

**EDGEWOOD CITY COUNCIL  
FEBRUARY 1, 2011 CITY COUNCIL WORKSHOP**

On Tuesday, February 1, 2011, the Edgewood City Council held a workshop at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 2:00 p.m. The following attendance is noted:

**Attendees:**

Council President Beardslee  
Council Member Henley  
Council Member Powell

**Absent**

Mayor Teague  
Council Member Willis  
Council Member Bozeman

**Staff:**

Debbie Wallace, Acting City Clerk  
Pete Marcus, Police Chief  
Shannon Patterson, Police Clerk

---

Council President Beardslee opened the workshop at 2:00 p.m. Council Member Powell noted that incoming Council Member John Dowless was in attendance. Council President Beardslee introduced incoming Council Member Dowless to staff.

The following is noted from this workshop:

- Discussion on merits given to employee when employee is exceeding at their job. Chief Marcus stated merits should go through the department head first.
- Council President Beardslee said that past issues have caused the policy to be looked at and revised.
- Council Member Powell asked where does it show in the policy where policy can change when needed.

**Section 3 Administrative and Appointive Authority**

- Discussion on termination of employee and reasonable reason to terminate someone. Discussion on the Mayor's authority to hire or terminate.

- Council Member Powell opened discussion on previous City Clerk who was directed to terminate an ex-employee and she did not.
- Incoming Council Member Dowless said that refusal is stripping the Mayor's authority to terminate.
- Council President Beardslee noted that in case the Mayor does not make decision can City Council make decision.
- Incoming Mayor Bagshaw said he would like to have communication and confirmation before anyone is terminated.
- Council President Beardslee said if mayor does not address within a reasonable time City Council can take action. City Council is not trying to take away power from Mayor. Refers to "glowing" evaluation of former assistant City Clerk before part time clerk resigned.
- Chief Marcus noted that Personnel Policy is not applicable to police officers.

#### **Section 4 – Administration of personnel policies**

##### **Propose change –**

- Council President Beardslee said the proposed change is that Council members have a responsibility to the City and are accountable for the operations of the city.
- City Attorney Smith asked if Council wanted to include City Council as being responsible. Council President Beardslee said yes because Council needs to be more diligent in their accountability and diligence. Incoming Mayor Bagshaw pointed out this is dealing with policy not personnel. City Attorney Smith said "it is dealing with administration". He said as it relates to separation of duties, City Council adopts policy and the "executive" executes.
- Council President Beardslee noted that the policy contains the requirements for reprimands and evaluating performance or insubordination.
- City Attorney Smith said the Mayor is still responsible for the day to day operation, and City Council can step in if the Mayor fails to take responsibility, it's creating protection if mayor does not take action.
- Council President Beardslee said it helps to identify how the word administration is used. It does not mean administering every separate little thing, its implementation. City Attorney Smith said he will include in this section a catch all paragraph "in the event that the Mayor fails to act" based on some type of a reasonable standard.
- City Attorney Smith suggested changing administration to execution.

**Page 2-2 section 5**

**Authority for Development of Departmental Policies and Authority for Variance From Policy**

- Council Member Powell asked is it on the Mayor to review and approve. City Attorney Smith said there may be things that are not in the document that the Mayor would need to approve for implementation.
- Council President suggested to change to “departmental procedure” and after approval of the Mayor also, provide the changes to Council in memo
- Chief Marcus asked if this “comes into play” with regards to general orders. City Attorney Smith said the general orders come from the Police Chief, and Mayor does not sign these therefore, he may want to make this an exception in the Personnel Policy.
- Incoming City Clerk Meeks noted that there should be language included as long as it does not conflict with State requirements.
- Council Member Powell asked “is it department director or department head, City Attorney Smith agrees with department head. City Attorney Smith said this will be defined so that it is clear.
- Chief Marcus said that are no provisions for special/extenuating circumstances. Council Member Powell suggest removing “individual” because it seems to refer more to a person, and replace with “extenuating”. Everyone agreed.

**Section 3-1 At-will-employment**

- Incoming City Clerk Meeks ask about the definition for “sick” days. She noted a discussion with a Human Resource Director with a State agency, who said there is not a definition for sick days. She further went on to discuss HIPPA requirements and violations. Incoming City Clerk Meeks noted Council Member Powell’s notation questioning the provision for a doctor’s notice for missing three consecutive days of sick leave. Incoming City Clerk Meeks suggested considering a policy that states if you call in sick within a thirty day period, then you can request a doctor’s notice indicating the employee is clear to work.
- Discussion regarding “At Will” and City Attorney Smith noted if you have cause there is less chance of being sued. He said you need a reason to terminate someone.
- Council Members Powell asked about “under Department Heads” (second paragraph) “For purposes of disciplinary actions... the Mayor shall be considered the Department Director of the City Clerk and Police..”. He suggested adding “by action of City

Council”. City Attorney Smith questioned whether or not there is a Department Director over the City Clerk or Police Chief instead, have them answer directly to City Council.

- City Attorney Smith said it is important for employees to know that there is an opportunity to clear your name (name clearing). He pointed out that this is not a quasi judicial hearing.
- Council Member Powell said he is confused as to what is a designated work week. City Attorney Smith explained that the purpose of designating a work week is for payroll.
- City Attorney Smith explained what defines an exempt employee, noting that “just being salaried” doesn’t make you exempt. He said you have to fit the category and gave example of an hourly employee going to exempt status.

### **Page 3-2 Overtime Pay and Part Time Employees**

- Council Member Henley gave his opinion as it related to having a time clock, and employees abusing sick time.
- Council President Beardslee related that in the past, time sheets were not signed by a department head. She noted that overtime should be pre-approved by the department head however, the overtime circumstances for overtime are different for the Police Department and City Hall
- Chief Marcus explained how his department handles overtime and sick time. He noted that he is “vehemently” opposed to a time clock for cops.

### ***(COUNCIL MEMBER HENLEY EXCUSED HIMSELF FROM THE MEETING)***

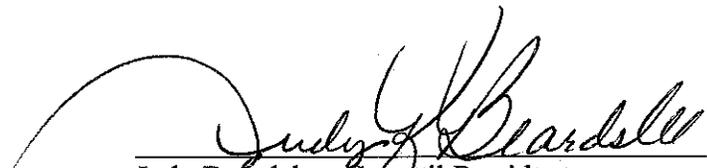
- In response to Council President Beardslee, Chief Marcus said overtime is documented in the computer and on paper. He said the Sargeant knows who is working overtime and when.
- Acting City Clerk Wallace explained how employee time is kept in City Hall.
- Incoming Mayor Bagshaw discussed his past experience with overtime,
- Council President Beardslee explained why validating employee time is important.

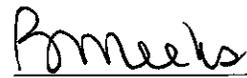
### **Page 3-2 Exempt Employees**

- Council Member Powell read from the Personnel Policy regarding part-time employees. He questioned these employees being available for vacation and sick leave.

- Council President Beardslee said that she agreed that part time employees should not be eligible for sick or vacation time. She said they should be eligible for contributions made to retirement, and they should receive holiday pay if their scheduled day falls on that day. City Attorney Smith reminded everyone that the accruals for a part time employee is less than that of a full time employee.
- City Attorney Smith said if you get away from benefits it might deter a good employee, make clear what is a part time, permanent part time versus temporary.
- Incoming Council Member Dowless suggested changing the policy to show “except where the daily work falls on a holiday, unless otherwise approved by the City Council”. City Attorney Smith noted the problems the language could cause if the City was not consistent with the policy.
- Discussion regarding the difference in part-time employee versus a temporary employee. City Attorney Smith provided explanation. Council President Beardslee said “let’s do the full benefits for permanent part-time”.
- Council Member Powell described how he ran his private office. He said he does not want to “just give away the store” because these monies come from taxes the residents pay. He said he does not feel that now is a good time to offer the sick and vacation leave to part-time employee.
- Incoming City Clerk Meeks explained how she looks at succession planning and how a part-time employee could be a part of the plan. For this reason, you would want incentives to retain your part-time employees.
- Council President Beardslee said that she thinks there needs to do more “digging” as it relates to part-time employees and discuss further.
- Council President Beardslee said they will resume with Section 4-1 at the next meeting.
- Meeting schedule for February 8, 2011 at 2 p.m.
- City Attorney Smith said that incoming Mayor and Council members need to start operating under Sunshine Law. He explained communication is basically defined by State law, i.e. face to face, telephone, email, memo, using City Clerk, City Attorney, husband wife, doesn’t matter anybody who is a conduit to go back and forth about business that may come before Council. He said do not send text messages or respond, as they are public record and they are hard to retain.

Having no further business, the meeting adjourned at 4:25 p.m.

  
\_\_\_\_\_  
Judy Beardslee, Council President

  
\_\_\_\_\_  
Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED: **February 21, 2012 (Regular Council Meeting)**

(Former Acting City Clerk Wallace was the presiding City Clerk and official recorder of this meeting. City Clerk Meeks prepared these minutes from listening to the recording of this meeting)