

SUBJECT: Consider a Request from Council Member Mendoza related to the ability of the City Council to mandate the internal investigations of certain employees

DEPARTMENT: City Manager's Office

STAFF: Tim Ogden, City Manager
Margaret Wimberly, City Clerk

TITLE/RECOMMENDATION

That the City Council consider and discuss the request from Council Member Mendoza related to the ability of the City Council to mandate the internal investigations of certain employees.

FISCAL IMPACT

There is no fiscal impact associated with this action, but authorizing this request to move forward will require the need for outside counsel and could cost approximately \$5,000 from the General Fund.

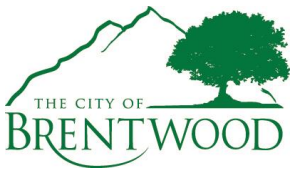
BACKGROUND

Pursuant to Council Policy 110-1 Rule 4.4 (b)(2), this item has been placed on the agenda so that Council may discuss it and provide further direction to staff. Pursuant to Section 4.4, Council discussion is limited to whether staff time and City resources should be spent on the item and the time period for scheduling.

On September 12, 2023, Vice Mayor Meyer, and Council Members Mendoza and Pierson requested future agenda items generally related to issues at the Brentwood Senior Activity Center, and customer satisfaction of recreational programming.

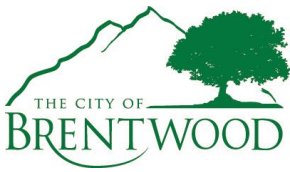
On September 26, 2023, the City Council directed staff to spend staff time and resources on items I.2.A and I.2B. and I.2.C all-inclusive of the details included in the staff reports for those items, excepting items directly related to any staff identifying information and personnel information, including:

- Interview all the staff and all the stakeholders that participate in the programming of all of those facilities and programs



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- Former employees who are residents if they'd like to participate
- Include seniors and any participants in programming with the Parks and Rec
- Investigation be independent
- Staff time and resources to create an RFP to be reviewed by Council
- Set the budget amount for the investigation at \$100k
- The full list of items for investigations specific to the senior center
- Questions on the survey for residents questions related to Youth services
- Include in the RFP for consultant to put together a survey to encompass all of the various requests that you've mentioned tonight
- Independently created, independently evaluated, and then presented to the city council
- Additional programming based on the Survey with all programming in Parks and Recreation to be included
- Add facilities and customer service
- Council will authorize the RFP unless that authority is delegated
- Current non-profit and CBO partnerships and those terminated since 2019 including reasons for termination
- Current MOU use those that expired since 2019 and those about to expire
- Current programs, special projects, events and activities and those terminated since 2019, including reasons for termination
- How staff is chosen to work at the center
- How training is managed for that staff, whether temporary or long term
- Senior related experience qualifications of leadership positions of regular center staff, including everything considered when placing staff there
- Any future plans being explored that potentially change the format infrastructure or offerings of the senior center
- Yearly attending number since 2019
- Confirmation of language and cultural access efforts
- The on-site schedule for Parks and Rec leadership
- The status of the previously printed Brentwood seniors' activities guide
- Include facility usage of the senior center
- Effectiveness of the programming customer service
- Recommendations from the Parks and Commission, on how we can ensure a positive experience for our residents.
- A review of staffing levels in over the last 3 years in Parks and Recreation
- With organizational charts and position and attrition over the 3 years and reason for leaving (general without names or position titles, should not be employee specific)
- The City Attorney has the authority to use staff time and resources time and resources to run our motion past outside council



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A link to the discussion on this item can be found in the meeting video at the following link: <https://youtu.be/MlwbQax0eEY?t=7475>

On November 14, 2023, the City Council City Council, by motion, authorized staff to issue a Request for Proposal for Consultant to assist with Brentwood Senior Center Operational Assessment & Citywide Recreational Customer Satisfaction Survey. As a part of this discussion the subject of performing internal investigations was raised, and clarified by former City Attorney, Damien Brower, that the form of government in Brentwood doesn't allow the Council to be involved in City Manager employee investigations/personnel actions, and this was confirmed by outside legal counsel specializing in employment law. A link to those comments can be found in the time-stamped meeting video at: <https://youtu.be/4IIKrvP184w?t=12868>

CITY COUNCIL STRATEGIC INITIATIVE

Not Applicable.

PREVIOUS ACTION

Previous Action by the City Council is included on Attachment 1.

DATE OF NOTICE

Not Applicable.

ENVIRONMENTAL DETERMINATION

Not Applicable.

ATTACHMENT(S)

1. Previous Action