



Special General Government & Social Services

September 18, 2018
Summary and Motions

Chair Lamb called the meeting to order at 11:03 a.m. Committee members Evans, Kay, Stinnett, J. Brown, Smith, Farmer, F. Brown and Henson were present. Committee member Moloney was absent. Council Members Bledsoe and Plomin were also in attendance as non-voting members.

I. Council Rules and Procedures Subcommittee Report-Out

CM Lamb provided a brief overview of the work conducted by the Council Rules and Procedures Subcommittee. Stacey Maynard, Council Administrator, presented the item. She highlighted the addition of the preamble and described the changes in Chapter I, including sections affecting council staff, the citizen's advocate and travel and expenses. She reviewed the changes in Chapter II, including sections regarding various types of committees as well as rules and procedures for those committees. She highlighted Chapter III and the section about the introduction of bills. She reviewed Chapter IV, highlighting changes to procedures of meetings, meeting notifications, work session, public comment, distribution of materials, public hearings and speaking. Maynard said there were no changes made to Chapter V but explained there was a discussion on parliamentary authority. She explained how the appendixes were changed to parts to eliminate confusion since the council rules and procedures are an appendix to the code of ordinances. She pointed out that charter limits their ability to change Part 1, guidelines for the office of the citizen's advocate. She described the changes to the parts that involve the Law Department, the legislative process and the government access channel. Finally Maynard reviewed the addition of Part 5 for neighborhood development funds and Part 6 for social media.

There was no discussion on Chapter I – *Organization of the Council*.

Chapter II – *Committees*: CM Farmer commented about the changes made under Section 2.102 – *Appointment of committees* relative to the Environmental Quality and Public Works Committee. He said he did not like the updates made to Section 2.105 – *Committee of the whole*, subsection (d) that makes it the responsibility of the link committees to locate a funding source.

CM Evans referred to Chapter I, Section 1.204 – *Travel and expenses* and noted that council members' notification of their travel should be made prior to traveling.

Continuing the discussion on Chapter II, CM J. Brown expressed concern about Section 2.105 (d) and it being the responsibility of the link to find funding for additional expenses. He suggested inserting the word "try" instead of making it a requirement because the link might not have all the resources to find funding within their link. CM Henson agreed and suggested making it the responsibility of the council as a whole.

CM Stinnett provided some background why this should be included and said the budget analyst can help with this. He said he thinks the link should at least identify if the recommendation should use cash or bonds. He highlighted the strain that comes from the order in which links report their recommendations because resources become more limited as more recommendations are approved. CM Bledsoe explained the difficulties links face to identify a funding source. She agreed that links should identify cash or bonds.

A motion was made by CM Farmer to add “try and” so Section 2.105 (d) would read “it shall be the responsibility of the link committee to try and locate the source of the funds.” Discussion of the motion included the following comments. CM Evans expressed concern that the proposed language allows council members to make recommendations with no funding source and said she feels we need to put the responsibility on each link. CM Henson said links normally make recommendations with funding but part of this depends on the budget analyst. She said it is ultimately up to the full council. She pointed out how new council members will have more challenges identifying funds as well as a process they tried in the past, under the direction of former Vice Mayor Linda Gorton, to vote on recommendations in theory first and then go back through the list to see what they could actually fund.

The motion by CM Farmer, Jr. to add “try and” to Section 2.105, subsection (d) so the section would read “in the event that a link makes a recommendation that requires additional funding, it shall be the responsibility of the link committee to try and locate the source of the funds to cover the additional expense”, seconded by CM Brown. The motion failed with a 3 - 5 vote. (J. Brown, Farmer and Smith voted aye; F. Brown, Henson, Lamb, Evans and Stinnett voted nay.)

CM J. Brown confirmed that under Section 2.107 – *Confirmation committees*, the mayor's office is not required to select someone from the nominations submitted by council members. He pointed out that this amendment is another step to make our boards and commissions more reflective of the people in our community and allow council members to be part of that process. CM Bledsoe highlighted that the recommendations for Section 2.107 originated from the Boards and Commissions Subcommittee and explained that this codifies a way for council members to influence appointments to boards and commissions, knowing that the mayor has complete authority. CM Lamb explained that council member nominees will still have to fill out an application. CM F. Brown questioned how we can make the mayor's office abide by these rules and if the word ‘shall’ should be changed to ‘may’ because technically this is a rule for the mayor.

CM F. Brown said he would like Section 2.107 (b), subsections (b) and (c), which outline council members’ ability to submit nominations for the Planning Commission and Board of Adjustment, to go further. He said he would like nominations submitted by council members be shared with the full council, particularly because part of the original concern was for diversity of council districts.

CM Stinnett referred to Section 2.204 – *Referring matters to committee* and asked whether the subcommittee discussed the opportunity for a chair of a standing committee to refer items directly to committee. He said that the chair used to be able to refer items to their own committee but that was changed the last time the committee structure changed, possibly around 2011. Maynard said it was not.

A motion was made by CM Stinnett to allow the chair of a standing committee to refer items to their respective committee. Discussion of the motion included the following comments. CM Henson clarified the intent of the motion was for a committee chair to add items only to their respective committee.

The motion by CM Stinnett to add the chair of standing committees to Section 2.204 so that the vice mayor or the chair of a standing committee may refer items to committee, seconded by CM Farmer, Jr. The motion passed without dissent as amended.

A motion by CM Stinnett to amend the original motion to add a second sentence that says the chair of a standing committee may refer any item directly to their committee to Section 2.204, seconded by CM Farmer, Jr. The motion passed without dissent.

CM Plomin referred to Sections 2.107 (b), subsections (b) and (c) agreed it would be helpful to see who was nominated and asked if that is possible. CM Lamb said she thinks a nomination would have to go through the process and that the council would only see the recommended appointment that the mayor makes when it comes to the full council. CM Plomin asked about notification to applicants who were not selected and said it would be a nice courtesy to let people know if they were not selected.

CM Evans asked the Law Department if an open records request could be filed to find out who has applied for a specific board or commission. Glenda George, Managing Attorney, said she would have to get back to the committee about this.

There was no discussion on Chapter III – *Legislation*.

CM Stinnett asked the Law Department what the consequences are for violating the council rules and procedures. George explained first that hopefully council members would follow their rules and there is no enforcement mechanism. She said that the ethics act has come into play in some situations but ultimately the ethics commissions does not oversee the application of the council rules.

Chapter IV – *Procedures*: CM Farmer asked for clarification regarding a recent comment, “the smell test,” in a meeting of the council relative to Section 4.302 – *Manner of speaking*. CM Lamb explained how it is up to the chair of the meeting to apply this section as they feel necessary. CM Farmer explained how certain comments should not be made, particularly as an added innuendo or with an unbecoming slant. CM Stinnett added similar concerns and suggested adding “shall refrain from making accusations without providing sufficient evidence.” He emphasized the implications of accusations and that accusations should be accompanied by evidence.

CM J. Brown said he believed the intent of the language added to Section 4.302 was to address situations just described. He made a motion to add language that individuals shall refrain from making personal attacks or accusations. Discussion of the motion included the following comments. CM Evans commented about recent accusations made during a meeting of the council that involved recusals of certain council members. She said the council ultimately needs general decorum and integrity all the way around. She highlighted the spirit of the drafted language rather the need to address every situation. CM Lamb said it is upon the committee chairs to ensure the environment remains respectful.

The motion by CM J. Brown to add “accusations” to Section 4.302 so it would read “shall also refrain from making personal attacks or accusations,” seconded by CM Henson. The motion passed without dissent.

Maynard pointed out that the same language drafted for Section 4.302 is also in Section 4.106 – *Public comment during meeting* in case the committee wanted to update that section as well.

A motion by CM Evans to add “accusations” Section 4.106 so it would read “shall also refrain from making personal attacks or accusations,” seconded by CM Farmer, Jr. The motion passed without dissent.

Chapter V – *Construction, suspension and amendments of rules*: CM J. Brown said he was interested in adding parliamentary authority and that the subcommittee had a lot of conversation about it. CM Lamb explained two options to add a parliamentarian, under the council staff or in the Council Clerk's Office. Maynard explained the costs associated with parliamentarian training. She pointed out how difficult it would likely be to find a parliamentarian to do this part time.

CM Bledsoe said she thought it would be helpful for the council to have a parliamentarian to have extra accountability and suggested setting aside \$2,500 from the council's budget to have someone from the core staff trained. Maynard pointed out the difficult situation it would put council staff in this role. CM Bledsoe mentioned the possibility of someone from the Law Department serving as parliamentarian. CM Lamb reminded the committee that the Council Clerk's Office currently only staffs official council meetings so this would add additional responsibilities to their office, which needs to be considered.

CM F. Brown suggested the citizen's advocate as a possible person to be trained as parliamentarian. CM Lamb mentioned that we will have to refer to the charter to see if that is allowable. She pointed the difficulties you face as council member and serving as parliamentarian. She concluded that the council can have further discussion when the recommendations are brought forward to figure out the best way to move forward.

Part 1 – *Guidelines for the office of citizen's advocate (previously Appendix A)*: Under Section II – *Disclosures and recommendations*, CM Lamb said she would like to see a motion that directs the quarterly report to be sent to all council members instead of just the three at-large council members.

A motion by CM Evans to require the citizen's advocate's quarterly report to be sent to all council members instead of just the at-large council members under Part 1, Section II, seconded by CM Henson. The motion passed without dissent.

There was no discussion on Part 2 – *Guidelines for the use of the law department personnel by members of the urban county council (previously Appendix B.)*

Part 3 – *Legislative process and information flow (previously Appendix C and D)*: CM Lamb asked to hear from the committee about whether the added description in Part 3, which supports the charts, is necessary. CM J. Brown said it is helpful to have both the language and the charts and would like them both to stay in the rules.

There was no discussion on Part 4 – *Government access channel, web stream and online video archives (previously Appendix E.)*

There was no discussion on Part 5 – *Guidelines and process for neighborhood development funds (new section.)*

Part 6 – *Social media best practices (new section)*: CM J. Brown explained the benefit of including best practices for social media. CM Evans commented about the use of a Facebook page with private email for council members and how these best practices should apply when accounts are not set up through the government, as well as IT support from LFUCG. She said this might need to be a separate item for discussion in the General Government and Socials Services Committee, particularly because these pages currently belong to each individual council member and some of the best practices that are drafted do not apply to council members. George said she thinks this needs to be a conversation with the Division

of Computer Services and that the Law Department has only commented about campaign material being used on social media accounts. Maynard pointed out that this is written as best practices and how she receives a lot of questions from council offices about this.

A motion by CM Evans to remove Part 6, Section (b), subsections (1) *Terms of service*, (2) *Branding and (3) Disclaimers*, seconded by CM F. Brown. The motion failed with a 2 - 6 vote. (F. Brown and Evans voted aye; Henson, J. Brown, Lamb, Farmer Jr., Stinnett and Smith voted nay.)

CM Henson commented about council's involvement in the RFP process because she only recently realized the vice mayor has the ability to appoint someone to a RFP committee. CM Lamb said that the council typically receives an email from the council administrator inviting council members to serve on RFP committees. Maynard explained that the Division of Purchasing contacts her to see if there is anyone that would like to participate but that does not happen for all RFPs. Maynard pointed out that they do give council members priority to serve on RFP committees before legislative aides.

CM J. Brown said he would like to see where language could be added to the council rules and procedures about council members' involvement in RFP selection committees before this moves to the full council. CM Lamb said we will work on this to provide an option regarding RFP committees, as well as the amended draft resolution, at the committee meeting on October 9.

No further comment or action was taken on this item

II. Council Rules and Procedures Meeting Summaries

Summaries of the Council Rules and Procedures Subcommittee meetings were included in the packet for information only. There was no discussion.

No further comment or action was taken on this item

A motion was made by CM Evans to adjourn, seconded by CM Henson. The motion passed without dissent.

The meeting adjourned at 12:45 p.m.

HA
9/27/2018