

Montgomery City Council
AGENDA REPORT

Workshop Date: March 25, 2024	Fiscal Impact: TBD
Department: Administration	Prepared By: G. Palmer

Subject
Discussion on Adding a Water Operations Advisory Position to the Organizational Chart

Recommendation
Review the Job Description and Partner Agency Recommendations

Discussion

In September I was asked by a Councilmember to create a volunteer Water Operations Advisory Position and bring it forward to the Council for consideration.

I understood the following to be the elements of the position:

- Appointed by the City Council under the general supervision of the City Administrator
- Resident-Volunteer to serve as an advisory role to the City Administrator and City Council
 - Advises on City Water Service and Water Operations with a heavy emphasis on data analysis
 - Requires access to the City Water Customer Data which may include confidential or sensitive customer information
- This position will be issued a city laptop and work remotely
- Position is unpaid with no benefits or paid a small stipend

I drafted a position with these elements in mind and forwarded it to our risk management agency (TML) for review and a recommendation (see attached). Their response generated a couple more questions, so we sent it to the City Attorney for a recommendation (see attached).

Two pathways seemed to have arisen for the Council to consider but each one has caveats:

1. Volunteer: will not have access to sensitive data or ability to login remotely to the city network (see attached for implications of appointing a volunteer); other liability concerns
2. Independent Contractor: the appointee would have to be a 1099 contractor with full liability insurance (see attached for implications of appointing a 1099 contractor); must meet a 5-prong legal test

Approved By		
City Administrator	Gary Palmer	Date: March 04, 2024