



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND FINANCE COMMITTEE

CITY COUNCIL
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Date: May 7, 2021

Time: 10:00 a.m.

Location: 1st Floor Conference Room; Holliday Bldg 620 SE Madison

Attendance

Committee members Present: Hannah Naeger, Spencer Duncan, Tony Emerson

City Staff Present: City Manager Brent Trout, Chief of Staff Bill Cochran, City Attorney Lisa Robertson,

1) Call to Order

Committee member Duncan called the meeting to order at 10:00am.

Before moving to item one, Chairman Duncan presented some rules for the committee that he will be sending out at a later time.

Chairman Duncan also noted that the agenda had changed and removed the item pertaining to the contracts over \$50,000 until the language was more firmed up.

2) Approve Minutes from March 19, 2021 Meeting

Committee member Emerson made a motion to approve the minutes. Committee member Naeger seconded the motion. Minutes approved 3:0.

3) Residency Requirements

[Items pertaining to this section can be found as Supplemental Material on the Policy & Finance Committee's webpage: <https://www.topeka.org/citycouncil/policy-finance-committee>]

Chairman Duncan noted that the topic of residency requirement for City staff had been brought up in some form, a number of times over the past years and months. He is not wanting to set a new rule at this time, but would like to begin hearing from Staff and the community. He stated that if the committee should develop a recommendation for the Governing Body, it would not be brought to the full agenda until late this year.

Jacque Russell, HR Director, discussed the abandoned applications survey process. When an online application is unfinished, it is considered to be abandoned. Human Resources reaches out to those individuals to inquire as to the reason the application was left uncomplete. Of those surveyed, 36.36% mentioned

1 - Policy and Finance Committee

Minutes Taken: May 7, 2021

Minutes Approved: July 2, 2021

residency and not being interested in moving to Shawnee County. Director Russell read direct comments from some of these applicants. In reviewing completed applications from 2017 to present, there were 82 completed applications where the applicant indicated they were not willing to relocate to Shawnee County. When an applicant notes they are not willing to relocate, the application does not proceed further. Recent recruitment that has been impacted by the residency include the positions of the Mayor's Assistant, Public Works Accounting Specialist II, Public Safety Systems Analyst (analyst position at Police Department), Data Management Analyst with Public Works Technical Support Group.

Director Russell stated that on the retention side, feedback is sought when employees are leaving the City through exit interviews. That is done through an online survey or an in-person interview. Residency was brought up as a reason for leaving in 12.7% of exit interviews gathered from 2018 to current.

Chairman Duncan asked for clarification to the current policy as it relates to the length of time a new hire has to come into compliance with the residency requirement. Director Russell stated that most positions have a six month probationary period. The employee then has an additional six months following completion of that probationary period to come into compliance. The City Manager then has the ability to grant one extension of up to an additional six months.

Committee member Emerson inquired if the 82 were out of how many total applications received? Director Russell did not have that information at present but would provide that to the committee. She noted the 82 were a small number out of the larger pool, which she estimated was in the thousands, but that some positions were in a more specialized field where the pool of applicants were much smaller.

Committee member Naeger noted an additional component to be considered was the number of people who saw the residency requirement on the application and decided never to apply in the first place. She inquired if Staff knew what the requirements were for surrounding communities, or if they had one.

Director Russell stated she did not have that information with her, however Lawrence does not have a residency requirement except for the department directors, which requires them to reside within Douglas County.

Director Russell added clarification to an earlier statement, which 36% of people who responded to the survey and who had started an application did not finish stated it was due to the residency requirement. Of the people who completed the application, there is a box that they check asking if they are willing to relocate, and of those who noted at that time that they would not relocate, there were 82.

Chairman Duncan inquired if there were any regular checks to ensure employee compliance. Director Russell stated a letter is sent to the employee as the end of probation time is approaching notifying them that they will still need to meet compliance. If they are still out of compliance once that date has been reached, an additional communication is sent. If compliance has not been met within 45 days of the notice, the result could be termination. When address change forms are submitted that appear to show a move from inside Shawnee County to outside, a reminder is sent out. In some instances, where such a move may be temporary, example of someone building a house in Shawnee County but needed to live with parents outside of Shawnee County while house was built, the final decision to grant the exception would be presented to the City Manager. When W-2's are mailed out, any that are returned are looked into further with additional notifications going to those employees reminding them they have 30-45 days to come into compliance.

Chairman Duncan stated the current policy is somewhat unclear and that the final discretion is left to the City Manager to determine what those criteria are. Director Russell noted the ordinance does not define "primary residence". Since her time with the City, Director Russell has used the term "bona fide residents". Documentation such as providing a mortgage or lease agreement in your name, utilities in your name, and the service address showing Topeka or Shawnee County, voter registration information for Shawnee County, or the most recent tax filing with the Shawnee County address would all be acceptable forms to demonstrate being a bona fide Shawnee County resident.

Chairman Duncan noted that regardless of what the requirement may be, the language in the ordinance needs to be clear so that Staff does not have to bear the brunt of making determinations.

Chairman Duncan inquired if there were specific positions where the residency in recruiting specific talent has been an issue. Director Russell stated the more technical positions, and the Engineering positions, are the ones where that challenge has been seen the most. Interim Utilities Director, Braxton Copley, spoke to this challenge in the ability to find Engineers for specific and specialized positions, the length of time those positions were unfilled, and noted that even with a creation of a new pay scale which increased pay, some of the positions have remained unfilled. He stated that the State of Kansas Department of Agriculture division of Water Resources employs a large number of engineers, and does not have a residency requirement. Director Russell added that another area being impacted are the Attorney positions. Chief of Staff Cochran stated Staff was wanting to provide basic information regarding the issues, however were not providing direction for a decision to the Committee.

Chief of Staff Cochran stated Staff would like guidance from the Committee to begin further researching the subject. Chairman Duncan would like to hear from members of the public safety departments, and to look at additional strategies for recruitment that could be used to help show potential applicants the other aspects of Topeka, not just focusing on the City's operations.

Committee member Emerson was surprised to hear there was an issue with finding attorneys, noting Washburn University's Law School is in town. He feels that the issue has to do with pay, rather than the residency requirement. Director Russell stated the issue with Attorneys is more on the retention side, rather than recruitment. City Attorney, Lisa Robertson, spoke in more detail about retention of attorneys, stating those who left did so because they had significant others living outside of the area.

Committee member Naeger agreed with the anecdotal story that City Attorney Robertson described. She felt the residency requirement may be serving as arbitrary walls which keep us from getting qualified applicants and also allows us to lose talent much more quickly. Although the goal is to have a community support itself, having the residency requirement is shutting out everyone outside of the 130,000 people living in the area. Committee member Naeger expressed understanding of an important component of the residency requirement, and suggested having different levels of management positions, such as department directors, adhere to the residency requirement. For lower-level positions, applicants may not have the financial means to uproot and move to Topeka.

Committee member Naeger inquired if there had been discussion regarding cities who give preference to residents over non-residents. Chairman Duncan discussed some of the creative things he has found other cities have done, which include a slightly different pay scale for those employees who live within the city/county, or how benefits or incentives are structured upon what department they are in. Other cities have granted a waiver to employees who met a certain set of circumstances, such as a spouse obtaining work elsewhere, to allow them an exception to move.

Chairman Duncan would like to look at the top 8 counties/cities in Kansas to see what their policy is. He would like to see the key positions that consistently have issues with recruiting and filling, and reviewing those pay scales.

Director Russell stated she is finalizing a scope of work for a management and executive position compensation study RFP, and that it will be late June, early July to have data from that study.

Chief of Staff Cochran provided some considerations to keep in mind regarding the younger work force specifically noting that having a virtual aspect may be appealing, and that many people in this age group have dual career households, where both spouses work. He stated the City is also pursuing partnerships with Washburn Tech and the Washburn University Law School and is looking forward to see what those partnerships may yield.

Committee member Emerson inquired if, in addition to the pay incentive, if there would also be a hiring preference as a deciding factor for two candidates who may be closely qualified.

Director Russell noted an additional challenge with regard to the labor intensive positions, is the requirement of a commercial driver's license. She noted there could be a pool of potential applicants with CDL's, who resided in small farms just outside of Shawnee County. Some of these people operate a farm or have taken over the family farm and are tied to where they are because of that industry, but are also needing full-time employment. The City loses out on some of those individuals, but also has difficulty filling those positions on applicants who do not have a CDL or are not able to attain their CDL.

Joe Ledbetter, community member, provided public comment. He recalled some of the reasons given at this meeting that were provided in years past. He suggested looking at contracting out particular jobs where the City does not have staff to complete the task. He stated that although a residency requirement may be a partial part of the problem, that many of the issues that have been ongoing stem back to a quality of life situation and that if some of the higher hierarchy problems within the community were addressed, one of the issues of recruiting might go away. He stated lawyers respond to money and suggested raising pay may help with that issue.

4) Governing Body Rules and Procedures Amendments [Video 40:45 minute mark]

[The red-line and clean version of these documents will be available on the Committee's webpage].

City Attorney Lisa Robertson, stated that the Governing Body Rules and Procedures were reviewed a few years ago, after not being reviewed for a number of years. Since then, she and City Clerk, Brenda Younger, had been noting comments made by Governing Body members as it applies to the Rules and Procedures. Over the past year, a lot of the comments center on remote participation and council meetings. This is not currently addressed in the Governing Body Rules. Staff drafted some language that was provided to the Committee. Additionally, examples from other cities with remote attendance policies were sent out to the Committee.

City Attorney Robertson stated that other comments made to Staff centered on the “motion” section. One comment added was about rescinding an action previously adopted or amend an action previously taken. She noted that motions to reconsider had somewhat always been used, however that such motions are stricter than what had been practiced. The League of Kansas Municipalities no longer suggests cities have them, as Robert’s Rules has a motion to reconsider. However, those can only be used during the same meeting at which the action was taken.

Chairman Duncan felt about half of the rules fall in line with Robert’s Rules of Order, but may need to be firmed up.

Chairman Duncan stated he had some concern about allowing for virtual attendance by the Governing Body members as it relates to the Governing Body meetings. He did not have the same concern with virtual attendance for committee meetings. Committee member Naeger referenced the May 4th Governing Body meeting where this topic had been discussed. Chairman Duncan had been absent at that meeting. He stated he would review that conversation, and appreciated having a set number of meetings where virtual attendance would be allowed, as a possible compromise.

Chairman Duncan had additional questions pertaining to Governing Body Rule 5.2 Addition and Removal of Items from the Agenda. And inquired if the language inserted was a way to clean it up. Attorney Robertson confirmed.

Attorney Robertson also wanted to bring attention to some suggestions from Council members that they would like to allow the Committees to send items out of Committee and back to the Governing Body as a discussion item, instead of currently being limited to an action item.

Attorney Robertson also brought attention to 5.6 Procedure for Addressing the Governing Body. Current language only requests that individuals state their name. The suggestion would be to also ask individuals to state the City of their residence. Chairman Duncan agreed with that change. He remembered that years ago, it was standard that individuals state their name and their address. He did not suggest an address was needed, but knowing the city they are from may be helpful.

Committee member Emerson inquired if there was a need to approve this item today. Chairman Duncan stated his intention was to have a brief overview today, but to have the committee bring additional recommendations to the next meeting. He inquired if there was an urgency to get this to the Governing Body for approval. City Manager Trout stated there was no immediate need for this recommendation. The Governing Body will vote to suspend the rules on July 7th,

and they could add another month if there was a need to do so. Chairman Duncan would like to have the Committee bring any additional changes or concerns to the next meeting.

Attorney Robertson inquired what the Committee might want to do with 8.5 Procedure for Committee Items and Placement on Governing Body Meeting Agenda (1) and (2). Attorney Robertson noted that the issue people were having was that if an item was referred from the Governing Body to a Committee, that language states the “item shall be placed on a regular Governing Body meeting agenda as an action item”. The angst was that Council members wanted to place items from Committee on the agenda and have the choice to bring those as a discussion item or an action item. Item 2 states if an “item is initiated by a Committee Chair, it may be placed as a discussion or action item”. The “shall” and the “may” have not been changed. Committee member Emerson would support changing the language to allow items from the Committee be placed as a discussion or action item on the Governing Body agenda. Committee member Naeger also agreed to this change. Chairman Duncan inquired if it would be better for the committee to make their recommendation with regard to this item, now? Or to wait until the rest of the recommendations were made? City Attorney Robertson stated staff could make the change for the next meeting, however the official recommendation could wait until the rest of the document was reviewed.

5) Schedule next meeting; Adjourn

Future date will be determined at a later time, however the committee would like to meet near the end of June or early July. The items from today will carry over for further discussion, as well as the Contracts over \$50,000. Chairman Duncan adjourned the meeting at 10:58am.

The video of this meeting can be viewed at: <https://youtu.be/vwJcFS0Z4kA>