



Northwest Arctic Borough

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Northwest Arctic Borough Assembly Personnel Committee Meeting Minutes - *DRAFT*

Wednesday, December 29, 2015 – 9:00 A.M.

Northwest Arctic Borough Assembly Chambers – Kotzebue, AK

CALL TO ORDER

Mr. Chair Armstrong called the meeting to order at 9:10 A.M.

INVOCATION

Member Loon provided invocation.

ROLL CALL

Personnel Committee Members Present:

Walter Sampson Hannah Loon Elmer Armstrong Jr.

Introduction of Staff and Guests

Clement Richards Sr. Stella Atoruk Eugene Smith Kathleen Lansdale
Nina Lie Tula Lie *Matt Mead* *Christine Hess*
Rosny Rizk

A quorum was present to conduct business.

APPROVAL OF AGENDA

Agenda presented for December 29, 2015 for approval. Member Sampson under reports instead of naming names I want to report this as a grievance which the personnel committee has to address.

Matt Mean clarified that this is actually a Personnel Committee review of a pre-disciplinary action, I know that Miss Lie states that there was a grievance as a component of that but the Borough Code prohibits challenging or otherwise seeking review of disciplinary actions under the grievance chapter of the code which is 3.48 so this is a review of the demotion of Miss Lie.

Member Sampson requested Matt to say it again

Matt Mead I know that it's a part of the request for the personnel committee to review this, that there was a grievance stated part of that the Borough Code section 3.48.010 subsection C, it prohibits challenging and seeking review of disciplinary action of any type and that's what this review is, this is actually under the previous chapter which is 3.40 a pre-disciplinary review hearing before the personnel committee.

Member Sampson so what you're telling us is that we're going to listen to is what the Borough is doing to this point and time in regards to disciplinary?

Matt Mead right, and it's in a form of a demotion and Nina will have an opportunity to present her side of it and her case and then the Borough will respond with its information about the decision that was made and the committee will review that.

Member Sampson then at what point in time do we go into other discussions in regards to the documents that was given to us?

Matt Mead those are for the Committee to review and I believe Kathleen will be using those as background information for the summary she will be providing the committee, but that information is for your review and it's there for really as supporting documentation for this issue.

Member Sampson so even this is a personnel issue were still having a public meeting?

Matt Mead it was noticed as a public meeting, it could be requested that it be conducted in executive session and it's up to Nina and the Committee.

Member Sampson I suggest that we take it up and see what we want to do because of the fact that when it gets down to the discussion of issues of the personnel it gets down to personal issues to base on the report that was given to us and I would hate to prejudice the individuals credibility in regards to her work and as an employee of the Borough and I think that's a good quick way to get ourselves into some hot water if that's what we plan to go through but if that's Mr. Chairman you will take us through and at the advice of our legal counsel that's fine too.

Mr. Chair Armstrong legal do you recommend that we discuss this in executive?

Matt Mead that would be my recommendation and I would ask if Nina has a preference and if she's alright with that.

Nina Lie yes, please executive session.

Member Sampson now who do we allow in executive session legal?

Matt Mead it's at the committee's discretion, I think everyone involved and everyone as being identified as being in attendance would be fine in terms of being part of this issue.

Member Sampson I think who we have here this morning the Mayor, the Chief of Staff, Kathleen, Nina and her mother are here I don't have any objections as long as we don't get outside this room and our secretary can leave if that's what the committee wants to do. Do you

feel comfortable enough Nina to have these people here or do you feel comfortable having some of the people leave? What I don't want to set up is that because of the fact that sometimes you have too many people in the room some people don't put on the table some of the issues that they may wish to address.

Matt Mead we have a fairly small group here, those here in attendance are going to participate so it's at the committees discretion but it's a small group and I think in terms of the folks in the material to this matter are present.

Member Sampson ok, I was pretty disappointed that you weren't here this morning legal and I was hoping at least you and Rosny would be here for the discussion purposes cause it is critical, this is the heart of the Governance, Finance Department and its critically important that we are clear in regards to the discussions that we will have with both people involved and I think that sometimes down the road were going to have to come together to address these issues that will come before us.

Member Loon I think it's good if we have a smaller group and it's up to Nina who she wants in here.

Mayor Richards were going to have to have personnel here because we're going to be addressing some of the issues.

Member Sampson full personnel meaning Kathy has a right to sit in, Nina also has to sit in in this meeting because she's the one that submitted the grievance, she's got the right to listen to the discussions that were going to discuss.

Matt Mead my recommendation is to move forward with the agenda in consideration of the issues with the parties that are currently present.

Member Loon motioned, Member Sampson seconded to approve agenda as amended. Motion passed unanimously.

Mr. Chair Armstrong we will go into executive.

Back to order Wednesday December 30, 2015 @ 9:03 A.M.

President Weisner waiting on Clyde, in this case he would be activated because the Mayor is unavailable for this case.

Leslie Need and Anna Crary on the telephone filling in for Matt Mead.

Mayor Richards legal apparently Clyde Ramoth is not calling in as the fifth member, at this point how should we move forward? We do have the President of the Assembly here. For the interest of time.

Member Sampson I think you're asking the wrong person, the chairman of the committee should make that call.

Nina Lie excuse me, the two additional members, what brings those about? The committee is already established and the committee has already heard part of the hearing yesterday.

President Weisner that's why im here to explain that portion.

Nina Lie Mr. Chair

Mr. Chair Armstrong when the committee was formed by the president it only had three members.

Nina Lie its always only had three members.

Mr. Chair in the personnel committee code theres supposed to be four members in the committee but they also have the option to designate a fifth member.

Nina Lie I would say that that would be an oversight of the Assembly or the Committee or the Administration and we've already heard part of the hearing yesterday and it wouldn't be fair to add the new members today.

Member Sampson Mr. President I think she has a good argument, it's a lack of legal counsel that you advise us on these things and that's their role, from their part they didn't advise us in regards to what we should do. She does have a legitimate issue here.

President Weisner for the record Carl Weisner, Borough Assembly President. It is true that in my experience we've only had three committee members that's why I appointed only three committee members, it's come to my attention yesterday that the Borough Code designates four Assembly Members to the Personnel Committee and the Mayor would be the fifth for any potential tie breaker, however in a situation such as this the Mayor is ineligible to serve on the committee and as a result a fifth Assembly Member who is an alternate in a situation like this would be active and so yesterday evening I went over the standing committee lists and looked over who had lesser appointments, I try to keep the number of appointments on the committees equal and after some calling around Nathan Hadley.

Mr. Chair Armstrong did someone just call in?

Member Ramoth joined the call

President Weisner this is Carl I was providing a brief, it was my oversight that I appointed three committee members I only learned last night that it requires four Assembly Committee Members and an alternate in the event that the Mayor cannot serve on the Personnel Committee, in this case that's the case and I apologize to all involved for the inconvenience so at this time the Assembly has five Personnel Committee Members and I take responsibility for the oversight, I apologize again, I wanted to put that on the record I was advised by Landye Bennett Attorneys that I do so, and that's all I have Mr. Chair unless you have any questions for me.

Mr. Chair Armstrong not at this time.

President Weisner is that thorough enough our folks from Landye Bennett?

Leslie Need I think that that's a good overview, the portion of the code that were looking at is 3.04.070D and for disciplinary hearings under the code 3.04.060 the Personnel Committee needs four members and when the Mayor's not able to participate and the Mayor is not under the code for disciplinary a fifth member is necessary so weve advised the President that the committee that met yesterday was undermanned it needs five members instead of three.

President Weisner ok, im going back to work.

Member Sampson Mr. President I also have, very critical especially in a hearing like this, if it's such that legal counsel could not advise us on these things then I have a problem with that, we spent almost four hours yesterday talking about the very critical issues in regards to what occurred, how it occurred and what's happening and then before noon our legal counsel says this.

Member Hadley so are we able to sign off now?

Member Sampson we are reconvening as a committee, Public Meeting.

Mr. Chair Armstrong both parties have agreed on January 19th to continue with the committee hearing.

ADJOURNMENT

With no other business to discuss, the meeting adjourned at 10:02 A.M.

Member Loon motioned to adjourn.