

- (b) The individual is given an opportunity to face and question opposing witnesses, including the right to request the presiding officer to subpoena witnesses.
- 3. A decision based upon the evidence presented at the hearing and the statement of charges.
- 4. A brief written statement of the final determination together with a recitation of the reasons for the determination and the facts on which the decision maker relied.

## **EFFECTIVE GOVERNING**

In a democracy the need to evaluate and balance all interests is a challenge and frustration facing most elected officials. City councils and village boards in Mississippi are no exception to this rule.

### **Decision-Making**

The fundamental job of a governing body member is to make policy decisions for his or her municipality. Unless decisions are based on full, relevant and accurate information and with a clear objective in view, the results are likely to be mediocre at best and meaningless at worst. In fact, in view of the part-time, temporary involvement of most local governing body officials in Mississippi, the political pressures under which local decisions must be made and the frequent lack of up-to-date, accurate, verifiable information available to these decision-makers, the process has worked surprisingly well.

Decisions of local governing bodies generally fall into three categories: 1) those regarding projects or facilities; 2) those with respect to services, and 3) those relating to the need for regulations affecting the health, safety or welfare of the municipality's residents. See Wright, J. Ward, and Benson, Virginia, "Your Local Economy: Does City Hall Play a Role?", Nation's Cities, September 1972, p. 45.

The process of making decisions with respect to any of these three principal areas of municipal activity can be divided into six stages:

**Need**. The process whereby it is determined that something needs to be done. Such determination is usually based on an awareness of community conditions.

**Solutions**. The process of determining which government is responsible, what resources are available, what the scope of responsibility is, and the manner in which an answer to the problem should be formulated.

**Projects**. The development of plans for specific allocations of resources to specified agencies to undertake given actions for specified purposes.

**Approval**. The official act by which action is authorized and resources are allocated.

**Administration**. The action of management in issuing directives, supervising activities, reviewing results, and making required adjustments.

**Evaluation**. The process of reporting and reviewing, whereby the policy-makers may determine the success or failure of the programs, in whole or in part, in meeting the needs defined in the first stage."

Unfortunately, substantial impediments frequently exist which diminish effective

city council or village board involvement in all stages of a decision. These include, among others, the existence of semi-independent agencies financed and/or sanctioned by state and federal largess and laws which may have progressed to the fourth stage of the process before bringing a project to the council or board for consideration and approval. In addition, there may be a large time span over which projects or issues may extend, resulting in numerous changes in the composition of the decision-making body or a change in attitude of the citizenry or even a change in need for the project or service itself which can hamper effective decision-making.

Perhaps, in view of these impediments, governing body officials may have to console themselves with the satisfaction of having made informed and intelligent decisions after thorough study and deliberation even if in retrospect the particular project, service or rule fails to achieve its anticipated goal.

### Data Gathering and Technical Assistance

Merely identifying stages in the normal evolution and denouement of a municipal project does not guarantee effective decision-making. Effective decision-making is the result of having sufficient data to provide the basis for making rational choices between alternative courses of action. Effective decision-making also requires a refining, sifting and winnowing of the issues and data, the creation of an atmosphere conducive to making decisions in an unhurried and judicious manner and the weighing of potential consequences of alternative decisions or courses of action. Finally, effective decision-making requires the creation of a local administrative system that will guarantee that decisions made by the governing body will be carried out as intended.

Gathering data or background information is generally the role of governing body members individually and collectively and of municipal departments and administrative heads.

Individually, council members can obtain data and background information on the need for specific projects, services or rules by reading the municipal code and charter and publications such as this; by receiving reports from the manager, department heads, boards, commissions and committees; by listening to their constituents and to citizens at public hearings; and by observing and viewing conditions in their own wards or districts.

Collectively, the council may wish to procure the advice of the municipal attorney; of bond counsel; of the municipal engineer or a consulting engineer on particular issues or projects. Information can also be obtained from state or federal agencies or associations.

Sometimes a special study committee of citizens and/or governing body members may be used to obtain background data on the need and desirability of a particular action by the governing body. In addition, a public hearing may be called for this purpose.

It should be kept in mind that the information gathering process is not in itself the solution. It is merely the initial step. The final decision rests with the members of the governing body, and a problem or need is seldom resolved merely by collecting facts and data. Indeed, it has been suggested that the practice of Congress and the state legislature of separating the public hearing part of the process from the decision-making part leads to more efficient and more effective governing body determinations.

## **MAKING IT WORK**

The types of problems confronted by your board can sometimes seem so burdensome that you wonder why you ever got involved. Try to keep in mind that the conflicts and problems that you tackle are important to the community you serve. When you work out the problems as a group, you will make healthy decisions. Keep in mind, too, your commitment to the board, your colleagues' commitment, the importance of your contribution, and the importance of making sound decisions.

As your board tries to make the best possible decisions, use the following “rules of thumb” to help you get over the hurdles:

- **Separate the people from the problem.** You and your colleagues aren't questioning each other's good intentions or personal integrity. You are discussing options for making the best possible decisions. Don't think about what you may not like about the person sitting across the table from you. Instead think about what he or she is saying, about the points that person is trying to make. If a colleague seems to be attacking your integrity, try to get that person back on track by asking him or her to make the point.
- **Focus on mutual interests and shared goals.** When your board seems to have bogged down, sometimes it is helpful to step back and think about the goals you have set for it. Keep in mind that you all have agreed on these goals, that you do have mutual interests, and that you are all serving the same constituency. Remember what is important!
- **Invent options for mutual gain.** Is there a compromise with which everyone will feel satisfied? Think about all that has been said throughout the debate. Can the best aspects of everybody's ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and why other approaches are.
- **Be open, honest, and willing to listen.** Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Are you considering them? Don't be afraid to state your concerns. Be honest by revealing what you see as the options and by explaining what you see as shortcomings in the suggestions of others.

## **GUIDELINES FOR COUNCIL MEMBERS**

Each Council member should work to establish a good relationship with other members. The success or failure of efforts may be dependent upon the degree of cooperation evident among the individual members of the Board.

Each member should keep in mind these important points:

- Show respect for another's viewpoint.
- Allow others adequate time to fully present their views before making comments.
- Be open and honest.
- Make new members welcome and help them become acquainted with their duties.
- Strive to minimize polarization and factions among members.
- Each Council member receives public input and citizen participation in City government by the following means:
  - **Reviewing Recommendations.** Council members receive information from Boards and the public on matters spanning a wide range of interests and needs. Board members review and make recommendations to City Council on matters within their scope of responsibility. They perform as a citizen's advisory arm of City Council, focusing attention on specific areas of the City. However, certain Boards may take final action in prescribed areas. These bodies give the citizenry an opportunity to voice their opinions on City programs and policies.
  - **Assisting with Goal Identification.** One primary responsibility of Council membership is to formulate City goals. What do people say they want in their City? How can this be translated into a set of compatible, consistent, long- and short-range City goals? Advisory groups, staff and citizens can help with the decision-making process, but remembering the distinction between wants and needs is a policy decision and therefore, ultimately rests with City Council.
  - **Representing General Interests.** The Council must be careful to represent general interests of the City, not special interest groups. Council members must work with the City Manager. They should not become directly involved in the administration or operation of City departments, and should not direct the administrative staff to initiate programs, conduct studies or establish official policy without

approval of the City Council as a whole. Members, however, are encouraged to review and comment on relevant department programs as they affect the community.

- **Holding Open Meetings.** All meetings of the Council must be open to the public pursuant to the open meetings law. The intent of the law is to ensure actions be taken openly and that deliberations be conducted openly. Furthermore, the Council must announce a time, place and date for holding any regular or special meetings. (See the section on Open Meetings and Open Records in this Manual. If you have questions or concerns, please contact the City Attorney.)
- **Participating.** Election to the City Council provides an opportunity for genuine public service. Although the specific duties of each Board vary widely, there are certain responsibilities City to all members. The following is a summary of important responsibilities that will assist in maximizing one's contribution to the City.
- **Understanding the role and scope of responsibility of the Council** may sometimes appear to be a daunting task with the sometimes conflicting goals of properly representing the City, being concerned with the entire community, keeping the lines of communication open, being conscious of your relationship to the rest of the City Council and City staff, and establishing a good relationship with other members.

But by being open and honest at all times, while being aware that, in the public's eye, you represent the City you serve, your ultimate contributions to policy decisions should express your sensitivity to the diverse viewpoints held in the City.

## **Council Members Code of Ethics**

Adhere to the code of ethic for councils. It is included here for your information.

- I will be motivated primarily by an earnest desire to serve my municipality and the people of my community in the best way.
- I will endeavor to attend all council meetings.
- I will recognize that the expenditure of municipal funds is a public trust, and I will endeavor to see that all such funds shall be expended efficiently, economically and for the best interest of the municipality.
- I will not use the municipality or any part of a municipal program for my own personal advantage or for the advantage of my friends and family.

- I will do everything possible to maintain the integrity, confidence and dignity of the office of a council member.
- I will listen to what other members of the council and other individuals or groups may have to say before making final decisions.
- I will endeavor to avoid rancor and bitterness, to observe proper decorum and behavior, to encourage full and open discussions in all matters with my fellow members of the council, to treat them with respect and consideration and not withhold or conceal from them any information or matter in which they should be concerned.
- I will make no derogatory remarks, in or out of council meetings about members of the council or their opinions, but I reserve the right to make honest and respectful criticism.
- I will recognize that authority rests with the council in legal session and not with individual members of the council.
- I will abide by majority decisions of council once they are made and will accept and support them as long as I remain a member of the council.
- I will not discuss confidential business of the council in my home, on the street, or in my office, the place for such discussions being the council meeting or committee meeting thereof.
- I will endeavor to keep informed on all local, provincial and national developments of municipal significance.
- I will consider it unethical to pursue any procedure calculated to embarrass a fellow council member, a member of the municipal staff or another local government body.
- I will associate myself with members of other councils both personally and in conferences for the purpose of discussing municipal problems and co-operating in the solution of them.

### Council Members Should Never

- Talk too much and listen too little.
- Publicly criticize a council decision that was voted on and passed by the majority of the council, but that you did not specifically support.
- Demonstrate to fellow council members that you have all the answers for every issue.
- Refuse to change your mind on any issue regardless of the evidence presented.

- Fail to read council packets and prepare for the council meetings.
- Divulge information from an executive council meeting.
- Refuse to compromise when decisions have stalemated.
- Ridicule past council members and the decisions made by the council before you became a member.
- Hold grudges about fellow council members when they do not agree with you.
- Try to dominate conversation at every council meeting.
- Resent the salary of the chief executive or staff because it is more than you or your spouse makes.
- Arrive late and leave early.
- Remind fellow council members “that it has always been this way in the past.”
- Appear at park sites or facilities giving orders to employees.
- Want the agency to be a haven for hiring friends and the politically deserving.
- Constantly criticize and question council policies and the executive decisions, and compulsively dissent on almost every issue.
- Do not try to know or understand other people who serve on the council with you. Team building begins by knowing your teammates.
- Have no interest in being educated on being a good council representative.

## **COUNCIL RELATIONS**

1. **Representing the Council.** Council members cannot individually commit the City to positions without a vote or consent of the Council. Individual Council members should not insert themselves into or position the council on issues without a Council vote. It is inappropriate to commit to things that the whole Council may not be aware of or approve. Members should refer such matters to the administrative staff for review and later recommendations back to the Council.
2. **Complaints from Citizens.** When individual Council members receive citizen complaints, these should be referred to the Administration staff for investigation and resolution immediately. A vast majority of complaints concerns enforcement issues, which must ultimately be addressed by the staff anyway. Personal Council involvement in enforcement or interpretation of ordinance, policies or laws could subject the Council to later problems. The Administrative staff enforces zoning, ordinances, basic services, personnel matters, etc., and through the separation of duties the City Council establishes the rules by which the staff function.
3. **More on Handling Complaints.** Do not wait to bring up citizen complaints at Council meetings... these should be handled as quickly and routinely as possible by proper referral to staff. Do not “invite” complaints to be dealt with at meetings. Council will not appreciate a “staged” show, and the complainant may not appreciate the delay involved.
4. **Media Relations.** From time to time, the media (particularly the press) will ask for commentary about a City Council action or position on an issue. To the extent that the Council has taken an action or position, the Mayor will serve as spokesman unless the City Attorney has been designated by the Council President. In these situations, the “Council’s” position is to be disclosed, as opposed to individual opinions. Of course, individual opinions are individual opinions and may not express the opinion of the Council as a whole.
5. **Approval of Minutes.** Council minutes are considered “action minutes”. They convey a brief summary of discussion and action taken on items of business. They do not contain lengthy discourse from testimony given or all of this would be expensive, time consuming, and unnecessary. Spelling and grammar errors should only be brought to the Clerk’s attention outside of the meeting.
6. **Ordinance/Resolution Preparation.** The City Administrative staff and/or the City Attorney prepare all ordinances and resolutions for Council consideration. Council’s concern in review of such legal documents should be whether or not they adequately convey the “substance” desired. The legal format of such instruments, code section numbering, etc. is rightfully within the City Attorney’s purview...not the Council’s. Ordinance

preparation is the City Attorney's job. They should not be prepared at the meeting by the Council.

7. Private Disputes. On occasion, individual City residents or neighborhoods will come forth with problems of a purely private nature. These typically include nuisance complaints, work hours for contractors, boundary line disputes, fence problems, etc. The City should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If you are not clear whether a reported "problem" is properly within the City's jurisdiction, the best thing to do is ask the staff for a determination and ask that they report back to the Council.
8. Policing Problems. It is the Council's responsibility to police and correct any problems among Council members. Council should not expect the Administration to do this for them.

## **CITY COUNCIL/CITY MANAGER AND STAFF RELATIONS**

1. Everybody's Equal. All Council members will receive the same information about a matter... particularly as it relates to business items for your consideration as a body. No one will receive different or "special" information that would tend to put one Councilperson at an advantage over the others. Staff reports, per se, will be prepared for the entire Council to avoid such problems.
2. Favoritism. We all know that individual Council members may have more of an interest in some departmental functions than others. However, that should not give cause for staff to show special deference to certain Council members. Every Council member is to be treated equally; no favoritism is to be demonstrated. Be cooperative and responsive, but do not play favorites.
3. Lobbying Council Members. Individual Council members are not to be lobbied by Department heads for support of their projects, budget requests, etc. Department heads work for the City Manager, and it is he/she that the Department heads or staff must lobby. Their programs must stand on its merits, as opposed to their success in lobbying and lining up Council votes. The City has a chain of command and must adhere to it.
4. Council Orders. As the Municipal Code requires, no Council member is to individually "order" the City Manager, Department Heads, and others to do anything. Only a majority of the council may instruct the City Manager to do something.
5. Use of Resources. Staff resources are limited. Those resources the City has are fully devoted to carrying out Council-determined priorities and programs. There are no resources available to pursue individual Council members' special requests. Resources will be used as a matter of establishing a proper relationship with the entire Council. There will be a number of occasions when a Councilperson will call or request information. To the extent that it is available, the information is to be furnished. However, staff is not to launch into a special research effort that could divert limited resources from working on the priorities of the entire Council.
6. Incomplete Staff Work. There are always a number of proposals for various projects under consideration and review by staff before presentation to the City Council for a decision. While these matters are "in process" at the

staff level, it is inappropriate for the staff to “consult” with individual Council members on their “preference” for possible recommendations.

7. Council Member Involvement in Negotiation Meetings. At any one time, staff can be involved in various meetings with citizens, consultants, unions, prospective developers, etc. The subject matter runs the gamut from complaints to researching Council reports, possible development scenarios, and the like. The City Council hires staff to perform these functions, and they have repeatedly reaffirmed this position. There may be a few situations that would call for meetings where a designated Council member and a staff member would both be involved. These situations will be few, and the entire Board will/should formally authorize this approach. Otherwise, Council intercession in such staff meetings and negotiations is inappropriate.
8. Office Visits. Council members are welcome to frequent City Hall. Usually, these visits will be for business matters (to ask a question, forward a complaint, etc.). “Social” visits will be made from time to time. These are fine. However, “socializing” is discouraged to the extent that it interferes with staff’s schedule or disrupts normal staff activities and workflow. For the Council members: do not disturb or demand the attention of the entire office staff. Likewise, the administrative staff should not let this happen.
9. More on Visitations. It is not appropriate for Council members or board/committee member to assume a “staff role” while you are in City Hall. Staff has a proper role, and elected officials have a proper role. Please do not, as a Council member, answer telephones, work behind the counter, review plans with developers and contractors, respond to inquiries or complaints, or try to operate as a “staffer”.
10. City Manager Contact. The Council member’s primary contact is the City Manager. Questions, requests for information, etc. should be made through him/her, not individual Department Heads or other staff people. There are good reasons for this approach: the City Manager will then know what is going on, and he/she properly can determine which department(s) should become involved. In addition, it is a good way for the City Manager to assess the responsiveness and effectiveness of the departments. A further advantage is that many of the issues addressed in these guidelines will not become problems for the City Manager or Council.
11. Personnel Complaints. As a Council member, you may receive complaints about City personnel. These complaints, however severe they may or may not seem, should be turned over to the City to investigate and resolve. In some cases, disciplinary action may be required, and protection of the City rights and employees’ rights is a paramount consideration in dealing with employee complaints. The City Manager is the City’s Personnel Officer, so please turn over any employee complaint to him/her for internal investigation and disposition.



## **OPEN MEETINGS AND OPEN RECORDS**

The following information has been included to help guide all City officials and in their duties to the public in creating an open government and informed electorate. This manual is distributed to provide guidance with respect to compliance with open meetings and open records laws. Both areas of law have been the source of much litigation and opinions of the Attorney General, and therefore, the application of the laws can be quite fact-based and complicated.

Please be aware that e-mail received and sent and instant messaging that pertains to City and Council business is a public record and a hard copy should be filed with the City Clerk, or the e-mail should be forwarded or copied to the City Clerk's e-mail address.

In addition, please be aware that online chats, instant messaging and forwarded e-mails involving other members of the Council are likely to be viewed identically as the use of the telephone, and therefore, the same concerns about conducting meetings by walking quorums that can put the City and Council members at risk of violating the open meetings law may apply. Please do not construe this as a prohibition of these kinds of communications, however. These comments are provided for the purpose of informing members of the precautions that may be appropriate in certain situations as they arise.

Please review this guidance and if you have any questions, concerns or you wish to review additional information on Open Meetings and Open Records laws, please contact the City Attorney. Therefore, if you have a question regarding the propriety of a contemplated action or practice with respect to the application of these laws, please do not hesitate to make a request for a legal opinion. In addition, although most "infractions" of the laws and their application may appear minor at the time, the violation of these laws can result in prosecution and possible other costs and remedies, including under some circumstances, the payment of attorney fees.



### **OPEN RECORDS LAW**

The context in which your official duties relate to the open records laws is somewhat limited. Basically, all governmental records are presumed to be open to the public, and access to those records may not lawfully be denied to persons asking for such access, unless the records custodian can show the proper exceptions to the law. Moreover, records are defined very broadly, and they are much more than simply the agendas and meeting minutes of commissions, boards, and the Council.

Fortunately, no member of a commission, board, or the City Council needs to concern him or herself with the rules for determining whether records under an open records request need to be turned over to the public. Law assigns the City Clerk as the official records custodian for all commissions, boards, and the Council. The City Clerk knows the proper procedures to be followed in determining which records have to be disclosed upon request, and which records may lawfully be denied to the public.

Where all members of commissions, boards, and the City Council need to be concerned with the open records law is at the front end of the records access question, rather than at the back end. You, as members of these governmental bodies, need to be aware that you may be held responsible for seeing to it that all public records are placed on file with the City Clerk.

And since public records are not simply written communications generated by the governmental body itself, it would always be a wise practice to have placed on file with the City Clerk all written communications to you, whether they are letters, reports, or memos. (If, however, these documents were generated by city administration, you can rely on the fact that they are already on file with the City Clerk, since the City Clerk is also the record custodian for city administration.) In addition to all written communications, recorded communications also are public records, as are computer files and fax documents.

Although the governing body, whether it is the Council, a commission, or a board, is the authority responsible for turning over all public records to the records custodian, the individual member in each of these bodies presumed to have the primary responsibility for compliance with the law is the presiding officer of each body. Therefore, if communications that are records come to a governing body as a whole, individual member should look to their chair or president to fulfill the responsibility for filing these records with the City Clerk. The responsibility becomes an individual one, however, if a record is given to only one member of the body.

The following examples are intended to illustrate how the open records law would apply to you and your duties as a public official or board member:

- a. You are stopped on the street by a citizen who wants to talk to you about how a particular item on an upcoming agenda should be decided. To remind yourself of the concerns and the conversation, you jot down some notes for your own personal use. Are these notes a public record that needs to be filed with the City Clerk? No. Personal notes used only by you are not public records and there is no public right of access to them. However, if you pass along your notes to other members of your body, they then have become public records and need to be filed with the City Clerk.
- b. You are stopped on the street by a citizen who wants to discuss how you should decide a particular item on an upcoming agenda. A few days later, the same person follows up with a letter sent to the entire board, of which you are a member, but you are not the presiding officer. Is the letter a public record? Yes. Do you

have to file it with the City Clerk? No. Does the presiding officer need to file it with the City Clerk? Yes. Will it hurt anything for you to file it as well? No.

- c. You received a letter apparently addressed only to you that is urging you to vote or take action in a particular manner. No agenda has been formally made that encompasses the action being requested, but it is an action you are lawfully empowered to make and it is foreseeable that at some time in the future, you might be discussing the matter. You do not know whether anyone else in your body received the same letter. Is this a public record? Yes. Do you need to do something with the letter? Yes. You have two options. The first is to share the letter with the other members of your body by mailing them copies or by giving them copies at the next meeting of your governmental body. The second option is to file the letter with the City Clerk. Under the first option, the presiding officer would ultimately be responsible for filing the record. Under the second, you are responsible for filing the record.
- d. Someone calls your home answering machine and leaves a recorded message. Is this a public record? No.
- e. Someone sends you a fax on your company's fax machine relating to your duties to the City. Is this a public record? Yes.
- f. Your governing body meets in a properly noticed and convened closed session. Are the minutes of the closed session a public record that must be filed with the City Clerk? Yes.
- g. Your board wants the cable TV people to come and videotape your meeting so members not in attendance can view the meeting at a later date. Is this videotape a public record? Yes. What if the cable TV people record a meeting that has nothing to do with city government? Is this a public record? No.
- h. One final word of caution, since you are not charged with making the determination of what records are actually released to the public under the law, it would be wise not to assume that all records placed on file are necessarily available as public information. It is the records custodian's responsibility to make that determination, and to make the appropriate information public, if requested. The rules for making these determinations are beyond the scope of this memo.

## OPEN MEETINGS LAW

Your individual responsibilities under the open meetings law are more complicated and more varied than those under the open records law. These responsibilities relate to conducting governmental business in the open so that the public knows what is being discussed, deliberated, decided, by whom, when, where and why. The legislature has incorporated the policy of openness into the legislation and has codified the notion that this law, like the open records law, will be liberally construed in favor of openness, rather than in favor of the government's other concerns for efficiency, expediency, or lack of controversy. The court decisions and the Attorney General opinions relating to the open meetings law have stretched the meaning and application of the law beyond the words of the statutes, and the law has been rewritten to broaden its application to more circumstances, rather than fewer.

Put simply, the law requires that all business of governing bodies be conducted at meetings that have been properly noticed to the public and the media, and that the notice sets forth in detail the items of business to be discussed or decided, and when the meeting will occur, and where the meeting will be held, and that the place of the meeting must be reasonably accessible to all members of the public wishing to attend. These meetings are required to be in open session, unless the proper prior notice of a closed session has been posted and stated at the meeting, and unless the legally authorized exception to openness has been met. Penalties for violation of the law can range from prosecution by the District Attorney, fines, and costs, to some other remedies that may include voiding the action taken contrary to the open meetings law, injunctions, declaratory judgments, and possibly attorney's fees.

Unfortunately, the law has been the source of much litigation and many opinions of the Attorney General, so as with the open records law, if you do not believe you know whether a contemplated action or practice would be in violation of the open meetings law, please do not hesitate to ask for a legal opinion, since the law's application is always to individual facts in particular circumstances, and the duty to obey the law is an individual duty of each and every city official who is a member of a board, commission, or the Council.

The following examples are intended to illustrate the application of the open meetings law to particular circumstances to help you to decide whether your contemplated actions would be in compliance with the law. However, if you are ever in doubt, please seek a legal opinion.

### Public Notice

Taking action at a meeting that has not been properly noticed is a violation of the open meetings law, and these violations can be found against individual members who took action, even though they did not have any part in posting notice of the meeting. Therefore, it is important that all members of all governing bodies know the requirements of meeting notices.

Following standard procedures for giving public notice is the best defense against violating the open meetings law on the grounds that inadequate public notice has been given. The standard procedure for giving notice of a meeting involves writing the agenda in a manner that lists the time and place of the meeting, and the items of business in enough detail to give the public an idea of what will occur at the meeting. This detail should deal with all of the following, when applicable:

- a. Will there be a public hearing?
- b. Is there an item of business that will only be discussed, but no decision will be made?
- c. Will a decision of some sort be made?
- d. If a decision is made, will it be in the form of a recommendation, or an actual, final decision of the body that will not be referred on to another body for a final decision?

- e. Is there going to be a closed session, and if so, what is the specific statutory exemption that authorizes such a closed session, and what will the discussion in closed session be about?

The City Clerk's standard procedure for giving required notice includes:

- a. Supply the agenda to the City Clerk by Monday morning the week before your meeting so it can be published.
- b. Supply the agenda to the other official newspaper of the City.
- c. Post copies of the agenda at City Hall, the library, and the Post Office at the same time that the agenda is posted at the meeting place.

Unfortunately, circumstances sometimes arise that make it impossible to conduct the business of the government and to comply with the standard procedures for providing notice. The following examples will illustrate what to do under those circumstances.

- a. You are the presiding officer of a governmental body and you find out that an emergency item of business needs to be acted upon at your next meeting, but the agenda has already been published and the meeting notices have already been posted. What do you do? You write an amended agenda that must be posted at least 24 hours in advance of the meeting. You also have copies of the amended agenda available to the public at the start of the meeting.
- b. You are the presiding officer and you don't find out about the emergency item until after it is too late to comply with the 24-hour meeting notice requirement, but the item is so urgent, and you can show good cause why it has to be acted upon immediately without another 24-hour delay to post notice of another meeting. What do you do? Under these circumstances, which are quite rare, you can still act on the emergency item if you follow the amended agenda procedures listed above, and if you can provide the required notice to the newspapers and to the public a minimum of 2 hours in advance of the meeting.
- c. You are the presiding officer and an item of business comes to your body through discussions that may be straying from the agenda. It seems to be logical to pursue the new area of discussion. Do you allow the discussion to continue, even though it does not fit the agenda? In almost all cases, no. It is the presiding officer who will be presumed to be responsible for keeping the discussion and business of the body on track with the public notice and agenda. Even if no real harm comes of the discussion because no immediate decision is being made and the discussion will likely continue at a later meeting with proper notice, it is still possible that the presiding officer may be found to be in violation of the open meetings law. And, if a vote is taken, anyone participating in the decision may also be found to be violating the open meetings law, and the action taken may be voided as well.
- d. However, there is an exception to this rule if it falls within a legitimate emergency that could not wait 24 hours for proper notice as listed under 1 above, and if the presiding officer did not know about the emergency at least 2 hours before the meeting, so the procedures under 2 above could not be followed. The probability of this exception becoming anything but extremely rare is quite small.
- e. You are a member of the body and the discussion has obviously strayed from the agenda and the lawful business of your body at the otherwise properly noticed

meeting. How do you protect yourself from any allegations that you have participated in a violation of the open meetings law? You call for a point of order and state that the discussion is not proper to pursue at this time, given that it is not public noticed and not on the agenda. If order is not established by the presiding officer after you have taken this step, and if the presiding officer has not established the rare exception that would allow the urgent item to continue to be pursued, then you should not participate by making any motions or seconds on the item, and it would be prudent to abstain from any vote.

- f. You are a member of the body that is about to consider whether to go into a previously noticed closed session. You note that the presiding officer has not stated at the meeting the statutory authority allowing a closed session, and the presiding officer also has not stated with some specificity the subject matter of the contemplated closed session. What do you do prior to a vote on a motion to go into closed session? You point out to the presiding officer that the above stated requirements have not been met, and ask the presiding officer to announce the authority and the reason for the closed session prior to a vote on the motion.
- g. You are a member of a body that votes to go into closed session, but no notice has been made, no emergency exception can be shown, and no announcement of the authority and the subject matter has been made. You vote not to go into closed session, but a majority of the members vote to go to closed session. What do you do? You are not lawfully required to leave the meeting to preserve your defense that you have not violated the law. You have established your defense by voting against the closed session, and you can maintain your defense if you do not participate in any decision made in closed session. However, it would be in your interest to state during the open session your reasons for your opposition to the closed session so it can be recorded in the minutes.

### Public Access

Whether sufficient public access is provided for meetings of governing bodies should usually not be an issue, since most meetings are held either at the public library or the public works building or at another pre-established city-owned or city-controlled building that, under most circumstances, should meet the reasonable access requirements of the law.

However, there are times when meeting where you usually hold your meetings may be a problem under open meetings law. These situations are quite unlikely, but you need to be aware of them. The first situation may be a case where a particularly large amount of public interest is likely and foreseeable by the presiding officer, and this public interest might generate attendance at the meeting that could not be accommodated by the usual meeting place. If such a circumstance is foreseeable, it is fully possible to move the meeting to another, larger location and still comply with the law if it is done no later than two hours prior to the meeting, and proper notice to the public and media has been made, and if the previously noticed meeting location is posted with a notice of the new location.

The second situation where accessibility difficulties may occur is when someone inadvertently neglects to make sure a public entrance to the building where the meeting is occurring is kept unlocked at all times. This may become an issue if the building used is open for other functions at the start of your meeting, but it closes

for those functions prior to the end of your meeting, such as the library. The presiding officer should always make sure that the entrance to the building used for the meeting is left unlocked throughout the entire meeting.

Other situations may sometimes arise that you may need to avoid if you wish not to be in violation for participating in an otherwise properly noticed meeting, if it can be shown that no reasonable access has been provided to the public. One such situation would be moving the normal meeting place to a place located outside the City of Gautier. Meeting in a different municipality, or in a different county, would be extremely difficult to justify under the open meetings law reasonable access provisions. There may be some rare, narrow circumstances, such as a retreat, to justify moving the meeting from the City, but no presiding officer of any governmental body should make such a decision on meeting place without seeking a legal opinion.

In addition, moving the meeting location to a private building or a private home is also very risky business under the reasonable public access requirements of the law. There is an Attorney General opinion that exists on the question of a town board meeting at a private home. The reasoning in that opinion was such that many town boards lack adequate public facilities for meetings, and under those circumstances, if proper notice is made, and if an open invitation to enter the home is extended to all members of the public during all times that the meeting is in session, the meeting would probably not be in violation of the law. However, he went on to state that these meeting places need to be the exception, rather than the rule, and that public policy requires that public meetings be held in publicly controlled buildings whenever possible.

### What is a Meeting?

The largest area of litigation and Attorney General Opinions center on the question of what constitutes a meeting, which triggers all of the requirements of the open meetings law. The courts and the legislature have dealt with this area of the law and have broadened over time the definition of a meeting to include situations that constitute a meeting that are not intuitively obvious to most casual observers. Therefore, the question of what constitutes a meeting is one that should be uppermost in the minds of all members of governing bodies within the City, because this area is the most likely area to bring about allegations, whether warranted or not, of city officials violating the open meetings law.

The law presumes that if half of the members of a governing body are present, they are at a meeting, unless it is a purely chance event that they are in the same place at the same time, or unless it is a social gathering and no business of the body is being discussed. However, the legislature has declined to state precisely how many members it takes for their presence to be a meeting. And the courts have found that under the right circumstances, it only takes two members for there to be a meeting. And the courts have found that they do not have to be physically in each other's presence. The telephone can serve as the link that constitutes a meeting.

The courts have found that walking quorums exist. This is the situation where one member talks to another member about their body's business. Then one of those members talks to a third member. Only one of these persons knows that he or she has talked to two others about the item of business. The other two do not know that all three members have discussed the business. However, this sort of activity can be found to be a walking quorum and a violation of the open meetings law by all three members.

The courts have also found negative quorums, who constitute a meeting for purposes of open meetings law. A negative quorum exists when members have discussed an item of business and reached a consensus that they will vote against a particular measure, and that they have enough power together to prevent that measure from passing. This negative quorum effect can occur whenever a 2/3 or 3/4 vote of a five-member body is needed and two of the members have discussed the item and reached a consensus to vote against it. The danger of a negative quorum is the most prevalent when decisions are being made by the Council that require a majority for passage.

Therefore, because of the concepts of walking quorums and negative quorums, the "rule of thumb" that no violation of the law will occur if member A only talks to member B can be dangerous, because member A doesn't know that member B is also going to or already has talked to member C, and even if member B only talks to member A, it may be about an item of business requiring a vote that can be blocked by both A and B voting no to the measure.

And finally, the courts have found that meetings in violation of the open meetings law have occurred even when the members have not spoken to each other. This violation can occur if a quorum of one body attends the meeting of another body simply for the purpose of gathering information to use later in its own decisions.

### Conclusion

I hope that this guidance will prove useful as you carry out your duties as an elected or appointed member of a governing body of the City of Gautier. Because the law presumes that persons subject to it know the law, and intent to violate the open meetings or open records laws does not have to be shown for it to be enforced, I hope you will accept these comments in the spirit with which they were intended by me. I want all city officials to be informed to the fullest extent possible so they may function in their roles without concern over possible negative repercussions that may result, even though their actions are well intended.

**Motion made by Councilman Vaughan to recess at 6:15 p.m. until July 23, 2013 at 3:30 p.m. Motion seconded by Councilwoman Martin and vote was unanimously carried. Councilman Jones was absent.**

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**Mayor and Council Retreat continued on July 23, 2013 at 3:30 p.m. Those present were Mayor Gordon Gollott, Council Members, Johnny Jones, Hurley Ray Guillotte, Casey Vaughan, Mary Martin, Rusty Anderson, City Manager Samantha Abell, City Clerk Cynthia Russell, City Attorney Robert Ramsay and other concerned citizens. Absent was Council Member Adam Colledge. Mayor and Council discussed Strategic Plan. Councilman Colledge arrived at the meeting at 3:43 p.m.**

# Nature's Playground

Welcome to Gautier, home to the Mississippi Gulf Coast Community College Jackson County Campus. Gautier City Council is proud to present its 5-Year Strategic Plan, adopted September 24, 2012.

## Administration

### City Council Members

HONORABLE MAYOR –  
Tommy Fortenberry

COUNCILMAN WARD 5 –  
Adam Colledge

COUNCILMAN WARD 4 – Scott  
Macfarland

COUNCILMAN WARD 3 –  
Gordon Gollott

COUNCILMAN WARD 2 – Hurley Ray Guillotte

COUNCILMAN WARD 1 – Johnny Jones

COUNCILWOMAN AT-LARGE – Mary Martin



### Appointed Members

CITY MANAGER – Samantha D. Abell

CITY CLERK – Teresa Montgomery, Interim

CITY ATTORNEY – Robert Ramsay

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## LETTER FROM THE CITY MANAGER

Though Gautier is now 26 years old, in some respects we're younger than our years. Until recently, economic and political circumstances have impeded Gautier's development as a coastal, college town. Ideally located between the industrial and tourism hubs of the state of Mississippi, with two championship golf courses, thousands of acres of parklands and shorelines, and home to the Mississippi Gulf Coast Community College's Jackson County Campus, Gautier has long been the Gulf Coast tourists' head-scratcher: Why don't we offer more? Gautier has not lived up to our potential. Here's a snapshot why:



At Gautier's incorporation in 1986, the city incurred major capital costs. In 2002, city leaders seized an opportunity to dramatically increase the tax base by annexing the Interstate-10/Highway 57 interchange. The land grabs to the west, and also lands to the northeast, nearly tripled the city's land area and doubled its population. However, the annexation required Gautier assume water and sewer loans and also absorb the Gautier Utility District which had served unincorporated areas. These debts made affording new capital projects difficult.

Three years later, Hurricane Katrina hit the coast. The resulting disinvestment, out-migration, and devastated infrastructure set Gautier back to a government in its infancy. Lacking the political and community organization of its neighboring cities, Gautier failed to capitalize on federal reconstruction dollars after Katrina. Resulting revenue losses and indebtedness created turnover in city leadership that further impeded Gautier's development and also its political influence on a state and national level. In subsequent years, Gautier necessarily focused efforts on providing city services to the annexed areas.

In 2010, Gautier at last began building economic momentum by strategically focusing development efforts on our undeveloped interstate and our town center, and capitalizing on grass-roots community projects. Results are that Gautier is now turning heads for our 16-acre medical campus at I-10 and Highway 57, and

# Nature's Playground

also our town center master plan, anchored by a \$20 million dollar Tax Increment Financing District and plans for a redeveloping mall. In the next year, Gautier will take the same strategic approach towards our water and infrastructure, a recreational waterfront and growing our premier parks and recreation programs.

It is with care and attention that as City Manager, I've organized a team of top-level professionals who come to the table with accomplishments under their belts, their sleeves rolled up and with something to prove for the citizens of Gautier. With a business-friendly Mayor and Council, Gautier has adopted the core principles of *People. Prosperity. Integrity.* We invite you to visit with us, and take part in our growing success.

Sincerely,

*Samantha D. Abell*

City Manager

## INTRODUCTION

What is strategic planning? Simply put, strategic planning determines where an organization is going over the next 3-5 years and how it's going to get there.

In our case, it is an effort to systematically identify the major issues faced by the City and to develop strategies to address them. Strategic planning is a process through which we critically evaluate our strengths and weaknesses, as well as outside opportunities and threats, so that strategic issues can be identified and clearly defined. Strategic issues then are key challenges or policy choices that can be addressed by the City; issues over which the City has some control.

The strategic planning process is as important as the plan itself. The process compels our community to develop a consensual vision of the future. The annual town hall meetings and a web-based needs assessment survey, brings forth a broad spectrum of experiences and perspectives.

Successful planning relies on a solid understanding of where we have been as a community, where we are today, and where we hope to be tomorrow. To this end, staff collected input and data from a variety of stakeholders and asked people to identify what they perceived to be the strengths, weaknesses, opportunities and challenges facing our community.

Gautier city leaders are proud to present the City of Gautier's Strategic Plan, which serves as an organizational blueprint and foundation of how Gautier will become a safe, vibrant, innovative, healthy city, providing the highest overall quality of life possible.



## COMMUNITY PARTICIPATION

The public outreach for this strategic planning process was ongoing and extensive. The participatory planning process included a neighborhoods community summit, a citywide Town Hall Meeting, two council retreats, and a web-based needs assessment survey.

Community participation consisted of residents, business owners and members of various nonprofit and other community groups. Sessions were held with all city employees and department directors. City of Gautier department directors and managers have played an integral role in internal strategic planning sessions. The participation process associated with this strategic plan was intense and highly effective.

Several topics were introduced during the sessions to gain input on the following issues:

- State of the Community
- Assessment of External Conditions
- Vision of the Future
- Reality Check
- Assessment of Municipal Services
  - What does the City do well?
  - What does the City need to do better?
- Priority Setting

The community participation process provided the community with an opportunity to provide their input and select their priorities. The results of this process for each of the topics are described in great detail in Exhibit II and III.

The community survey demonstrated that Gautier residents have a strong sense of community pride. This was reinforced by the participants of the town hall meeting. A deep connection to its settler history, the kindred frontiersmen culture of fierce independence and the waterfront way of-life remain important community strengths. There is also a general sense of overall improvement in levels and cost of service provided by the City.

## VALUES

⌘ PEOPLE ⌘ INTEGRITY ⌘ PROSPERITY

**We value** government action that is taken openly and believe that responsive government is our first priority. We encourage citizen participation for the betterment of our community and strive to conduct business with integrity to instill public trust.

### Quality of Life

**We value** a safe, family friendly environment in which to build our future and conduct business. We foster recreation, public safety and youth activities, and encourage support of the arts, libraries, and education. We believe in sound economic development, high standard infrastructure and responsible planning for sustainable growth.

### Excellence

**We value** excellence in all things. Professionalism, accountability, and innovation drive our commitment to excellent customer service.

### Employees

**We value** a work environment that emphasizes teamwork, respect and dignity and supports our employees in their efforts to provide excellent customer service.

### Diversity

**We value** diversity in the workplace and in the community.

## VISION/MISSION

The comments received by the stakeholders through the outreach process were distilled into the five mission statements that implement the Vision, provided below.

### **Vision**

**We strive to achieve efficient and responsible service; a highly trained, competent workforce; and responsible stewardship of resources.**

### **Mission**

To enhance the quality-of-life of the citizens of Gautier and our neighborhoods by providing exceptional government services.

- I. Provide a safe environment through the development of partnerships with citizens, community groups and law enforcement, emphasizing crime prevention and a variety of programs aimed at youth.
- II. Create a vibrant community by expanding our economic development efforts striving to improve education, and growing our recreational, cultural, arts and library programs.
- III. Be innovative in seeking solutions, be bold in taking on the challenges of our community and use the entire range of resources, skills and technology available throughout the community for the betterment of all.
- IV. Sustain the economic, environmental and physical health of our community by supporting new medical and health care services; creating a program of sustainable development and fostering continued job creation.
- V. Continue to enhance the quality of life for our residents by embracing our small town spirit, ensuring we maintain strong neighborhoods, valuing and strengthening intergenerational ties among citizens and providing a range of services that support the whole community.
- VI. Encourage community maintenance to aesthetically improve the City.

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- VII. Recreational Waterfront. Cultivate public and private investments along the Coastline.
- VIII. Focus on the Town Center Master Plan and I-10/HWY 57 Corridor. Promote economic renewal and strategic development.
- IX. Environmentally Sustainable Local Government Policies. Develop and implement pro-environmental policies.
- X. College Park Community Revitalization. Stimulate further redevelopment opportunities.
- XI. Operational Performance and Efficiency. Focus on improving efficiency and performance.
- XII. Promote Public Safety. Reduce violent crime among youth and adults.
- XIII. Customer Service. Maintain and improve the quality our customers' experiences while recognizing that the City is involved in many other important activities, these eight initiatives will be our focus as we plan future activities and deploy resources.

## STRATEGIC GOALS & ACTION PLAN

Based on the Vision/Mission statements and in consideration of the community's comments, staff identified seven categories of actions and their applicable strategic goals for this five-year strategic plan. The categories provide an organizational framework for the strategic actions set forth in the following tables, which are the basic elements of this effort and will provide a metric to determine our progress in addressing the concerns, desires and priorities of the community.

### 1. Youth Engagement

Stakeholder Comments: The stakeholders who participated in the strategic planning process identified concerns with limited opportunities and activities for youth as a top priority for immediate action by the City. Their comments included:



- Foster and engage youth by providing activities, programs, facilities, entertainment, recreational, educational and job opportunities.
- Target ages 11 –18 with activities, jobs, youth center and mentors.
- Partner with other organizations such as the school district to provide internships and share recreation facilities.
- Provide safe places for kids to hang out and expand recreational activities.

Mission Reference: Although providing opportunities and programs to foster and engage youth is a component of all Mission statements, the most applicable statements include #1, Safe Community and #4, Quality of Life.

**Strategic Goal Youth 1: Collaborate with stakeholders and service providers to assess existing capacity and programs, identify needs, and make recommendations for improvement and/or expansion.**

**Strategic Goal Youth 2: Collaborate with service providers to continue and expand programs and services that encourage youth engagement, parental education, participation and involvement.**

**Strategic Goal Youth 3: Engage youth in crime prevention strategies and enhance youth programs that promote prevention and diversion from criminal or gang activities.**

# Nature's Playground

Actions	Deliverable/Completion Metric	Responsible Department	Benchmarks/Completion Date
<b>Youth 1. Collaborate with stakeholders and service providers to assess existing capacity and programs, identify needs, and make recommendations for improvement and/or expansion.</b>			
Y.1.1. Conduct comprehensive analysis and capacity building for community-wide youth services.	Comprehensive Report	Human Resources	Initiate Spring 2013 Complete Summer 2013
<b>Youth 2. Collaborate with service providers to continue and expand programs and services that encourage youth engagement, parental education, participation and involvement.</b>			
Y.2.1. Continue MDOT Summer Youth Program	Annual Application	Human Resources	Ongoing each summer
Y.2.2. Develop a Mayor's Youth Council	Coordinate with Gautier High School	Human Resources	Initiate Winter 2013 Ongoing
Y.2.3 Develop an <i>Excellence in Leadership Program</i> whereby a teacher-nominated outstanding student is recognized at the regular Council meeting.	Monthly	City Clerk	Initiate Winter 2013  Ongoing
Y.2.4. Develop relationships with youth, sports and recreation groups (i.e. sports leagues and clubs, Boy Scouts, Girl Scouts, Boys and Girls Clubs, etc)	# of youth enrolled	Parks & Recreation  Human Resources	Initiate Fall 2012  Ongoing
Y.2.5. Provide a summer work fair to eligible youth to fill seasonal and year-round part-time positions for staffing sports, after-school events and other recreational programs and services	Programs offered	Human Resources	Initiate Winter 2013  Ongoing

# Nature's Playground

<b>Youth 3. Engage youth in crime prevention strategies and enhance youth programs that promote prevention and diversion from criminal or gang activities.</b>			
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Y.3.1. Engage youth in crime prevention to promote prevention and diversion from criminal activities.	Report to City Council	Police/Crime Safety Officer	Initiate Fall 2012 Ongoing
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## 2. Public Safety

Stakeholder Comments: The stakeholders who participated in the strategic planning process identified public safety concerns as a high priority. The issues identified include: presence, responsiveness and costs, more specifically described below.

### Police

**Police Substations:** Build on the City's existing neighborhood policing programs by introducing community substations and strengthening business/police relationships. Retrofitting existing commercial space can be funded with the assets forfeiture fund, at no cost to taxpayers.



Community patrol officers' responsibilities should include, but not be limited to, tracking subjects on probation, Section 8 housing issues, and tracking crime trends. They should also work with Code Enforcement to ensure adherence to City Ordinances in their areas. The officers' knowledge of the areas and relationships with the communities they serve are a valuable tool in assisting the Police Department and improving quality of life throughout the City.

**Increase "community police" presence:** Re-defining patrol beat lines within the next five years would increase visible patrol and reduce response times with additional manpower. One additional FTE (full time employee) would cover three job functions as a receptionist/dispatcher at the Police Department, cross-trained in the Records division and the Court division to assist in these areas as needed. Increasing personnel in both Patrol and Services to accommodate four additional Patrol Officers (1 per shift) to strengthen service to western boundary areas along the Hwy 57, Old Spanish Trail, and I-10 areas.

**Fleet purchase plan:** The police motorcycles need replacing due to high mileage, age and maintenance. To limit cost, the City should seek a five year lease plan through a local lender and the yearly payment made from the assets forfeiture fund, at no cost to taxpayers. Additionally, the Vehicle fleet needs to be

replaced with four to seven vehicles a year for five years, in order to keep fleet current and avoid replacing the entire fleet at one time. The current fleet has 32 vehicles: nineteen (19) 2007 models which have been in service five years and will need to be replaced soon due to mileage and increasing repairs as needed; three 2008 models approaching five year mark; and ten 2010 models which would have about three years to go using a five year plan as a rule of thumb.

**Establish marine training:** Coordinate with the Fire Department for mutual manning of vessel operators and crew to initiate a Marine Patrol using the City's boat on the many waterways within City limits to combat not only water-related incidents but also the prevention of water accessible burglaries and thefts.

**Radio communications:** The City has to find financial abilities to update its communication capabilities into the Digital bands of communication in order for us to communicate with our surrounding Cities, County, State and Federal agencies. Under our current equipment we will no longer be able to communicate with our counterparts after the year 2012. At present our counterparts can come down to our frequencies and talk to us but we cannot go to theirs and initiate these conversations. This is very important during a natural or homeland security disaster.

**Retention of personnel:** Seek out funding for Public Safety through Grants for operations so that City general funds can be used for salary adjustments to ensure officers are paid commensurate with neighboring communities, to retain incumbent full time employees (FTE's) and reduce the cost of training of new officers.

## Fire Safety

**New Fire Station:** With the approval of the 2010 bond issue, the City provided funding for a new fire station for the City's western service area. The proposed fire station is expected to be built on Brown Road approximately 3/10 of a mile east of Highway 57. This proposed fire station will reduce response times for our citizens in the extreme western portion of the City and will also help to improve our overall fire rating with the Mississippi Rating Bureau. This fire station is currently projected to have a fire engine and will be staffed in a manner consistent with available funding. As usual, this fire station will respond to emergencies of all-perils. Recently the City Council approved the appointment of an architect for the design phase of the project and the fire station is currently in the design process.

# Nature's Playground



Construction will start the fall of 2012 and be completed by late summer 2013.

**Additional Personnel:** Along with the new fire station comes a need for additional firefighters. The Mississippi State Rating Bureau recognizes a minimum of three (3) firefighters on all fire apparatus capable of fire suppression operations to prevent additional deficiency

points being awarded. It is therefore necessary to budget for a minimum of three (3) firefighters per shift, equal to nine (9) total firefighters. Volunteer programs are also being explored. New personnel will receive initial training including State Certification.

**Staffing for Adequate Fire & Emergency Response (SAFER) Grant:** To offset the cost of new firefighters for a two (2) year period of time, the City will annually apply for a federal grant that, if approved, will fully fund the firefighter positions for a two (2) year period of time. The grant includes wages and all benefits, but does not include training and uniforms. The SAFER Grant is a highly competitive grant and a minimum of 60 must be awarded according to funding requirements.

**National Incident Management System (NIMS) Training:** The Federal Government requires all communities to participate in the National Incident Management System (NIMS) in order to qualify for many types of federal grant programs. To meet this requirement, all personnel capable of responding to emergency incidents must have NIMS training and must be trained to the level of their response capability. This includes the fire department, police department, public works, finance department, and city leaders.

The police department and public works department routinely attend training sessions. The FD will coordinate with other departments to identify and track personnel and training progress.

**COMMUNICATION SYSTEM UPGRADE:** Gautier is a participant of the Jackson County Emergency Communication District, which provides the radio system for emergency communications and day-to-day operations. Due to age and needed repairs, the Jackson County Communication District must upgrade to a more efficient and modern system.

The estimated cost to upgrade or replace all analog radios is approximately \$66,000.00. In June of 2012, the Gautier Fire Department requested a grant from the Assistance to Firefighters Grant (AFG) Program for replacement of all analog radios. The amount of the request for the grant was approximately \$105,000.00. This is a shared grant and the City's share, if the grant is awarded, is approximately \$5,500. The grant will only allow the purchase of new radios. The target date for completion of upgrading radios must be no later than 2017.

The reason for the two (2) cost estimates is because the grant will not allow for repairing or upgrading a radio to digital compliance, which is the \$66,000.00 amount, but requires the radios to be newly purchased which is estimated to be \$105,000.00. If the City of Gautier must provide the upgrading costs from local funding; our estimate would be \$66,000.00.

**Fire Station Inspection Program:** We are currently evaluating the need for a comprehensive fire station inspection program to ascertain the serviceability of our three (3) fire stations. The program is expected to include an annual physical inspection of the stations to determine needed funding within the fire stations that may go undetected until major repairs are necessary at a greater expense.

**Purchase of New Command/Support Vehicle:** The current Command/Support vehicle has over 100,000 miles, is a 1999 model and is incurring repairs at an increasing rate. The replacement vehicle will be similar in design and provide command support at all incidents requiring such support, and will respond on medical emergencies when necessary. Funding of the vehicle will come from the State Rebate Insurance Fund and will not affect the General Fund. Estimated cost for the vehicle is \$160,000.00 to \$170,000.00.

Mission Reference: Providing for public safety and a secure environment is the focus of the first paragraph of the Mission Statement.

**Strategic Goal Public Safety 1:** Provide quality law enforcement services.

**Strategic Goal Public Safety 2:** Engage community partners in crime prevention strategies.

**Strategic Goal Public Safety 3:** Ensure the City's readiness to respond to and recover from disasters.

Actions	Deliverable/Completion Metric	Responsible Department	Benchmarks/Completion Date
<b>Public Safety 1. Provide Quality Law Enforcement Services.</b>			
PS.1.1. Build on existing neighborhood policing programs with community substations	Provide accessibility and presence to areas of the community other than Main station.	Police	Initiate Fall 2013; Completion Fall 2014
PS.1.2. Increase visibility of patrol and reduce response times	Re-define patrol beat lines and one FTE to be cross-trained in all Services the department provides.	Police	Engaged Summer 2012; Ongoing
PS.1.3. Five year fleet purchase plan	Replace motorcycles due to age, high mileage and maintenance needs; vehicle fleet needs to be replaced four to seven vehicles per year for five years.	Police	Motorcycles, FY 2013-2014; 5 Vehicles per year for five years, Fall 2013-Fall 2018
PS.1.4. Marine Training	Coordinate with Fire Department for marine training to initiate Marine Patrol.	Police; Fire	Every Spring beginning 2013; Ongoing
PS.1.5. Communication System Upgrade	Must convert or replace all radios to be able to operate on digital communication system.	Police; Fire	Initiate Fall 2014; Completion Fall 2017
PS.1.6. Personnel Retention	Grant funds will allow the City general funds to be used for salary adjustments which will reduce training cost of new officers.	Police; ED	Annually; ongoing

# Nature's Playground

PS.1.7. Reduce crime rate to lowest for a mid-sized City on the Coast.	Crime report statistics	Police	Fall 2016; Ongoing
PS.1.8. Revise the Gautier PD web page to improve access for the community	Citizen input	Police	Ongoing
PS.1.9. New west side fire station	Currently being designed. Specs for bid should be ready by early September 2012.	Fire	Summer 2013
PS.1.10. Additional fire personnel	Requested funding through the SAFER Grant Program for additional firefighters to bring staffing levels to NFPA recommended levels.	Fire; ED	Spring or Summer 2013 notification of approval or disapproval
PS.1.11. Staffing for Adequate Fire & Emergency Response (SAFER) Grant	Grant request was submitted on August 10, 2012	Fire; ED	Spring or Summer 2013 notification of approval or disapproval
PS.1.12. National Incident Management System (NIMS) Training	Training required for compliance with federal mandates for grant requests	Police; Fire; PW; Admin & City Council	Public official training is being scheduled for Sept. 2012, no dates as of August 2012. Completion of all others by Summer 2013.
PS.1.13. Fire Station Inspection Program	Develop a program for detecting problems quicker to reduce future cost for major repairs.	Fire	Initiated in Summer of 2012. Improve by Summer of 2013.
PS.1.14. Purchase of New Command /Support Vehicle	Advertisement for bid was approved by Council on August 7, 2012. Bids to be accepted by September 1, 2012	Fire	Spring 2013
<b>Public Safety 2. Engage community partners in crime prevention strategies.</b>			
PS.2.1. Continue to expand Neighborhood Watch Program.	Active neighborhoods and crime prevention	Police	Ongoing

# Nature's Playground

<b>Public Safety 3. Ensure the City's readiness to respond to and recover from disasters.</b>			
PS.3.1. Ensure all staff completes training and understands their role in the City's emergency response activities	Provide needed training for specific levels of participants. Review existing documents related to emergency response for listed disasters.	City Council, City Manager, Administration, Police, Fire Public Works and Planning	Ongoing with annual reviews and updates as needed.
PS.3.2. Participate in annual countywide emergency preparedness exercises and meetings	Exercise opportunities provided by FEMA, MEMA, and Jackson County Emergency Management Director.	All departments subject to participation as needed.	Periodically or as needed.
PS.3.3. Submit Local Hazard Mitigation Plan to Council for adoption	Guidance being provided by Neil Schaffer. Currently under development.	City Manager	Public meetings currently being conducted. Completion date – Fall of 2012