



**Special Personnel Committee Meeting
9:00am, Tuesday, October 18, 2022
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Council members Anderson, Pierce, and Bogosian

Staff Present: Administrator Fragoso, Director Kerr

2. Purpose

MOTION: Council Member Anderson made a motion to reorder the agenda to allow for the discussion of the Code of Conduct's compliance and enforcement process first. Council Member Pierce seconded the motion. The motion passed unanimously.

A. Discussion and consideration of Code of Conduct's compliance and enforcement process

Committee members discussed the sections of Robert's Rules of Order that pertained to the investigation and trial of misconduct. Council Member Anderson noted that Robert's Rules said such matters should be handled quietly and disciplinary procedures should be done in extreme circumstances.

Committee members discussed what needs to be added to the process outlined in Robert's Rules of Order including: conducting an investigation prior to a trial, the process of the hearing and the trial, the presence of counsel on both sides, and the makeup of an independent investigative committee.

Council Member Anderson said, "We have on page 4 of the Code of Conduct 'Compliance and Enforcement,' and that's really the trial process that we have dealt with. I think Robert's Rules gets to prior to the trial, what we do in terms of investigation. And so if you use the steps in a Fair Disciplinary Process from Robert's Rules of Order first, that sets up, I think, the groundwork...and then just make sure that when we are doing this...that when we get to the trial part that is already in our Code of Conduct whether it is consistent with Robert's Rules of order or not...I think what we missed is the preliminary steps to all of this. The investigation, quietly questioning, seeing what was going on, how to go about that."

Staff will circulate a draft procedure to Committee members to respond to and bring a more finalized version to a meeting in early November prior to it being sent to the full City Council.

B. Discussion and consideration of public disciplinary hearing per Resolution 2022-08

Council Member Bogosian said Resolution 2022-08 does not layout the part of the Code of Conduct that was violated and that the “whole up-front process” was missing. He does not believe City Council should move forward with this resolution based on “the holes in the process I think has led to a piece that would not be good for the City, not good for anybody, the Council, and not good for the alleged or anyone. It is a lose-lose-lose proposition in my opinion. It is something that we should really consider dismissing.”

Both Council members Anderson and Pierce agreed. Council Member Anderson that the Code of Conduct should be revised with a standard procedure followed by “some sort of informal investigation and leave it at that.”

MOTION: Council Member Pierce made a motion to recommend to City Council to repeal Resolution 2022-08 and “discontinue any pursuit of this individual public hearing.” Council Member Anderson seconded the motion. The motion passed unanimously.

C. Discussion and review of City Attorney and Assistant City Attorney proposals

Administrator Fragoso said the Committee’s recommendations to City Council need to go before them at the November 15 meeting so the Mayor can present them at the December 6 meeting. She also shared that the Mayor will discuss at Council’s October meeting if the Council will accept the recommendation of the Personnel Committee or if other Council members wish to be part of the interview process.

MOTION: Council Member Anderson made a motion to schedule interviews with all three attorneys who responded to the RFP. Council Member Pierce seconded the motion. The motion passed unanimously.

Council Member Pierce suggested some ranking criteria for Committee members to consider while reviewing the proposals and interviewing the candidates: breadth of service, experience with municipalities, experience elsewhere outside of municipalities, depth of the bench, the expertise and experience in court, experience with IOP, the fee structure, availability/SLA, thoroughness of the presentation, commitment and qualifications of the first and second chairs, history in the community and connections at local and state level, and diversity of services in key members.

3. Adjournment

Council Member Anderson made a motion to adjourn, and Council Member Pierce seconded the motion. The meeting was adjourned at 9:38am.

Respectfully submitted,

Nicole DeNeane
City Clerk