

- Article III: Worker's Compensation. Ms. Robertson suggested keeping the first part of subsection (a), as it remains relevant. However, she suggested removing the last part of subsection (a), as well as subsections (b) and (c), because they are purely administrative. These topics are also addressed in the Personnel Manual Section, 10.7.

Former section 2.140.140 - Assessment against city department. Staff recommends retitling the section to 'Worker's Compensation Self-Insurance Fund' as the City has become a self-insured entity since the time this section was drafted. Staff also recommends potentially moving this section to Chapter 3, more specifically 3.25, which deals with financial matters. This section would be divided into two subsections: "Rate of Assessment" and "Annual Self-Insurance Permit Required". Staff is recommending the addition of the latter subsection because the City is self-insured and is therefore required to obtain a permit from the State.

Former section 2.140.150 - Claims for Compensation - Service of Claims - Defense of Fund. Staff made the recommendation to potentially move this section to Title 3 - Finance, and more specifically Chapter 3.35 Claims. Ms. Robertson explained revisions were made to the Tort Claims ordinance following a recent RPI process. Staff has made minimal changes; sub-headings were added, as well as a provision to clarify City Manager is authorized to secure outside counsel to defend against claims, as is current practice. Ms. Robertson noted a change was made under subsection (c), Claim Payments, to increase the approval of settlement from \$10,000 to \$35,000, the same as Tort Claims.

- Article IV: Police and Fire Pension Funds. Catherine Walter (Senior Assistant City Attorney) conducted research on the article and found resolutions which remove the two funds and move those covered by these funds into KP&F. Staff is suggesting removal of the entire article. City Legal staff has reached out to Matt Bergmann (outside legal counsel for the Police and Fire Unions), to inform him of Staff's research and recommendation.
- Article V: Police Benefit Account. Ms. Robertson spoke with Gretchen O'Donovan (Finance staff at TPD) and Denise Vaughn (Municipal Court Administrator & Clerk) to better understand the details of article. They suggested a revision in former section 2.140.310 to reflect current practice. More specifically, the Municipal Court collects the fees and remits them directly to the Administrative & Financial Services Department, not the Police Department. From there, Finance puts the fees collected into a benefits account. A Board of Trustees then decides how those funds are spent.

Councilmember Coen inquired if the Board of Trustees has recently met. Ms. Robertson noted Ms. O'Donovan would be contacting the Board's Chair to seek his or her review of the proposed revisions.

- Article VI: Health Insurance. Staff is not recommending many changes to the language, as revisions were conducted in 2012 and are still current.

2.140.390 (e) Health Care Advisory Committee. Staff deleted a portion of the language in the following paragraph, which states: "However, the first meeting in June of each year, the committee may transmit its recommendations to the city manager regarding the scope of health care coverage, schedule of benefits and schedule of premiums and recommendation on the RFP process for the selection of the plan administrator(s). Within 20 days, the city manager shall transmit any recommendations received from the health care advisory committee to the city council". This language was codified prior to execution of the Healthcare Cost Agreement. The deleted language is now addressed through that Agreement. The RFP process is all handled administratively between the City Manager and Human Resources.

Ms. Robertson noted that a final recommendation from the Committee to the Governing Body is currently scheduled to be presented at an August meeting, and staff feels comfortable moving forward with that date.

Councilmember Jensen inquired as to how Staff is planning to present the subject during the Governing Body meeting. Ms. Robertson recommended meeting with councilmembers one-on-one, prior to the meeting, to work through any detailed questions that councilmembers may have.

Brent Trout (City Manager) noted he felt that by providing the detailed minutes from these committee meetings and having one-on-one meetings with councilmembers, there would be sufficient information. Ms. Robertson agreed with Mr. Trout and suggested a starting point would be to inform the Governing Body of the last time the full document was reviewed.

#### **4) Discussion: Council Term Limits**

Councilmember Coen asked Ms. Robertson to provide the various approaches staff took.

Ms. Robertson reviewed findings from research from other Kansas municipalities. The first review involves the top ten cities, by population, in Kansas and including Kansas City, Missouri. Most cities do not have term limits. Hutchison, KCMO, and Wichita do have term-limits of two consecutive terms of four years

each term (8 consecutive years). The second review involves the capital cities of Colorado, Iowa, Missouri, Nebraska, and Oklahoma. Denver, Colorado allows for three consecutive 4-year terms (12 years). There are no term limits in Des Moines, Iowa. Jefferson City, Missouri allows the Mayor to serve two consecutive 4-year terms (8 years) and Councilmembers to serve four consecutive 2-year terms (8 years). Lincoln, Nebraska has established term limits for the Mayor, but not for Council members. Oklahoma City, Oklahoma does not have term limits.

Councilmember Coen inquired if establishing term limits is something the public should vote on. Ms. Robertson noted the public would not be required to vote on this issue; however, the committee discussed having the option of including it in an election.

Councilmember Jensen inquired about the cost of including this item on a ballot. Ms. Robertson responded that adding the item to a ballot during a general election could be done without additional costs. Holding a special election for this item would come with a cost. Ms. Robertson noted the registration deadline of August 23 for items to be included in the November 2019 general elections. Discussion was held to determine when would be the best time to include the item on a ballot, and when the deadlines to submit the item would be.

Ms. Robertson described the information included in the Committee's packet concerning term limits.

Ms. Robertson provided cost estimates associated with creating and conducting a survey. ETC is the company that assisted the City with the recent Community Survey. ETC provided an estimate of \$2,000 for 300 responses and \$2,400 for 400 charges. Councilmember Jensen inquired what the cost would be to include the survey on the back of the water bill. There was further discussion on this method.

Councilmember Coen inquired about the response rate from the recent Community survey that was sent to the public. Mr. Trout noted a large response was received from a diverse demographic and felt the results mirrored the concerns that are received through the City Manager's office on a regular basis.

Councilmember Coen inquired with Councilmember Jensen as to his thoughts of the proposed term limits. Councilmember Jensen stated he was not against implementing term limits of two consecutive 4-year terms.

Councilmember Coen asked Councilmember Jensen what his thoughts were related to conducting a survey. Councilmember Jensen stated he felt survey results could be skewed depending on how constituents felt about current district representatives.

Mr. Trout suggested bringing the item to the Governing Body as a discussion item. Ms. Robertson stated that because the topic is committee-initiated, the committee will be able to determine whether or not to bring the item forward to the Governing Body; it is not required to do so.

Mr. Trout stated Councilmembers could conduct their own surveys to gather data on a variety of information their constituents may want to see with regard to the topic.

#### **5) Other Items Before the Committee**

No other items.

#### **6) Adjourn**

Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: <https://youtu.be/opMYa0kSmPE>