

Working Session for Nominating & Rules Committee

01/10/2019

5:00 p.m.

Attendance: Chris Gibson, Charles Frierson, Ann Williams, Bobby Long, John Street, Gene Vance, Chris Moore, LJ Bryant, Dr. Charles Coleman, Bill Reznicek, April Leggett. (David McClain arrived at 5:34 p.m.)

Chris Gibson: I've got copies of all of this coming through for everyone. Let's go ahead and get started. I apologize that you didn't get copies of this. I thought Donna was going to be distributing those. I have asked Bill to run point on this because he has been involved from the get go I believe. Bill, correct me if I am wrong, but I think you and David McClain met over the course of the last few months and identified some changes in our procedures that need to be taken into account so that is why I called the group together. At this point, I will turn the floor over to you.

Bill Reznicek: What I'm going to go off of is the redline version with some changes that were recommended. They were discussed previously by Roy Ockert, David McClain and myself. So, I'll probably start with that and if there is anything else that people think they may want to bring up at this time. The first one is really more grammatical than anything else, and then a couple of them get into specifically rules on discussions on the floor. There's been some conversation about what we allow and what we don't allow. Public comments, for example, in terms of not only the length of time, but when they're appropriate and the specific items. For example, when an ordinance is read and we have people come up and give both sides of the argument. Do we limited the time on that? We've had discussions about that. We wanted to talk to the group about whether we wanted to control people's time on coming up and giving a counterpoint on specific items that are on the agenda, as well as talk about public comments in general, such as a 15-minute time limit with three by five based on information we had got and talking to other people. Do we even want to have public comments be public in terms of the camera still being on and it being televised and rebroadcast or do we want to turn the camera off? So, no decisions were made. Ideas were just thrown out. We wanted to talk to the entire group and see if we can talk through some of these.

This may not be what the council wants to do. There are two sides to the issue. For example, public comments, we're giving three people five minutes to speak and do we want to limit people getting up and grandstanding and rehashing things over and over. Those are two sides to that argument, and it could be maybe that we don't want to do anything. We also want to address, like I said before, when ordinances are introduced or read on the floor, do we want to limit the time allotted of people standing up for or against those. Some of the suggestions there were that we have the discussion on the third reading. Do we limit it at that point or do we allow it to be determined by the chair of the meeting on how long the people speak because it wouldn't be fair for something that seems relatively mundane to give 10 minutes and then something like sidewalks to give only 10 minutes. There should be some weight given to with relative impact. Those are a couple of key things. There has been some discussion on the

procedure for calling meetings probably because of what happened at year-end.

Basically, the copy you have on Section 2-84 (g) (1), it says “the city clerk will, if necessary,” in the original document and it was suggested that to say the city clerk’s office. This way that would not limit it specifically to the city clerk, but someone else in the city clerk’s office could then inform the citizens and give out notice.

Chris Gibson: Does there need to be a vote taken in this forum?

Councilmember Charles Frierson motioned, seconded by Councilmember Chris Moore to approve the change to Section 2-84 (g)(1). All voted aye.

Bill Reznicek: The next recommendation was in Section 2-84 (g)(2). This is where we offer members of the audience to speak on all questions before the city council.

LJ Bryant: Are we missing a page 2 in the mayor-approved copy?

Chris Moore: Just give us the highlights.

Bill Reznicek: The conversation was whether or not we want to limit this. The way it is written, the person would be given a 10- or 15-minute time limit with the city clerk timing the speaker with the time clock provided in the council chambers. So, we wanted to open up the discussion on this. A couple of recommendations were that we only allow discussion on the third reading so on the first and second reading there would be no discussion. The other recommendation was on the first and second reading we have a time limitation that was significantly less than the third reading. If you think about it, if you’re well organized, you can say a lot in 60 seconds.

Gene Vance: The zoning ordinances is where we would really have the problem. I wish there was some way, myself, that the rule would say that if you get up on the first reading then you don’t get up on the second or third reading.

Chris Moore: We could put that in there.

Gene Vance: That’s the problem because you get the same people getting up and saying the same thing three different times. If you could limit it to where they could only speak at one or two readings instead of all three readings, then it would be something worth looking into. I have a problem with cutting citizens off, especially on a zoning ordinance.

Bobby Long: I think it’s a problem cutting them off on any ordinance. I wouldn’t mind putting it in there where if they speak on the first, second or third reading, then they don’t have the opportunity to speak again.

Chris Moore: I like that, too. Just a couple of thoughts. When I was on the council before, there was a public comments section. When I was first elected, the public was not allowed to speak at the council meeting and that was a complete disaster. Without allowing the people speak, then

we didn't have that additional information. That goes back to the problem of maybe only allowing the person to speak on only the third and final reading. The idea behind reading the ordinance on three separate readings is to afford people who can't come to a particular meeting the opportunity to speak. I would be opposed to limiting that you can only speak on one of three appropriate readings. I am in agreement with Councilmember Vance that should only be able to speak one time. You can submit anything you want in writing to the Mayor's office. The Mayor is in charge. He should have the authority to cut off the discussion at any point. If he decides that we had enough discussion, then he should be able to end it. He is in charge of the meeting and he does conduct the meeting, regardless if we like it or not. The rule is as long as you're not repetitive. For example, if Charles comes in and speaks on something and then Chris comes in and speaks on the same thing, the Mayor should be able to say, thank you. We have already heard those comments. Next. That should be the standing rule. As long as you have something new, then you should be able to speak.

Chris Gibson: But, only on one of the three readings.

Chris Moore: Only on one of the three readings. The idea behind that is that it gives everybody a chance. Especially, on controversial issues.

Chris Gibson: that's something else that came up in the discussions the other day, not only with citizens trying to rush things through and get an emergency clause adopted, but that goes for departments too. If they just don't do the paperwork, then that's on them.

Chris Moore: And, we can remember that with the grants department before Ms. Tiffny Calloway was in charge. I remember, specifically, about a year ago where I said if there's an emergency clause, then you're supposed to give an explanation of what the emergency is and I'll call that every single time.

Charles Frierson: Do we need to vote on that issue?

Chris Gibson: Yes. So, members of the audience will be offered an opportunity to speak on only one of the three readings per ordinances.

Charles Frierson: I don't think that is the correct wording. Maybe say individuals will be offered an opportunity to speak on only one of the three readings.

Chris Moore: And to avoid a debate we could say that they have one opportunity to voice their opinion, but you can submit written information at any of the other readings.

Charles Frierson: What we're trying to avoid is repetition.

Chris Moore: I think we should specifically say that the Mayor has the authority to limit debate.

Charles Frierson: We have to be very careful on limitations. There has to be a basis.

Chris Moore: I agree. You have to be able to limit debated based on things such as repetition and time constraints.

Ann Williams: The issue that you might run into is that if you are limited to one time, if the other side may say something in a subsequent meeting that that person may want to rebut. They should have an opportunity if the other side is saying something that is fairly incorrect, I feel like they need to be able to voice a response to the person who speaks against their point.

Charles Frierson: What if they had an opportunity to write it like we mentioned to put into writing?

Ann Williams: That is possible.

Bobby Long: I think the way that you word that is important. You might want to start off with citizens are welcomed to present their comments and opinions to the council as long as those opinions and comments are distinct from any other comment. That way you don't put the repetition in there, but then also, make sure those comments are welcome to present on one of the three readings and those comments need to be distinct and separate from other comments.

Charles Frierson: You could try that, yeah.

LJ Bryant: And to Ann's comments and I don't know how we would do this, sometimes there is an advantage as whether you get to go first or last, whether you are the proponent or whether you are opposed, I am not sure if there is a fair way to go about doing that.

Bobby Long: You are going to have three readings.

LJ Bryant: I am thinking more of the rezoning where you have the engineer and you have the neighborhood or something. I don't know if there is a fair way of going about doing that. I don't know.

Charles Frierson: It would be difficult.

Chris Moore: How does it typically go in a court case Charles? Typically, in a court case you have, the prosecution that makes a case and the defense and then don't you have a follow up.

Charles Frierson: In most of those cases where I have read, they really clamp down on it pretty much and don't allow anybody to say much of anything. And, we are not doing that.

Chris Moore: You obviously can't make your defense if you don't know what the proposal is. The proponents have to be able to speak first. You have to make your case. You can't let the other side go first. Then, the proponent should have a brief period to be able if so needed to be able to rebut.

Gene Vance: A lot of times, especially on zonings, that don't happen. The proponent don't go first.

Chris Moore: Yeah, that ought to be the order of business. If Ann has a rezoning, she is the proponent of it and she should make the case first because you can't rebut, if you are the neighborhood out there, you can't rebut what the proponent says until you have heard their proposition.

Bobby Long: We have had this happen before to where you have someone get up to speak for it and then someone comes up to speak against it. And then, that same person comes up and rebuts. The way we have got it, the proponent goes one time.

Chris Gibson: I think at the same meeting, they would be able to come up and rebut as long as they didn't get repetitive.

Gene Vance: On rezonings, proponents know what they are proposing because it has already gone through the system.

John Street: Some of this is technical though. Someone is always going to come up and say I've got too much drainage now. But, the engineer should be able to get up and say well, the city has approved the drainage plan and it is not an issue.

Bobby Long: Especially, if the council asks that person to retake the podium and speak on a certain issue. Just to get up and speak again, I think, maybe is the issue.

Chris Moore: That is why the Mayor, that is why state law gives the Mayor the authority to run the meeting. The Mayor has those discretions that he can, the Mayor and any member of the council can call to question of privilege at any time to stop right there.

Chris Gibson: At this point, since there is so much discussion on this, do we table this one until we can put some thought into it.

Chris Moore: I think we had a couple things that we could put on there. Such as, all citizens should be afforded the opportunity to speak one time at any reading, but not at all three.

Bill Reznicek: We need to look at it today as if it's broke. If it's not broke, is it an issue today with people taking up a lot of time, or maybe you don't address the time issue. Is it that big of an issue to put a time limit on it as long as the Mayor can invoke his opinion that the person has spoken long enough.

Chris Moore: I thought the time limit was already there. I think the time limit should be abolished in favor of separate guidelines, such as the opinion be non-repetitive and other restrictions.

Gene Vance: I thought the time limit was already there. I think the time limit should be abolished in favor of separate guidelines, such as the opinion be non-repetitive and other restrictions.

Chris Moore: You can't stop that. That's the whole goal of politics. I don't think we can limit

that.

Gene Vance: We could limit the first and second readings to those who are not physically able to be at the third reading. You might not be able to enforce it, but you could ask for that.

Chris Gibson: Mr. Reznicek will get together and work on the verbiage of this, but the motion is that individuals will be offered an opportunity to speak on only one of the three readings per ordinances, but can submit written information at any of the other readings.

Councilmember Chris Moore motioned, seconded by Councilmember Ann Williams to approve the changes to Section 2-84 (g)(2). All voted aye. All citizens will have one opportunity to speak out of three readings. Citizens who have additional comments must submit them in writing.

Bill Reznicek: The next recommendation was in 2-85 (i) regarding arriving late. For the purpose of proper voting and correct recordkeeping, each member of the council shall be recognized/dismissed by the presiding officer when they arrive late or leave early from all council and committee meetings. The recommendation was made that they be identified by the clerk. That way it's on the record if there's ever any dispute about the roll taken, and instead of going back and reviewing the video it states in the minutes if a person left, just in case the meeting ends up without a quorum.

Charles Frierson: I don't like the thought of having the Mayor or whoever announcing there he goes or here he comes. If you want to ask someone, like the city clerk, to be aware of that and to right the name down quietly then I agree with it.

Gene Vance: I don't want to have to ask for permission to go to the restroom in the middle of a meeting.

April Leggett: I think Donna keeps a record of that.

Bill Reznicek: There again, these are just recommendations that several people reviewed and this was a suggestion. So, that was just a recommendation.

April Leggett: I have that Councilmember McClain arrived at 5:34 p.m.

Chris Moore: I have all the faith in the world of the city clerk's office to keep up with the record.

April Leggett: I appreciate that.

Bill Reznicek: Now we jump over to page 5 of the redline version. There was a recommendation that it say, "place and date of all special meetings shall be given by the City Clerk's Office."

Chris Gibson: We need a motion on that. Councilmember Moore made a motion, seconded by Councilmember Frierson. All voted aye.

Bill Reznicek: The next one is Section 2-87 (k)(1) and this is changing the deadline for putting items on the agenda 10 a.m. on Thursday to 3 p.m. on Wednesday. This will change the procedure and allow the city clerk's office to enter all agenda items into Legistar. Ms. Jackson is concerned about the multitude of people who are entering things into Legistar today because things are not getting entered correctly. There have been issues with ordinances not being entered correctly and the publication costs, such as with the landscape ordinance, and we had the same issue with the professional services ordinance, where we'd like to change it to incorporate by reference to avoid paying a publication costs of \$1,500. The Mayor will still have a window of time where he can still override that deadline in case things come up late that we need to add to the agenda at 4 p.m. on Thursday.

Councilmember Bobby Long motioned, seconded by Councilmember LJ Bryant to approve the changes to Section 2-8 (k)(1). All voted aye. The deadline to enter items on to the agenda will be changed from 10 a.m. on Thursday to 3 p.m. on Wednesday.

Gene Vance: I have a question. You mentioned starting to do ordinances by reference. You've already bypassed that by the way that you publicized the landscape ordinance because you didn't publicize the landscape ordinance. So, why do we want to go through all of that when you're only going to publish the title?

Bill Reznicek: We didn't publish it because we just passed it.

Gene Vance: It was in the paper Sunday, but it was just the title, not the whole ordinance.

Bill Reznicek: That was the purpose of incorporating the ordinance by reference because it was a difference of a publication cost of \$50 rather than \$3,000.

April Leggett: It's 65 cents per word.

Gene Vance: How much it did it cost in the Sunday paper for the landscape ordinance.

April Leggett: I don't have the bill for that, but I would say it was probably around \$45 to \$50, where it would have been \$3,000.

Gene Vance: What I'm saying is that you've already set the standard with the landscape ordinance, so why do you want to change what you're doing.

Bill Reznicek: What Ms. Jackson is saying is that she probably would have caught that issue had she been the one controlling entering that ordinance into Legistar, rather than people in administration entering them. It was entered into Legistar without consideration to the publication cost. In fact, Ms. Jackson even went so far as to offer to do a little workshop for the

administration on basically how to right ordinances. I think she is either going to be doing that this Monday or next Monday. Ms. Jackson said there are components of it today that are not always correct and some ordinances require a lot of editing before actually making it to the agenda. It's not that she wants to stop the administration and people in other departments essentially drafting the depths of the ordinance or resolution, but she would like to at least train them on how to do it properly. Ms. Jackson or Ms. Leggett will have final control of it before it goes into Legistar. So, we think this will avoid some of the instances like the one with the landscape ordinance.

Chris Gibson: The next item is on page 7 on the redline version.

Bill Reznicek: This pertains to public comments. This is a recommendation that each person who wishes to speak be placed on the agenda prior to the meeting along with any details they intend to discuss.

Gene Vance: I don't think it would be bad for us to have a sign-in sheet for the meeting. It could be beside where the agendas are located and the people could write down their name, address and what they intend to address. I don't think that would be bad.

Chris Moore: We already ask them to give a name and address, so two of the three items are already addressed when they come to the podium.

Chris Gibson: Do we need to vote this down or just let it go.

Chris Moore: Just let it go.

Gene Vance: Can we get the procedure document emailed in color so we can actually see what was changed and what is existing.

Chris Gibson: The next change is 2-91 - Notice. It's just a housekeeping item. It states that the city clerk, not the city council, shall send notification to the parties involved of public hearings.

Councilmember Chris Moore motioned, seconded by Councilmember Gene Vance to approve the changes in 2-91. All voted aye.

Bobby Long: An idea for public comments could be to reduce the time to three minutes for each speaker and then more people would have more time to comment. You can say a lot of stuff in three minutes.

Gene Vance: If people were respectful of others they would get up there and say what they needed to say in less than five minutes and that would allow time for more people to speak. I don't think our time limit is really hurting anybody.

Bill Reznicek: Do you all have any interest in turning off the camera during public comments.

Gene Vance: I don't think so. I think it needs to be public record.

Chris Moore: The video is important from start to finish.

Dr. Charles Coleman: I was just wondering if it had been discussed about someone being the parliamentarian.

Chris Moore: I always preferred the city attorney's opinion. Even if there was a parliamentarian selected, I would probably ask the city attorney to give me a ruling on an issue. We all have the right to call a point of order during a meeting because according to the rules, all discussion has to stop. So, if somebody cuts somebody else off, any of us at any time can stop right there and call a point of order.

Dr. Charles Coleman: I was just curious.

April Leggett: I will say that when we are typing minutes, if someone talks over someone else it is very hard to get the discussion of what each person was saying. It's hard to determine what each person is saying because they get cutoff and don't finish the sentence.

Chris Moore: Let me just read the rule for you. If this rule is violated, it's up to use to call a point of order.

Chris Gibson: I think that's it for the redline version.

Bill Reznicek: There was some conversation about special called meetings. I know there was an issue with the one we did for the Finance Committee and there was a question on who had the authority to call or cancel special called meetings.

April Leggett: I believe the chair can call it or two members of the committee can call it.

Bill Reznicek: It requires either the chair or the same two members to cancel the meeting, as well.

April Leggett: Yes.

John Street: Not everybody sits in front of the computer all the time. We used to say that the city clerk would call the members that the meeting applies to. If it hasn't changed, can we start doing that? I think there'd be more chance for a quorum that way.

L.J. Bryant: I want to address that special called meeting. It seemed to me that there was an issue about the special called meeting being for specific items. I don't know if it was not clear or not in the rules.

Bill Reznicek: Yes. There was an issue on that. One of the emails that was sent was not specific enough on the item to be discussed.

Chris Moore: I can't believe I'm going to quote this off the top of my head, but I didn't look it up. The special called meeting can only address the items that were specifically listed in the request.

April Leggett: Right.

Bill Reznicek: The other aspect of that was when we have special called meetings, they have to be by unanimous vote. I don't know if we ran into the issue recently, but that was something that needed to be included on the next council agenda.

Chris Moore: In order for an item to be walked on, it has to be passed unanimously.

Gene Vance: If it passes, but not unanimously, it still goes to the council, at the next regular meeting, but it's not walked on that night.

Bill Reznicek: Let me just read this paragraph from Section 2-87 (k)(4) real quick. Any ordinance or resolution which was not included on the final agenda may only be brought before the city council after approval by unanimous vote of any city council committee with four or more council members. The councilmember moving to suspend the rules and bring the item to the floor for consideration must state, as part of his/her motion, the nature of the emergency requiring immediate action on the item.

Gene Vance: We're doing that except the last part in the sentence. We're not saying it's an emergency. My only question is, how would the Finance Committee work if it wasn't unanimous because Finance Committee doesn't meet on council nights. If they have a meeting on a Tuesday evening and City Council is the next Tuesday. Does it go to the council meeting that next Tuesday or does it wait until the next meeting?

I want to read the redline in its entirety. Send us the redline and the other copy, too. I want to read it in its entirety and I might have a bunch of suggestions.

Chris Gibson: Councilmember Joe Hafner called today and said he wasn't going to be able to make it tonight, but he has requested that the committee chair review the agenda prior to it being published. I think we discussed this the other day. Didn't we, Mr. Reznicek?

Bill Reznicek: Correct.

Gene Vance: There's nothing worse than walking into a committee meeting not knowing what the meeting is all about.

Chris Gibson: I'm sorry for not getting those out. I was under the impression they were going to be sent out. So, do we need any action to be taken on that. I don't know if we can take any action on that. Send me your feedback and we'll go from there.