

**VILLAGE OF BALD HEAD ISLAND
SPECIAL COUNCIL MEETING
August 24, 2012
Bald Head Association**

COUNCILORS IN ATTENDANCE

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager
Karen Ellison, HR/ Communications Director
David Cox, Systems Administrator
Debra Talbert, Village Clerk

1. Call to Order / Approval of Agenda

Mayor Sayre called the August 24, 2012 Council Work Session to order at 10:00 a.m. Mayor Sayre entertained a motion to approve the agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 3-0)**

Mayor Sayre stated Council is reduced; however Councilor Helgesen and Attorney Baldwin will be calling in for conference call during Closed Session. Councilor Morris is on vacation and the Council is unable to contact him.

2. Public Comments

Mayor Sayre read the Public Statement Regarding Public Safety Department Chief, Jerome “Chip” Munna as follows:

On Friday, August 17th, Public Safety Department Chief, Chip Munna was placed on Paid Administrative Leave so that the Village could conduct an investigation following concerns identified through an external, third-party review. The Village Council was briefed by the Village Manager in advance of these actions during the August 17th Closed Session Council Meeting. The basis of the concerns regards potential violations of Village policy. This is an internal matter and does not involve any legal issues.

That investigation was conducted in an expedited manner by the Village Human Resources Director; a report was submitted to the Village Manager. The Village Council will review the report and next steps. We expect resolution by the end of next week.

The Village is firmly committed to our Public Safety Officers and the invaluable service they provide to the residents and guests of Bald Head Island. We have complete confidence in the leadership provided by the Captains and their teams in the Chief’s absence to keep order and safety.

Please remember that this is a confidential matter concerning personnel and as such, disclosing detailed information may violate our policies and the rights of our employees, including Chip. We will not compromise our legal obligations by giving in to public pressure to release confidential information.

Chip has rights in this matter, and we are working to make sure that no action is taken that compromises his or anyone else's rights.

A question has been raised about the updates to Village Personnel Policy asking whether those changes have any role in this action. The answer is no.

A question has been raised about a press release from the Village. There was no press release. The Village has only confirmed information which the news media already had and has made no other comment.

Thank you for your continued support of our Public Safety Department.

Mayor Sayre stated because this is a personnel matter, strict confidentiality must be maintained. And unfortunately many of your questions can not be answered at this time and maybe never. This is an effort to protect Village employees. Mayor Sayre opened the meeting to public comments. Mayor Sayre asked the public prior to speaking sign the Public Comment Sign-in Sheet to assist the Village Clerk with accurate names.

Marilyn Ridgeway- Thanked the Council for allowing public comments. Mrs. Ridgeway asked the following questions to Council. With answers attached.

Questions for Council/ Suspension of Chief Munna

1. When will a final decision be made about Chief Munna? *Mayor Sayre stated there is no group of people who want this resolved more than Council does. But fairness and thorough deliberations will not be jeopardized.*

Confirmation of date- Mayor Sayre stated he hoped for next week

2. When does Chief Munna get to present his side and to whom? *This will be a topic for Closed Session*
Marilyn asked when you come back into open session today we should have an answer?

Mayor Sayre stated this would be discussed in Closed Session.

3. What is the written personnel policy of the Village regarding suspension of personnel, dismissal of personnel? Please explain whether this suspension was a grievance procedure or a personal misconduct investigation."

Mayor Sayre stated it was a managerial personnel conduct investigation. Calvin stated it was a violation of personnel policy.

Marilyn Ridgeway asked again the question if it was a grievance procedure or a personal misconduct investigation. *Calvin stated it was not a grievance procedure.*

4. In what manner did the Village Manager determine Chief Munna's suspension was "in the best interest of the Village"? Did you receive that communication from the Village Manager in written form? If so, a public document and should be released to the public at the meeting. If not, this should be explained to the citizens.

Mayor Sayre stated the Village could not answer due to confidentially issues

Marilyn Ridgeway stated by the State Statue a written request is required.

5. The personnel policy was changed and adopted by the current council. Did any of these new adoptions by the current Council play a role in Chief Munna's suspension?

Mayor Sayre stated no

6. What are the procedures for an inquiry? By whom is it to be conducted? What timelines are used?

Mayor Sayre stated the inquiry was handled by the Director of Human Resources and is being reviewed by Council.

If the Director of Human Resources reports to the Village Manager, what role does the Village Manager play?

Mayor Sayre stated the Village Manager does supervise all Village employees. The Village Council supervises the Village Manager and the Village Attorney.

By NCGS 160A-80(a) “The council shall have power to investigate the affairs of the city and for that purpose may subpoena witnesses, administer oaths, and compel the production of evidence.”

Were any subpoenas issued by the Council?

Were any witnesses put under oath?

Mayor Sayre stated no to both questions.

7. When the ICMA conducted its interviews for the purposes of study, were personnel told that this information was confidential and that it could not be used against them or others?

Mayor Sayre stated yes that is true.

Marilyn Ridgeway asked if the information was confidential and told it could not be used against them or others.

Mayor Sayre stated they were informed this was confidential and was his understanding.

If the information was used for any purpose other than a study of the organizational structure of the Public Safety department, did the Village Manager get signed releases for this information to avoid confidentiality issues. *Mayor Sayre stated yes*

8. Would the Council agree that giving confidential material from a study to the person (the Village Manager) who has the ability to fire personnel from a study that was at best unethical?

Mayor Sayre stated he did not want to answer that.

9. Why is there not a plan in place for who will be in charge in the absence of vital personnel in the Village Departments?

Mayor Sayre stated there is a procedure in place; the Captains are in charge for their shifts.

Marilyn Ridgeway stated she was unable to locate the above procedure in the Village Personnel Policy.

Calvin stated the chain of command is being followed in the Public Safety Department.

10. Why was a press release made by the Village if this was a “personnel issue?”

Mayor Sayre stated there was no press release given. Mayor Sayre stated the Village was prepared to respond to the press.

Is this done with suspensions for all Village employees?

Mayor Sayre stated he was not suspended

11. On what date and what time and in what session did Council learned of the charges against Chief Munna.

Mayor Sayre stated this occurred in Closed Session.

Marilyn Ridgeway asked what the purpose of Closed Session was.

Mayor Sayre stated there were several issues.

By whom were they presented and in what form: written, verbal, other.

Mayor Sayre stated he feels this is confidential.

Marilyn Ridgeway asked what General Statute states confidential.

Mayor Sayre stated he has no idea.

Mayor Sayre stated this is the process of what is being addressed.

Marilyn Ridgeway stated she understood and that is why she is asking.

12. If the multi page questionnaire was given to staff members on Friday, the day the charges were made public, when was it prepared and by whom?

Mayor Sayre stated this is all part of the investigation. The process of the investigation is and must remain confidential.

Marilyn Ridgeway stated she feels the citizens have the right to know the procedure.

Nancy Giacci asked what the rights of Chip Munna are.

Mayor Sayre stated he has all the rights as a Village Employee and a US citizen.

Nancy Giacci stated all previous correspondence to residents states he is suspended. What is the difference to Administrative Leave and Suspended?

Mayor Sayre stated he is on Paid Administrative Leave and I assume suspended would be without pay

Marilyn Ridgeway asked if Village staff and/or Communication Committee Chair knew of the charges and created the questionnaire, would not the questionnaire be invalid because of bias.

Mayor Sayre stated no but cannot speak for the rest of the Council

Karen Ellison stated the Communication Committee was not involved with this process.

Marilyn Ridgeway stated she was informed by the Communication Committee Chair that he knew what the charges were and was told by Karen Ellison.

Mayor Sayre stated he does not believe that to be true.

Under whose direction was the questionnaire created?

Mayor Sayre stated the Director of Human Resources put together a questionnaire and reviewed by Council.

Did Council ask for it or was the "investigative" power and procedure given over to the Village Manager?

Mayor Sayre stated the process of the inquiry was approved by Council and is an ongoing process.

Marilyn Ridgeway asked if the process of inquiry should be necessary in the personnel policy for Village personnel know if they were under inquiry and what the process is to maintain. And wouldn't that information be useful and helpful for the community.

Mayor Sayre stated this might be a good suggestion to add to the Personnel Policy.

Diane Mesaris asked if Chief Munna been made aware of why he has been placed on leave.

Mayor Sayre stated obviously he was informed at the time he was put on leave.

Diane Mesaris stated he was informed he was needed to leave the island and go on paid administrative leave and not made aware of why.

Mayor Sayre stated he would investigate this concern, work detail during Closed Session

Concerned citizens asked for an answer.

Diane Mesaris questioned if "he was put on paid administrative leave and he does not know why?"

Mayor Sayre stated he does, there are a lot of moving parts to this.

Charlie Himes stated "this is a yes or no answer, sir?"

Mayor Sayre stated yes and that is his understanding.

Brenda Quanstrom stated her concerns for the Mayor having to look at Calvin for answers.

Mayor Sayre stated the Village Manager is the supervisor of Village employees and it would be very inappropriate for Council to go to any Village employee at the beginning of an inquiry.

Diane Mesaris stated "it would be up to the Director of Human Resource or Village Manager to inform him"

Mayor Sayre stated yes.

Diane Mesaris asked Mayor Sayre if this was done.

Calvin stated yes

Diane Mesaris asked if the investigation of the department and review of department that was done by ICMA, did the staff have any knowledge of what the results would be. Did they realize it would involve personnel issues?

Mayor Sayre stated their charge was for an organizational structure.

Diane Mesaris asked if this was done as a un bias basis.

Mayor Sayre stated that was his belief yes.

Diane Mesaris asked if the Council was still aware of the affiliation that the Village Manager is ICMA personnel.

Mayor Sayre stated the Council knew he was a member of ICMA.

Kit Adcock stated she supports the Village Managers position to handle personnel issues and believe they should remain confidential. This protects the reputation of the individual in question and of the Council. Ms. Adcock stated the comment she would like to make is most of the people here today feel there is an underlying issue and that is lack of trust. This is the heart of the problem. How this is addressed with efforts made is the concerns. Kit Adcock urged Council and Village Manager in this process to review and make it part of the solution to move forward.

Marilyn Ridgeway explained the effect this process has done for the whole community. This is a community that I love and I do not want to see it torn apart. I have worked with Chief Munna and the community support is shown. All letters of support should be reviewed by Council. Marilyn Ridgeway asked Council to think of the citizens and think of the decision to be made. Marilyn Ridgeway stated this island does not heal quickly.

Larry Lammert stated less than 3 years ago, he sat on that side of the table. Larry Lammert stated he understands this is not an easy process, but he feels the Council has made a mistake. I hope when you come out of Closed Session, you can address some of the concerns due to the trust issue on the island. Larry Lammert asked Mayor Sayre that the Council is still the boss of the Village Manager.

Mayor Sayre stated the Village Manager serves at the pleasure of the Village Council.

Larry Lammert reviewed an email received from the Mayor giving information to Karen but not to the Village Manager. *Mayor Sayre stated he does not know which email he is referring to.*

Larry Lammert stated: This email was an answer to an email from Marilyn Ridgeway. This is a bad protocol and should not put Karen or the Village Manager in that position. The email will be provided to the Mayor. Some of the Council does not remember the Village Manager has a contract. You are going into Closed Session and is the only individual or is there more than one individual being addressed.

Mayor Sayre the Council is going into Closed Session to discuss personnel.

Larry Lammert asked would there be more than one or just one person discussed during Closed Session.

Mayor Sayre stated he did not want to answer that question. We are going into Closed Session to discuss personnel.

Larry Lammert stated the Mayor is not helping with this process and just answer simple questions.

Donna Finley asked for confirmation that Chief Munna was notified of the complaints against him. Can you give the date and time that occurred.

Calvin Peck stated August 17th at 12:00 p.m.

Todd Clancy stated he had no specific questions and would like to say that he knows that this is a difficult position and admires anyone who has served for Village Council. Todd Clancy stated he would make a plea for women to join the Council and would help in the regard to the issues on the island. Todd Clancy stated there is a problem with communication on the island and he understood the personnel issues are confidential but suggestion was made when decision is made to give outreach to heal the raw feelings.

Susan Himes stated she loves the island. Susan Himes stated she and her husband moved to the island due to the peace and tranquility and the love they see with all the people that are before you. One time we established with the family is honesty and trust. When you are honest with people then they can trust you. Susan Himes explained how she felt when she saw 2 Public Safety personnel standing like something bad were going to happen in this meeting. We are a community here and

would not do something bad to anyone. We work with as volunteer fireman and this disappointed me. For what it is worth, thank you for what you do and we pray and hope that you will be guided by God in this situation. If anyone is doing something in a manner that is not right, that it would be exposed. Thank you

Joe Ridgeway stated he wanted to remind Council of the transparency issues. The anger issues on Bald Head refer to Council not being transparent enough. Everyone here that has run for Council and for Mayor has heard the concerns. Joe Ridgeway reminded Mayor Sayre that he used this issue for platform when running for Mayor. Joe Ridgeway suggested the Council to remember this and with communication will come trust.

Charlie Himes stated there are a few things that have been said that are important. Charlie Himes reviewed comments on the trust and transparency concerns from different speakers today. This is not just from this current incident. Charlie Himes stated he had written a letter of support for Chief Munna. Charlie Himes stated the reason the letter was sent is due to unknown facts and has been informed he will receive information. Charlie Himes stated in the letter he wrote he knew Chief Munna would not knowingly violate personnel policy and that is what he understands to be true and the reason he has been put on administrative leave. Charlie Himes stated he does not know all the facts and confronted Mayor Sayre. Charlie Himes stated he understood Mayor Sayre to use the word confidential statement. Charlie Himes reminded Council when this is done that the facts get displayed to the people because we are the ones that you are beholding to. Charlie Himes stated he hopes the words trust and transparency can go forward for you and the rest of the island.

Mayor Sayre stated it would be wonderful if the Council could share all of everything that we have to the citizens so the community could make decisions and work through the process. Mayor Sayre stated they are doing their best to be as transparent, as fair to all parties in this process.

Marilyn Ridgeway stated she could not let the last comment stand and the process is complete when you let us know. The Village Council has that responsibility to release that information to the public. *Mayor Sayre stated we will look into that during Closed Session.*

Sylvia Timmons stated she has known and worked beside Chip Munna for 15 years. I would not for one minute no matter what you said to me believe that this young man would do anything that would undermined his profession and put a smear on it, or would demean anyone or anybody. I still don't know what the charge is but you can bet your bottom dollar that no one in here that has worked with him for 15 years are going to believe it. And you can bet your bottom dollar that we are not going to set still until we find out how it came about. We stand behind him no matter what you do. The audience showed appreciation.

Diane Mesaris stated before you go into Closed Session to remember that you are elected Council, elected Mayor of the people for the Village of Bald Head Island. The Village Manager is hired to serve at the pleasure of the Council and to be a servant of the people of the Village of Bald Head Island. I will ask you to really and truly search your heart and your mind to remember you're ethical obligations as you make your decision.

Mayor Sayre stated there is no expectation to make decisions today. We are still in the process. Please do not expect at the end of the Closed Session for the Council to come out with any announcements. There are lots of issues that your comments have touched on and need to be pursued in a complete and fair examination with all aspects. I sincerely thank you for your heart felt

thoughts with all sincerity and we understand that. We are imperfect body of volunteers up here and trying our best just as you are volunteers.

A citizen stated I voted for you.

Mayor Sayre stated he ask for your patience and will pursue with all availability.

Mayor Pro Tempore Fisher stated he would like to make a comment. I do appreciate and have personally read every letter that has been submitted. We do want you to know we will work this process efficiently and effectively as we know how with the guidance we are given. We want to get the best resolution we can from this. We understand your response and where you are. I have read those letters and we will do what we need to do to make it this as transparent as we are legally allowed to do. But we do thank you for your time and patience and want to get all the facts and clear things as we possibly can. Thank you for helping us through the process, because it is a community process. Thank you

3. Closed Session Pursuant to N.C. General Statutes 143.318.11(a)(6)

❖ Personnel Issues

Mayor Sayre entertained a motion to enter into Closed Session at 2:13 p.m., with Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Sayre entertained a motion to come out of Closed Session at 4:02 p.m., with Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Sayre stated Council addressed some concerns during Closed Session. Mayor Sayre stated he will keep the citizens up to date on the process and address the concerns of the personnel policy. Mayor Sayre stated the Council will recess to reconvene on Tuesday, August 28, 2012 at 10:00 a.m.

Meeting reconvened August 28, 2012 at 10:00 a.m. in closed session.

4. Closed Session Pursuant to N.C. General Statutes 143.318.11(a)(6)

❖ Personnel Issues

Mayor Sayre entertained a motion to enter into Closed Session at 10:00 a.m., with Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Sayre entertained a motion to come out of Closed Session at 11:40 a.m., with Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Sayre stated Council has not taken any action and hope to have resolution of this personnel issue by Friday. Mayor Sayre stated if any other information to be considered or on record to Debbie Talbert at Village Hall.

5. **Adjournment**

Mayor Sayre entertained a motion to adjourn at 11:43 a.m. Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Andy Sayre, Mayor

ATTEST:

Debra C. Talbert, CMC/ NCCMC