



MINUTES  
SPECIAL RAPID CITY PLANNING COMMISSION  
May 29, 2002

MEMBERS PRESENT: Ida Marie Fast Wolf, Jeff Hoffmann, Sam Kooiker, Dawn Mashek, Mel Prairie Chicken, Jeff Stone, and Stuart Wevik. Council liaison Ron Kroeger was also present.

STAFF PRESENT: Marcia Elkins, Adam Altman, Sharlene Mitchell

Wevik called the meeting to order at 11:45 a.m. addressing the manner in which the meeting would be conducted and that discussion would be limited to the agenda topic "hiring procedures".

At Wevik's request, Elkins briefly reviewed the current hiring procedures including the screening conducted by the Human Resources Department, the staff screening process, the utilization of telephone interviews to verify accuracy of applicant information, candidate selection and candidate interview by committee including the Planning Commission Chairperson, Council liaison and Planning Director. Elkins addressed the outside individuals involved in the interview process for the Transportation, GIS and Air Quality Divisions.

Swedlund indicated the importance of the hiring procedure to establish the tone and direction of planning. Swedlund indicated a need to hire individuals that reflect the background and perspective of the Planning Commission. Swedlund indicated that the Planning Commission's responsibilities with regard to the employment of staff are identified by Section 2.60.080 of the Municipal Code and Article V-1-c of the Planning Commission bylaws. Swedlund recommended that a formal hiring committee be established to provide the Commission more opportunity to engage itself in employment and contract matters.

Hoffmann indicated that the Planning Commission is not appointed for their employment skills, they are appointed to address City and landowner needs. Hoffmann indicated that Commission involvement in the hiring procedures has not been a prior practice noting that the Commission can and has delegated this responsibility to the Director. Hoffman indicated that the current process allows the Commission the opportunity to direct hiring procedures through the Director.

Referring to Section 2.60.080 of the Municipal Code, Kooiker indicated that the Commission employment recommendations are subject to the approval of the City Council. Kooiker indicated that while the process may be cumbersome and never utilized it is the process in place noting that if the majority of the Commission disagreed with the Bylaws they should be revised accordingly. Kooiker recommended that the City Attorney provide a legal determination of the language provided in the Municipal Code and Bylaws and action to be taken appropriate to that determination.

Stone indicated that the term "may" in the Municipal Code does not delegate the hiring process to the Commission. Stone concurred with Hoffmann noting his support for the current process involving the Director, Planning Commission Chairperson and Council liaison. Indicating his understanding of the desire to hire qualified individuals, Stone indicated that the reality is with a limited hiring pool you must deal with the best that is offered and then train to meet your needs.

Elkins requested clarification regarding the Bylaws noting that Article V is a restatement of state law outlining the Commission's utilization of executive session. Kooiker addressed his



understanding of the Bylaws and Municipal Code noting that the hiring process outlined by these documents has been utilized in the selection of the Planning Director and that the current hiring procedure does not follow the specified procedure.

Elkins indicated that the City Council addresses department staffing through the budget process by identifying the number of full time employees (FTE) approved for each department. Elkins indicated that the City Council is not involved in the hiring of any staff position.

Kroeger addressed the interview process conducted for the positions of Police and Fire Chief noting that Council members attended the interviews and offered input but were not involved in the final hiring process. Kroeger indicated that City Council is not involved in the hiring process noting that each department is more knowledgeable regarding the staffing and requirement needs. Kroeger indicated that the Commission is not qualified to hire staff and that it is out of place for either the Planning Commission or City Council to be involved in the hiring process.

Prairie Chicken indicated that during his tenure on the Commission he has not been involved in the selection of staff and concurred that the City Council authorizes the positions through the budget process. He addressed his experiences on other boards that are directly involved in hiring noting that it is micro management and is chaotic and confusing for staff. Prairie Chicken addressed the current time constraints associated with preparing for the Planning Commission meetings noting that he does not have additional time to become involved in hiring procedures. Prairie Chicken concurred with Stone in that the utilization of the term "may" indicates involvement in the hiring process is not required.

Swedlund indicated that his interpretation of the Municipal Code and Bylaws is that the Planning Commission is the employer with the City Council being the overseeing body. He indicated that the "may" terminology is permissive language and does not alter who is responsible for employment of staff. He continued that the Commission's discretion is in the selection of staff not in being involved in the hiring process. Swedlund indicated that the required hiring skills can be learned just as the skills for being a Planning Commissioner are learned on the job. Swedlund commented on the issues addressed at the previous meeting regarding volume and quality of applicants and wage issues. He indicated the Commission needs to be advised of these issues in order to assist in resolving them. Swedlund indicated that if the current hiring procedure is to be continued, the Municipal Code and Planning Commission Bylaws should then be amended accordingly. He cautioned against amending them prior to giving serious consideration as to their original intent. Swedlund recommended making the existing interview committee a formal committee of the Planning Commission.

Kooiker requested that the City Attorney provide information regarding the hiring policies of the Civic Center and Airport Boards. Kroeger indicated that both the Civic Center and Airport boards hire the department directors. He indicated that these Boards are not involved in the hiring of staff noting that they delegate this responsibility to the Director. Kroeger indicated that the selection of staff is not the role of the Planning Commission noting that the Commission is not knowledgeable on department needs.

Fast Wolf addressed the utilization of the term "may" noting that the Commission can and has delegated the responsibility of hiring staff to the Director. Fast Wolf requested clarification of the issues that have brought this item to the floor noting that individuals appear to be interpreting it to their own convenience. She encouraged the Commission to resolve the issue soon. Hoffmann indicated that he was also trying to understand what brought this issue to the floor.



**Hoffmann moved to direct staff to obtain a legal opinion from the City Attorney determining if the Planning Commission is in violation of Section 2.60.080 of the Municipal Code and Article V-1-c of the Planning Commission Bylaws with regard to the current hiring procedures. Kooiker seconded the motion.**

In response to Wevik, Altman indicated that he would review the Municipal Code and Bylaws and would provide a written opinion at the June 6, 2002 Planning Commission meeting.

Mashek voiced support for the current hiring process noting that it does incorporate input from the Commission through the Chairperson's involvement. She indicated that it appears that the majority of the Commission supports the current process. Mashek indicated that she would prefer the Commission work to address the issues that are hindering the City in attracting qualified applicants instead of spending time on changing a process the majority is comfortable with.

Swedlund indicated that Article V-5 provides a specific instance in which a specific responsibility is delegated to the Director. He indicated that the issues associated with attracting qualified applicants can be resolved through the formal hiring committee.

In response to a question from Kooiker, Elkins clarified that the interview committee is not a standing committee noting that the committee provides input into the hiring process.

Kooiker called the question.

Fast Wolf requested that the City Attorney also clarify who the "employer" is, the Planning Commission or the City. Discussion followed.

**Hoffmann moved a substitute motion to direct staff to obtain a legal opinion from the City Attorney determining if the Planning Commission is in violation of Section 2.60.080 of the Municipal Code and Article V-1-c of the Planning Commission Bylaws with regard to the current hiring procedures. Kooiker seconded the substitute motion and the motion carried unanimously.**

Wevik indicated that based on the opinion provided at the June 6 meeting the Commission will take formal action with regard to the findings and either continue with the current hiring procedures or identify the formal hiring committee.

Elkins addressed the impact on staff with the continued delay in hiring. She indicated that phone interviews have been conducted with the applicants with the Chairperson Wevik's approval and requested permission to schedule interviews for after June 6. Hoffman indicated that until action is taken by the Planning Commission the current process remains in place and urged Elkins to proceed with the hiring process. Swedlund recommended actively pursuing the scheduling of interviews for after the June 6 meeting.

There being no further business the meeting was adjourned at 12:40 p.m.