

**OAK RIDGE CITY COUNCIL
SPECIAL MEETING**

Municipal Building Courtroom

May 21, 2015—6:00 p.m.

AGENDA

I. ROLL CALL

II. CONSIDERATION

- a. A resolution approving a new Professional Services Agreement with the Municipal Technical Advisory Service (MTAS) that shall accommodate the scope of work as outlined in Resolution No. 04-40-2015 and include the assumptions outlined in an MTAS e-mail dated May 11, 2015 for a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies for an estimated cost of \$26,200.
- b. A resolution requesting MTAS to complete their initial proposal dated March 3, 2015 with the Personnel Department scheduling interviews of personnel of the Oak Ridge Police Department, and City Council initiating the additional City Council parameters outlined in Resolution No. 04-40-2015 following receipt and review of the MTAS initial proposal.
- c. Authorization to request that the City of Oak Ridge submit a Request for Qualifications (RFQ) for a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies.

NOTE: Action on the second or third items would only be considered if the first item were not to be approved.

III. ADJOURNMENT

**In accordance with the City Charter, matters transacted at this special meeting shall be limited to the subjects recited in the notice of the meeting and as presented above.

MAYOR'S MEMORANDUM
15-01

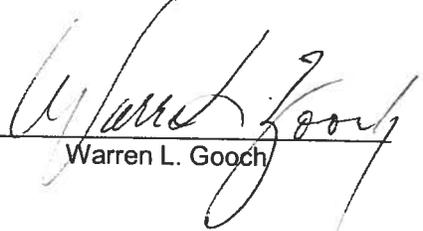
DATE: May 20, 2015
TO: Fellow Members of City Council
FROM: Mayor Warren L. Gooch
SUBJECT: SPECIAL MEETING OF CITY COUNCIL

In accordance with Article II, Section 2 of the City Charter, I am requesting that a special meeting of City Council be called for Thursday, May 21, 2015, at 6:00 p.m. in the Municipal Building Courtroom.

The purpose of this meeting shall be for consideration of the following:

- 1) A resolution approving a new Professional Services Agreement with the Municipal Technical Advisory Service (MTAS) that shall accommodate the scope of work as outlined in Resolution No. 04-40-2015 and include the assumptions outlined in an MTAS e-mail dated May 11, 2015 for a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies for an estimated cost of \$26,200.
- 2) A resolution requesting MTAS to complete their initial proposal dated March 3, 2015 with the Personnel Department scheduling interviews of personnel of the Oak Ridge Police Department, and City Council initiating the additional City Council parameters outlined in Resolution No. 04-40-2015 following receipt and review of the MTAS initial proposal.
- 3) Authorization to request that the City of Oak Ridge to submit a Request for Qualifications (RFQ) for a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies.

Please note that action on the second or third items would only be considered if the first item were not to be approved.


Warren L. Gooch

CITY CLERK MEMORANDUM
15-28

DATE: May 20, 2015

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

SUBJECT: MATERIAL FOR THE MAY 21, 2015 CITY COUNCIL SPECIAL MEETING

Included in the May 21, 2015 City Council Agenda Packet for the Special Meeting are attachments of communications between Mayor Warren Gooch and Municipal Technical Advisory Service (MTAS) Executive Director Jim Thomas regarding a review of the Oak Ridge Police Department.

The e-mail communications began following Mayor Gooch's transmittal of Resolution No. 04-40-2015 in which City Council amended the scope of work in the Professional Services Agreement with MTAS to include specific parameters during their review of the Oak Ridge Police Department (please see attached resolution for those parameters).

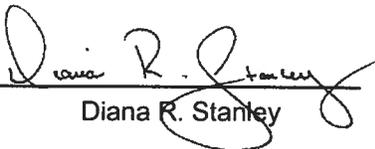
As a result of the amendment, MTAS requested clarification regarding the modified scope of work. Mayor Gooch has provided clarification to Mr. Thomas as indicated in the communications and as was presented during the May 5, 2015 Work Session.

City staff has drafted a resolution that would allow City Council to define the scope of work to transmit to MTAS for their review of the Oak Ridge Police Department and allow the Council to see how the scope of work would appear in its entirety. Many elements included were taken from the communications of Mayor Gooch and Mr. Thomas, specifically the May 11, 2015 e-mail that lists assumptions. The services that are italicized indicate that MTAS has requested alternative arrangements regarding those items.

Secondly, Mayor Pro Tem Smith has provided an alternative resolution for the Council's consideration should the first resolution to enter into a new Professional Services Agreement not be passed.

Lastly, the notice of the special-called meeting lists a third alternative that involves the City submitting a Request for Qualifications (RFQ) for a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies.

Included in the agenda packet are all resolutions passed, to date, by City Council that pertain to a review of the Oak Ridge Police Department.


Diana R. Stanley

Attachments:

Appendix 1-April 30, 2015 MTAS Letter
Appendix 2-May 11, 2015 E-mail
Appendix 3-May 11, 2015 E-mail
Appendix 4-May 11, 2015 E-mail
Appendix 5-May 19, 2015 MTAS Letter
Resolution No. 02-20-2015
Resolution No. 03-30-2015
Resolution No. 04-40-2015

cc: Mark S. Watson, City Manager
Kenneth R. Krushenski, City Attorney

April 30, 2015

Warren Gooch, Mayor
City of Oak Ridge Tennessee

Dear Mayor Gooch,

We (MTAS) have read and initially considered City of Oak Ridge Resolution No. 04-40-2015 wherein the council prescribes a new scope of work for MTAS concerning its requested review of the Oak Ridge Police Department. The resolution presents a very significant change to the original scope of work. As you know, work had already commenced under the original scope prior to us being advised that the City may be changing it.

In order for MTAS to further consider how it may be able to respond, we need some additional information and have developed a list of questions and needed clarifications. We present those to you under each of the amendments to professional services agreement currently in place that the new resolution indicates:

1. *"Request that Mr. Rex Barton, MTAS Police Management Consultant, extend the interview process to all employees in the Oak Ridge Police Department..."*
 - a. Does this include both sworn and civilian employees of the police department?
 - b. How many total employees is this?
 - c. Will each employee be allowed to voluntarily participate in the interview process or is the council's intent that each employee be mandated to participate?
 - d. In either case, we feel the city should be the entity to inform the employees of the option to / mandate to participate and that the city should schedule the employee interviews after being advised by MTAS of the dates and times the MTAS consultants are available to conduct the interviews.

2. *"...and attempt to contact all employees of the ORPD who have departed since the Police Chief's arrival;"*
 - a. Our assumption is that the former employees would be contacted to be invited to be interviewed but the wording of the resolution does not indicate that. Is our assumption correct?
 - b. How many former employees are affected by this requirement?
 - c. We feel former employees should be scheduled for interviews in the same manner as current employees...by the city based on the availability of the MTAS consultants.

3. *"Designate the Director of Human Resources Department (Personnel Department) as the point of contact for MTAS so as to provide the schedules and contact information of officers to MTAS; and..."*
 - a. *"officers"*, as used in this clause, implies sworn personnel. If so, this conflicts with wording in the first clause about who will be interviewed. Please clarify.
 - b. This implies that the city will provide the work schedules and contact information to the MTAS consultants for their use in scheduling the interviews around the employees'

schedules. Again, we feel the actual scheduling of the interviews should be done by the city.

4. *"Establish a temporary email account that allows input from other interested citizens. E-mails will only be considered from those who provide their name and full address (including city)..."*
 - a. We feel the most appropriate depository of "interested citizen" comment is the city council, not MTAS consultants.

5. *"The e-mails shall be monitored, reviewed, and assembled by an affiliate of MTAS and submitted to Mr. Rex Barton for possible inclusion in the MTAS report."*
 - a. Please clarify what the terms "monitored", "reviewed" and "an affiliate of MTAS" mean as used in this passage.
 - b. There appears to be conflict between "E-mails will only be considered from those who provide their name and full address (including city)" and "for possible inclusion". One indicates that any comment provided with the identifying information will be considered. The other indicates that the MTAS consultant will have full discretion in considering any comment, which MTAS prefers. Please clarify the intent of the council.
 - c. For comments from any source that may be considered by the MTAS consultants, identifying information of those providing the comments will not be associated with the comments that may appear in any MTAS reports.

6. Please confirm that the focus of MTAS's work for the city on this project remains as originally stated – a limited review of police department turnover, morale and departmental policies and procedures.

Mayor Gooch, while the additional information requested here will be helpful to us in determining what the workload for the project will be, it already appears that the MTAS resources needed to meet the new scope of work are significantly greater than under the original scope. Assuming this to be the case, and should MTAS and the city move forward together, it is very likely that MTAS will charge the city fifty dollars (\$50) per hour for future MTAS work on this project. I can't estimate a total cost yet. The additional information we are requesting will accommodate our being able to do so.

We look forward to receiving this additional information. Thank you for your help in getting it to us.



Jim Thomas
Executive Director

Stanley, Diana

From: Gooch, Warren L.
Sent: Tuesday, May 19, 2015 2:43 PM
To: Stanley, Diana
Subject: Fwd: MTAS Update

Sent from my iPad

Begin forwarded message:

From: <wgooch@oakridgetn.gov>
Date: May 11, 2015 at 9:44:04 AM EDT
To: Jim Thomas <jim.thomas@tennessee.edu>
Subject: MTAS Update

Mr. Thomas,

As I advised you during our telephone call last week, Council will hold its regular May meeting tonight. It would be very helpful to have a response/update from MTAS regarding the requested review of the Oak Ridge Police Department, the cost of the work to be provided, and a description of the work which has already been completed. Thank you for your assistance in this matter.

Sincerely,
Warren Gooch

Sent from my iP

Stanley, Diana

From: Gooch, Warren L.
Sent: Tuesday, May 19, 2015 2:45 PM
To: Stanley, Diana
Subject: Fwd: MTAS Update

Sent from my iPad

Begin forwarded message:

From: "Thomas, Jim (Jim)" <jim.thomas@tennessee.edu>
Date: May 11, 2015 at 4:38:39 PM EDT
To: "wgooch@oakridgetn.gov" <wgooch@oakridgetn.gov>
Subject: RE: MTAS Update

Mayor Gooch,

I acknowledge receipt of your e-mail below and that you and I spoke by telephone on May 4, 2015. In that phone conversation, we discussed several items included in my April 30th letter to you in which MTAS was seeking clarification on issues brought about by the Council's significant increase in the scope of work for the police department review.

Based on the information you provided in the telephone conversation, we have made assumptions concerning the Council's revised scope of work and your information in order to estimate a cost for MTAS to continue with the review. Those assumptions are:

- The potential minimum number of interviews to be conducted is 125.
- One (1) hour is allotted for each interview.
- Rex Barton and Margaret Norris will serve as primary consultants on the project.
- MTAS will administratively schedule all interviews.
- An MTAS-only access e-mail account will be established for the purpose of receiving comments from any party interested in the police department review.
- The City Council expects MTAS to review all e-mail comments received and for purposes of the study, consider only those which have sender identification (name, street address, city, state) in them. MTAS will not work to verify the validity of the identifying information provided by the sender.

Should MTAS and the City wish to establish a new agreement for the review, we estimate the cost of future work to be twenty six thousand two hundred dollars (\$26,200).

Work performed by MTAS prior to the scope change included MTAS staff planning time, planning time with City personnel, a very small amount of research time for benchmarking purposes, some travel time, a small amount of administrative time and time directed at reviewing unsolicited e-mails and regular mail from individuals having interest in the review. Also, interviews were conducted with the Police Department's three divisional commanders.

Based on what we know today, we have looked into the future work schedules of MTAS personnel assigned to this project in order to estimate a calendar date as to when the project might be completed. It appears that date to be mid-to-late October, 2015.

Lastly, we feel very strongly that the ultimate credibility of this project requires that some number of interviews be conducted with individuals randomly chosen by the consultants from the entire interview pool. We urge the Council to include this in any new scope of work.

Jim Thomas, Executive Director
UT Municipal Technical Advisory Service
(O) 615. 532.4950 (C) 615.972.9219
jim.thomas@tennessee.edu
www.mtas.tennessee.edu

-----Original Message-----

From: Gooch, Warren L. [<mailto:wgooch@oakridgetn.gov>]
Sent: Monday, May 11, 2015 8:44 AM
To: Thomas, Jim (Jim)
Subject: MTAS Update

Mr. Thomas,

As I advised you during our telephone call last week, Council will hold its regular May meeting tonight. It would be very helpful to have a response/update from MTAS regarding the requested review of the Oak Ridge Police Department, the cost of the work to be provided, and a description of the work which has already been completed. Thank you for your assistance in this matter.

Sincerely,
Warren Gooch

Sent from my iP

Electronic communications with officials and employees of the City are subject to Tennessee's Public Records Act.

Stanley, Diana

From: Gooch, Warren L.
Sent: Tuesday, May 19, 2015 2:46 PM
To: Stanley, Diana
Subject: Fwd: MTAS Update

Sent from my iPad

Begin forwarded message:

From: "Thomas, Jim (Jim)" <jim.thomas@tennessee.edu>
Date: May 11, 2015 at 6:12:17 PM EDT
To: "Gooch, Warren L." <wgooch@oakridgetn.gov>
Subject: RE: MTAS Update

Mayor Gooch,

Under the scope of work originally agreed to between the City and MTAS, we estimated 120 hours for the project.

Yes, we would credit any unused time in the original project to the one city council now wants.

The estimated fee could vary higher or lower, depending on what the final agreed-to scope of work turns out to be.

Can MTAS assume that city council will, by itself, receive and consider e-mailed comments and the comments will not be included and considered by MTAS in its review and report? If so, relieving MTAS of the interview scheduling and having anything at all to do with the proposed e-mail account would reduce the estimated fee by approximately \$3,500.

Jim Thomas, Executive Director
UT Municipal Technical Advisory Service
(O) 615. 532.4950 (C) 615.972.9219
jim.thomas@tennessee.edu
www.mtas.tennessee.edu

From: Gooch, Warren L. [<mailto:wgooch@oakridgetn.gov>]
Sent: Monday, May 11, 2015 4:15 PM
To: Thomas, Jim (Jim)
Subject: Re: MTAS Update

Mr. Thomas,

I have three additional questions. First, what was the number of hours that MTAS allotted to the original scope of work, and would the City receive a credit for any unused hours to be applied to future billings? Second, is the \$26,200 a fixed fee, a figure not to exceed the stated amount, or an estimate that could be higher or lower than the stated amount? Third, how much would the City's costs be reduced if it performed the administrative work of scheduling the interviews and setting up and maintaining the email account?

Thank you.
Warren Gooch

Sent from my iPad

On May 11, 2015, at 4:38 PM, Thomas, Jim (Jim) <jim.thomas@tennessee.edu> wrote:

Mayor Gooch,

I acknowledge receipt of your e-mail below and that you and I spoke by telephone on May 4, 2015. In that phone conversation, we discussed several items included in my April 30th letter to you in which MTAS was seeking clarification on issues brought about by the Council's significant increase in the scope of work for the police department review.

Based on the information you provided in the telephone conversation, we have made assumptions concerning the Council's revised scope of work and your information in order to estimate a cost for MTAS to continue with the review. Those assumptions are:

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- An MTAS-only access e-mail account will be established for the purpose of receiving comments from any party interested in the police department review.
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Based on what we know today, we have looked into the future work schedules of MTAS personnel assigned to this project in order to estimate a calendar date as to when the project might be completed. It appears that date to be mid-to-late October, 2015.

Lastly, we feel very strongly that the ultimate credibility of this project requires that some number of interviews be conducted with individuals randomly chosen by the consultants from the entire interview pool. We urge the Council to include this in any new scope of work.

Jim Thomas, Executive Director
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jim.thomas@tennessee.edu
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-----Original Message-----

From: Gooch, Warren L. [<mailto:wgooch@oakridgetn.gov>]

Sent: Monday, May 11, 2015 8:44 AM

To: Thomas, Jim (Jim)

Subject: MTAS Update

Mr. Thomas,

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Sincerely,

Warren Gooch

Sent from my iP

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 **Municipal Technical Advisory Service**
INSTITUTE FOR PUBLIC SERVICE

May 19, 2015

Warren Gooch, Mayor
City of oak Ridge, Tennessee

Dear Mayor Gooch:

This message serves as a summary of a telephone conversation held at your request on May 12, 2015. The conversation related to a proposed review of the Oak Ridge Police Department by the UT Municipal Technical Advisory Service (MTAS).

In that conversation...

1. You estimated the potential size of the interview pool to be 112 individuals, consisting of 76 current employees and 36 former employees.
2. You asked who would be responsible for scheduling the interviews and I reiterated MTAS's position that it is most appropriate for city staff to schedule the interviews based upon availability of MTAS consultants.
3. We again discussed the city council-proposed e-mail account to be established for interested persons to register their comments and I reiterated MTAS's position that those persons already have the most appropriate forum for that purpose at each and every city council meeting. I further reiterated MTAS's position that, if the account is established, it is most appropriately managed completely by the city council without any MTAS involvement.
4. You asked how much time MTAS committed to the project under the recently expired agreement between the city and MTAS. An estimate is 60 hours.
5. You asked how the work conducted under the expired agreement would be handled if the city chooses not to proceed with MTAS. Even though not required to do so under the expired agreement, MTAS would summarize that work for the city.
6. I reiterated that, for the ultimate credibility of the review to be preserved, interviews must be conducted with a randomly selected pool of current and former employees. Since the city council has directed that all current and former employees be provided an opportunity to be interviewed, the randomly selected pool would be interviewed before the remaining employees and former employees.

Sincerely,



Jim Thomas
Executive Director

120 Conference Center Building • Knoxville, TN 37996-4105
Phone: (865) 974-0411 • Fax: (865) 974-0423 • www.mtas.tennessee.edu

in cooperation with the Tennessee Municipal League

Appendix 5-May 19, 2015 MTAS Letter

RESOLUTION

A RESOLUTION AUTHORIZING AN INDEPENDENT THIRD PARTY REVIEW OF THE TURNOVER, MORALE, AND ADMINISTRATIVE POLICIES IN THE OAK RIDGE POLICE DEPARTMENT PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, authorizes City Council by resolution to make investigations into the affairs of the City and the conduct of City departments, offices, boards, commissions, committees, and agencies, and for said purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

WHEREAS, City Council desires to hire an independent third party to review the turnover rate, morale, and administrative policies in the Oak Ridge Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

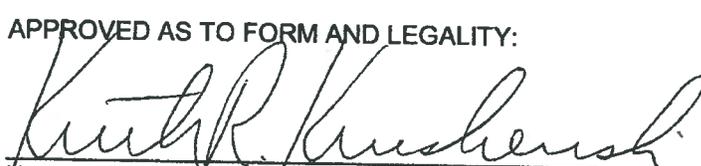
Pursuant to Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, City Council hereby authorizes an independent third party review of the turnover, morale, and administrative policies in the Oak Ridge Police Department.

BE IT FURTHER RESOLVED that City Council will select an independent third party and such review of the turnover rate in the Oak Ridge Police Department shall be conducted within thirty (30) days after the party is selected with the report delivered to City Council and the City Manager for any necessary action.

BE IT FURTHER RESOLVED that the selected third party will be a person with a strong background in law enforcement and municipal law such as a retired Tennessee state trooper, a retired criminal court judge, or a Municipal Technical Advisory Service consultant.

This the 9th day of February 2015.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Warren L. Gooch, Mayor


Bruce M. Applegate, Jr., Acting City Clerk

RESOLUTION

A RESOLUTION ACCEPTING A PROPOSAL FROM THE MUNICIPAL TENNESSEE ADVISORY SERVICE FOR A REVIEW OF THE OAK RIDGE POLICE DEPARTMENT WITH A PARTICULAR FOCUS ON TURNOVER, MORALE AND ADMINISTRATIVE POLICIES.

WHEREAS, City Council Resolution 2-20-2015 adopted at its February 9, 2015 meeting, approved authorizing an independent third party review of the turnover, morale and administrative policies in the Oak Ridge Police Department pursuant to Article II, Section 9 of the Charter of the City of Oak Ridge; and

WHEREAS, the Resolution called for the review to be conducted within thirty (30) days after the third party is selected with a report to be delivered to City Council and the City Manager for any necessary action; and

WHEREAS, the Resolution required the third party to be a person with a strong background in law enforcement and municipal law, such as a retired Tennessee State Trooper, a retired Criminal Court Judge, or a Municipal Technical Advisory Service (MTAS) Consultant; and

WHEREAS, Councilmember Kelly Callison has provided Council with a Memorandum dated March 5, 2015 titled "MTAS SUPPORT OF POLICE DEPARTMENT REVIEW" which indicates that he has met with Rex Barton, MTAS Police Management Consultant, whose credential's satisfy the requirements set out in Resolution 2-20-2015; and

WHEREAS, Councilmember Callison's memo indicates this review by MTAS will be conducted at no cost to the City; and

WHEREAS, Margaret Norris, MTAS Municipal Management Consultant, has submitted a proposal to the City Council dated March 3, 2015 which provides Council with the scope of review that MTAS will conduct to satisfy the requirements of Resolution 2-20-2015.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

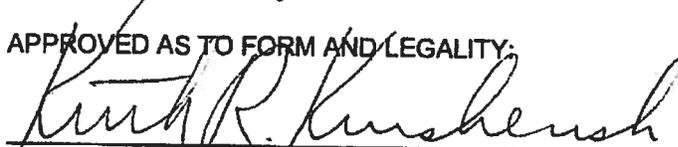
That the Proposal dated March 3, 2015 submitted by Margaret Norris of MTAS be accepted by Council on the condition it be conducted at no cost to the City.

BE IT FURTHER RESOLVED that MTAS Police Management Consultant, Rex Barton, is hereby appointed by Council to conduct the review of the Oak Ridge Police Department as set out in Resolution 2-20-2015 pursuant to the terms of the MTAS Proposal.

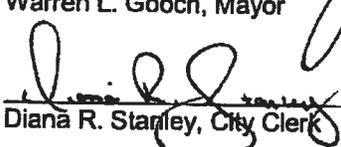
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 27th day of March 2015.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Warren L. Gooch, Mayor


Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION REQUESTING AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OAK RIDGE AND THE MUNICIPAL TECHNICAL ADVISORY SERVICE (MTAS) TO BE UTILIZED BY MTAS WHEN CONDUCTING THEIR REVIEW OF THE OAK RIDGE POLICE DEPARTMENT.

WHEREAS, Resolution No. 02-20-2015 adopted at the February 9, 2015 City Council meeting, approved authorizing an independent third party review of the turnover, morale and administrative policies in the Oak Ridge Police Department pursuant to Article II, Section 9 of the Charter of the City of Oak Ridge; and

WHEREAS, City Council selected the Municipal Technical Advisory Service (MTAS) to conduct the review of the Oak Ridge Police Department with the approval of Resolution No. 03-30-2015; and

WHEREAS, following approval of Resolution No. 03-30-2015, the City Council wished to outline a series of processes to be used during the MTAS review to help ensure a satisfactory outcome; and

WHEREAS, on April 21, 2015, a Special Meeting of City Council was called to address additional items to be added to the Agreement between the City of Oak Ridge and the Municipal Technical Advisory Service as amendments to the Scope of Services under Section 2 with City Council approving three (3) items to be utilized during the review of the Oak Ridge Police Department; and

WHEREAS, these three (3) additional items are approved by City Council as amendments to this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

The following items are submitted to MTAS to be added as amendments to the existing Agreement to be included as part of the organization's process to perform during their review of the Oak Ridge Police Department:

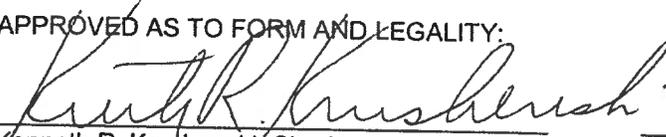
- 1) Request that Mr. Rex Barton, MTAS Police Management Consultant, extend the interview process to all employees in the Oak Ridge Police Department and attempt to contact all employees of the ORPD who have departed since the Police Chief's arrival;
- 2) Designate the Director of Human Resources Department (Personnel Department) as the point of contact for MTAS so as to provide the schedules and contact information of officers to MTAS; and
- 3) Establish a temporary email account that allows input from other interested citizens. E-mails will only be considered from those who provide their name and full address (including city). The e-mails shall be monitored, reviewed, and assembled by an affiliate of MTAS and submitted to Mr. Rex Barton for possible inclusion in the MTAS report.

BE IT FURTHER RESOLVED that the Scope of Services, Section 2, in the Professional Services Agreement with the Municipal Technical Advisory Service will be amended to include the three (3) aforementioned items in the scope of work.

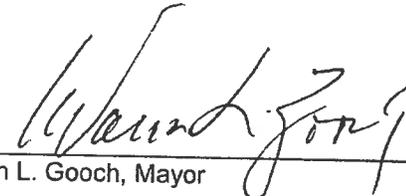
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 21st day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Warren L. Gooch, Mayor



Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION APPROVING A NEW PROFESSIONAL SERVICES AGREEMENT WITH THE MUNICIPAL TECHNICAL ADVISORY SERVICE (MTAS) THAT SHALL ACCOMMODATE THE SCOPE OF WORK AS OUTLINED IN RESOLUTION NO. 04-40-2015 AND INCLUDE THE ASSUMPTIONS OUTLINED IN AN MTAS E-MAIL DATED MAY 11, 2015 FOR A REVIEW OF THE OAK RIDGE POLICE DEPARTMENT WITH A PARTICULAR FOCUS ON TURNOVER, MORAL, AND ADMINISTRATIVE POLICIES FOR AN ESTIMATED COST OF \$26,200.

WHEREAS, Resolution No. 02-20-2015 adopted at the February 9, 2015 City Council meeting, approved authorizing an independent third party review of the turnover, morale and administrative policies in the Oak Ridge Police Department pursuant to Article II, Section 9 of the Charter of the City of Oak Ridge; and

WHEREAS, City Council selected MTAS to conduct the review of the Oak Ridge Police Department, at no cost, and to satisfy the requirements of Resolution No. 02-20-2015 with the approval of Resolution No. 03-30-2015; and

WHEREAS, on April 21, 2015, a Special Meeting of City Council was called to address additional items to be added to the initial Agreement between the City of Oak Ridge and MTAS as amendments to the Scope of Services under Section 2 with City Council approving three (3) items to be utilized during the review of the Oak Ridge Police Department; and

WHEREAS, following submittal of the three (3), new, parameters to the Scope of Services to MTAS, the organization requested clarification regarding the new scope and advised that the review could no longer be performed for free.

WHEREAS, the City Council wishes to clarify the new scope of services for MTAS to provide a review of the Oak Ridge Police Department with a particular focus on turnover, moral, and administrative policies based on communication between Mayor Warren Gooch and Executive Director Jim Thomas.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That a new Professional Services Agreement shall be entered between the City of Oak Ridge and the Municipal Technical Advisory Service (MTAS) with the scope of services to include the following:

- 1) The interview pool will consist approximately of 125 individuals to be conducted in accordance with Resolution No. 04-40-2015 to “. . . extend the interview process to all employees in the Oak Ridge Police Department and attempt to contact all employees of the ORPD who have departed since the Police Chief’s arrival.”
- 2) *Designate the Director of Human Resources Department (Personnel Department) as the point of contact for MTAS so as to provide the schedules and contact information of officers to MTAS. (as outlined in Resolution No. 04-40-2015)*
- 3) Each interview shall be allotted one (1) hour.
- 4) Mr. Rex Barton, MTAS Police Management Consultant, and Ms. Margaret Norris, Municipal Management Consultant, will serve as primary consultants on the project.
- 5) *Establish a temporary email account that allows input from other interested citizens. E-mails will only be considered from those who provide their name and full address (including city). The e-mails shall be monitored, reviewed, and assembled by an affiliate*

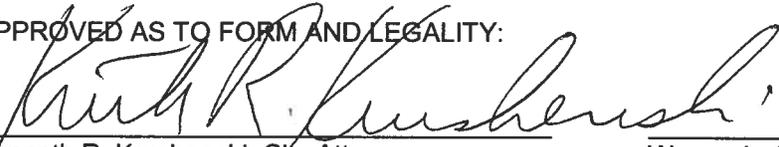
of MTAS and submitted to Mr. Rex Barton for possible inclusion in the MTAS report. (as outlined in Resolution No. 04-40-2015)

BE IT FURTHER RESOLVED that the services performed under this Professional Services Agreement are estimated at \$26,200.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 21st day of May 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION REQUESTING MTAS TO COMPLETE THEIR INITIAL PROPOSAL DATED MARCH 3, 2015 WITH THE PERSONNEL DEPARTMENT SCHEDULING INTERVIEWS OF PERSONNEL OF THE OAK RIDGE POLICE DEPARTMENT, AND CITY COUNCIL INITIATING THE ADDITIONAL CITY COUNCIL PARAMETERS OUTLINED IN RESOLUTION NO. 04-40-2015 FOLLOWING RECEIPT AND REVIEW OF THE MTAS INITIAL PROPOSAL.

WHEREAS, after receiving reports of concerns of employees of the Oak Ridge Police Department (ORPD) the City Council decided by resolution on February 9, 2015, to obtain an independent professional review of turnover, morale, and administrative policies in the ORPD, to include confidential interviews with individual police personnel; and

WHEREAS, the Municipal Technical Advisory Service (MTAS) submitted a proposal to the City to conduct the requested limited-scope review at no cost to the City, to include interviews with a sample of ORPD employees; and

WHEREAS, on March 27, 2015, the City Council agreed by resolution to accept the proposal to have MTAS conduct the review and a contract was executed with MTAS on April 9, 2015; and

WHEREAS, the City Council places high importance on preserving the confidentiality of interviews with ORPD employees, including allowing employees to be interviewed without the schedule of the interviews being disclosed to the leadership of the ORPD; and

WHEREAS, after learning that the police chief had received the planned interview schedule, on April 21, 2015, the City Council directed that interview opportunities be extended to all police department employees, that the City Personnel Department should be designated as the MTAS point of contact with the City to provide information to allow MTAS to schedule interviews, and that MTAS should be requested to establish a temporary email account to allow interested citizens to provide input to the MTAS review process; and

WHEREAS, on April 30, 2015, MTAS notified the City that the scope expansion requested by the City Council would prevent it from conducting a no-cost review, and would necessitate a fee of \$50 per hour for some or all of the MTAS effort; and

WHEREAS, a portion of the added scope for MTAS could be avoided by having the City Personnel Department handle the scheduling of employee interviews; and

WHEREAS, delays in the review that have occurred due to changes in scope and other factors are preventing timely response to the concerns that led to the decision to conduct the review and are thus adversely affecting both the City administration and the ORPD, so further delay is undesirable; and

WHEREAS, the review scope initially proposed by MTAS could provide the City Council and City administration with the information needed to make management decisions, while providing useful information to guide the remainder of the expanded review called for on April 21.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE

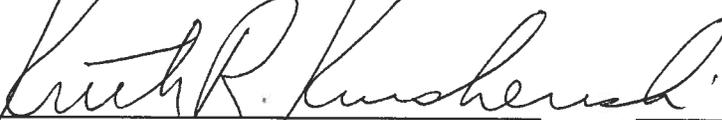
That, as the first phase of the expanded review directed by Council on April 21, MTAS is requested to complete, at no cost to the City, the review process defined in its initial proposal, but with a new interview list that will not be disclosed to the ORPD and with interviews to be scheduled by the City Personnel Department; and

BE IT FURTHER RESOLVED that additional elements of the review will be initiated after the City Council has received and reviewed the report prepared from MTAS's initial proposal.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 21st day of May 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk