



**CITY OF CENTERTON
SPECIAL
CITY COUNCIL MEETING
CALLED BY MISTY ELAM, DARREN WARREN,
JUSTIN COWGUR AND AMY ROCHETTE
NOVEMBER 1, 2021**

(1) Roll Call-

The Special City Council Meeting was called to order by Mayor, Bill Edwards at 6:00 p.m. Those present and answering roll call were Mayor Bill Edwards, Misty Elam, Darren Warren, Josie Reed, Keith Higginbotham, Justin Cowgur and Amy Rochette. Those present and not answering roll call were City Clerk Todd Wright, City Attorney Brian Rabal, HR Director Jocelyn Diaz, Police Chief Cody Harper and Fire Chief Matt Thompson.

(2) Employee Resignation: Amy Rochette –

Council Member Amy Rochette addressed the Council and Mayor, asking if they should go in Executive Session to discuss the resignation of a City Employee. Mayor Edwards said we could not talk about a person no longer employed by the City in Executive Session. He said they can have an open discussion about procedure. Rochette asked for more information regarding an incident that happened on Wednesday 10/27/2021. She said she heard about it from the Mayor on Friday 10/29/2021 and wanted to know why the Council was not notified sooner.

Mayor Edwards stated that he was in meetings in Harrison on Wednesday and Little Rock on Thursday. He said there was an incident at City Hall on Wednesday afternoon 10/27/2021. He said HR Director Jocelyn Diaz conducted an investigation. Edwards said he reached out to the 2nd in command of the affected department, to make sure we were able to take care of our duties and then met with the department employees at 7:00am this morning. He said after that meeting with the employees he sent out an e-mail to the Council.

HR Director Jocelyn Diaz addressed the Council, stating that she did conduct an investigation. She said the employee turned in their resignation after business hours on Friday 10/29/2021.

Council Member Misty Elam asked if we accepted the employee's resignation and HR Director Diaz said that we did. Elam questioned if the employee was now entitled to sick time. Diaz said they are not entitled to any sick time. She said only in the case of a true retirement would an employee still receive those benefits.

Council Member Darren Warren asked Diaz if she recommended immediate termination in this case. She said it would not be normal procedure for us to recommend immediate termination without an investigation. She said we cannot just assume anything, and we follow an investigation procedure that includes a checklist and statements from witnesses. She said only the Mayor can terminate a Department Head, but she can terminate other employees. She said the Department Head can recommend an interview with an employee prior to that determination.

Warren asked Police Chief Harper about his role in this incident. Chief Harper said he was asked to come to City Hall to assist with an Administrative Investigation, not a criminal matter. He explained his process in detail. There was discussion. Diaz explained her process in detail. There was discussion. Diaz stated that the employee was removed from City Hall and sent home, so that she could continue to conduct her investigation. The Employee was not allowed to use a City Vehicle.

Council Members Amy Rochette, Misty Elam and Darren Warren expressed their opinions on how they felt the situation was handled. Warren asked how this type of situation could be handled better in the future, whether it is done with changes to the Employee Policy Manual, or by other means. There was discussion. The Council Members asked for better communication in these types of situations. Mayor Edwards agreed that there will be better communication in the future.

Council Member Justin Cowgur said he has read through the Policy Manual. He recommended being more specific. He read through part of the Policy Manual regarding suspensions.

Planning Director Lorene Burns explained her role in the meeting and gave her opinion on the situation. There was discussion.

There was public opinion expressed by multiple citizens in the audience.

Council Member Darren Warren stated that he thought this topic tonight was going to be discussed in Executive Session. City Attorney Brian Rabal detailed the fact that an Executive Session tonight could only have pertained to current employees and procedure. He said you cannot go into Executive Session about someone who is no longer an employee. Warren again recommended that we take a look at our Policy Manual. City Attorney Brian Rabal directed Council to talk only about procedure and not the individual.

Justin Cowgur recommended being mindful of the humanity in employee situations such as this, and recommended an addition of information to our Resignation/Termination packets. Darren Warren agreed. Mayor Edwards stated that the City has an EAP Program in place and all employees are made aware.

No action was taken by Council.

FOIA Request – Council Member Amy Rochette asked if the FOIA Request could be discussed this evening. City Attorney Brian Rabal said he did not feel it was appropriate to address, as there is pending litigation, and he has seen an unfiled copy of the complaint, but has not had an opportunity to review it. Rochette asked Mayor Edwards if he has been notified by the press about their knowledge of the request. Mayor Edwards stated that he has not been notified by the press at this time.

Mr. McCutcheon, an attorney out of Ft. Smith, asked if he could ask questions of the Council. City Attorney Rabal recommended that the Council not answer any questions. Darren Warren stated that it is not on the Agenda, so he would not allow it. Mr. McCutcheon agreed. He asked if he could ask Mr. Rabal some questions. Rabal said he would not be answering any questions this evening, as it is pending litigation.

No action was taken by Council.

(3) Other Business – None

(4) Adjourn-

Keith Higginbotham made a motion to adjourn at 7:22 p.m. with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk