



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Nominating and Rules Committee

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Thursday, July 6, 2017

4:15 PM

Municipal Center

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### Special Called Meeting

#### 1. Call To Order

#### 2. Roll Call by City Clerk Donna Jackson

*Councilmember Ann Williams came into the meeting at 4:16 p.m.*

**Present** 4 - Charles Frierson; Gene Vance; Chris Moore and Chris Gibson

**Absent** 2 - Charles Coleman and Ann Williams

#### 3. Approval of minutes

##### [MIN-17:064](#)

Minutes for the Nominating & Rules Committee meeting on June 6, 2017

**Attachments:** [Minutes](#)

**A motion was made by Councilman Chris Moore, seconded by Councilman Charles Frierson, that this matter be Passed . The motion PASSED with the following vote.**

**Aye:** 3 - Charles Frierson; Gene Vance and Chris Moore

**Absent:** 2 - Charles Coleman and Ann Williams

#### 4. New Business

#### 5. Pending Items

#### 6. Other Business

##### [COM-17:046](#)

Proposed changes to the City Council rules and procedures

**Attachments:** [Proposed Changes](#)

*Chair member Gibson said that Mayor Perrin had asked him to make sure the Council rules were following state law. City Attorney Carol Duncan and I have set down, reviewed these, and made a few changes and we wanted to present it to the committee. I think you all have had a chance to review these. Do you have any input on it? Council member Vance asked if this was the one that City Attorney Carol*

*Duncan had emailed to the members. Ms. Duncan said yes. It has the red markup on it.*

*Council member Moore said he had one item of interest on there. He said it is on Page 3, Section 2-85, Section C on Personal Interest. It says Personal Interest. No council member or other elected city official with a direct or indirect financial or personal interest in any item before the City Council shall participate in the discussion of or voting on such matter. On the proposed change area, it states, "If a Council member knows a conflict exists on an item on the agenda they should immediately state they have a conflict and exit the chamber for the discussion and voting on that item." Council member Moore said he is in favor of that, but he thinks it should read that if a council member knows of a conflict exists on an item on the agenda, they should immediately state they have a conflict and abstain from discussion and voting on that item. I don't see the purpose of having to physically leave the building. Council member Frierson said he didn't either. City Attorney Carol Duncan said that we went back and forth on that one. That was optional. That is the way that MAPC has been doing it just to remove any look of impropriety.*

*Council member Moore said that we strive for an open government and transparency and that includes the Council. I would think that you should be able to at least hear the discussion of an item. My only request would be that we strike the part where you have to physically leave the chamber. I would say that it should read, "If a council member knows a conflict exists on an item on the agenda they should immediately state they have a conflict and abstain from discussion and voting on that item." The next sentence should say, "Should a council member determine during the discussion of an item that they have a conflict in the matter they should immediately disclose such and abstain from discussion or voting on such matter." Strike through remove themselves from the chamber until the discussion and voting is complete. Otherwise, I have no objection to anything on the rest of that.*

*Council member Frierson asked if we are where we need a motion to amend. Council member Moore said that if we are in a committee meeting and we agree, then he would request to make that in the form of a motion that we make the changes I stated. Chair member Gibson stated that he had a motion to make that one change in Section C of Page 3. Council member Frierson seconded Council member Moore's motion. All voted aye.*

*Council member Moore said that the City Attorney Carol Duncan could word it any way that she wants. He just wants it to state that if a council member to state if he has a conflict and a brief reason and abstain from discussion or voting but not remove themselves from the chamber. City Attorney Carol Duncan said that she can fix that before it goes to Council. It shouldn't be a problem.*

*Council member Vance asked what if he didn't want to be called a council member. Ms. Duncan said according to state law, you are now required to be called a council member. You are no longer allowed to be called an alderman. Ms. Duncan said that was in the last legislative session. Chair member Gibson said that stemmed from one Council woman who was offended by the phrase council members and there was a State Representative that was willing to introduce it. Ms. Duncan said that it passed state legislature so she went ahead in anticipation of any future problems, she changed it to Council member and put he/she or his/her wherever we had a pronoun. Council member Moore said they determined that council members was gender specific. Ms. Duncan said she didn't know if they had made any determinations. They just determined that it was illegal to use that term according to state law.*

*Chair member Gibson said he had a motion to forward it to full council. Council*

member Moore seconded Council member Vance's motion to forward it to full council. All voted aye.

City Clerk Donna Jackson said she had a question. She said that we don't have an ordinance to adopt this. City Attorney Carol Duncan said she can get that. Ms. Jackson said the ordinance is just adopting what they have already seen. Ms. Duncan said she can draft an ordinance and get it entered into Legistar and say that the committee has already approved the rule changes and therefore it would just go straight to the Council on whichever agenda we can get it on. Council member Moore said he feels comfortable with the one change wording it the way you want.

Chair member Gibson said he didn't feel any sense of urgency on this. We did take a vote so it will be forwarded.

#### **Read**

### **7. Public Comments**

Communications Director Bill Campbell said he had just walked in. He asked if the committee had proposed a noon Thursday deadline. City Attorney Carol Duncan said she knew nothing about a noon Thursday deadline. Council member Moore asked Mr. Campbell if he wanted a copy of the changes. Ms. Duncan asked Mr. Campbell if he was referring to entering items into Legistar or approving them. Mr. Campbell said yes. Council member Moore gave Mr. Campbell a copy of the changes. He said the items they approved are in red.

Ms. Duncan asked what section that Mr. Campbell was referring to. Council member Moore said he thinks there is a section that states on Special Called meetings. Chair member Gibson said that there is, but he doesn't recall where that is at. Council member Vance said he didn't think it changed anything. Council member Moore said that it didn't change the time but it changed who could call the meetings, council members or the Mayor.

City Attorney Carol Duncan said she thought she found an error. Under C, I did add a section for Special Called Meetings. We had that confusion if you recall from earlier in the year as to who could call a Special Called Committee meeting versus who could call a Special Called City Council Meeting. City Clerk Donna Jackson asked if Ms. Duncan was on Page 1. Ms. Duncan said she was on Page 1. We had put in the Special Called Committee meetings to notify the Clerk three hours prior just because they have the two-hour deadline to notify the press and that would give them a little extra time. I just realized above that in Section C, for the actual Special Meetings we left it at two hours. I don't know if you want to be consistent and for me to make the change of notification to the Clerk from two hours to three hours prior. Council member Frierson said yes. Council member Vance said it needs to be three hours. Council member Moore said that if the Clerk has two hours to notify the press, then she needs a little time. City Clerk Donna Jackson said it has to be done two hours prior to the meeting. City Attorney Carol Duncan said the Clerk has to notify the Press two hours prior, but what she was saying was if someone calling a Special Called meeting notifies her three hours, it gives her a little leeway for the notification to occur.

City Clerk Donna Jackson said if the Clerk's office is notified fifteen minutes before the two hour deadline, is it ok if I go ahead and do it. Ms. Duncan said yes. If you have time to do it. I don't think it restricts you. I think it is just giving you a little extra time where possible. Chair member Gibson said that was where our thought processes were when we talked. Ms. Duncan said if you still have time to notify the press and you can do that and everyone that has requested. Ms. Jackson asked if it

was her decision. Ms. Duncan said that it is her decision between those two times. In the rule, we were trying to give extra time. Chair member Gibson said they were trying to give a little leeway. Council member Vance said if it is three hours ahead of time, then you are required to give the two-hour notice. Ms. Jackson said she knew, but her question is if you don't have it to me before the three hours even though I could do it, does it have to be done? Council member Moore said are you going to hold the line at three hours. Ms. Duncan said that is a question for you all. Council member Vance said that falls under discretion. Council member Frierson agreed. Council member Vance said hopefully you wouldn't do it one time and then the next time not because you didn't like what we were calling the meeting for. Ms. Jackson said that she has never done that. She said that is why she is black and white with everything. Council member Vance said let's make it where we try to give her three hours, but as long as we give her two hours plus. Council member Moore said there may come a time that she can't make it if it was after hours or a holiday or the weekend. Council member Vance said he thinks three hours is fine. Council member Moore said either we are going to hold the line for her or not.

City Clerk Donna Jackson said that as long as you don't get upset if I have 15 minutes before the two-hour deadline and I do it anyway. City Attorney Carol Duncan said she thinks that is at the Clerk's discretion to do it anyway. Chair member Gibson said he would agree with that. Council member Vance said that once we get it in the three-hour deadline, the rest is at your discretion. Ms. Duncan said we also had a discussion about notifying all three employees and we put that in there. Chair member Gibson and I had a discussion about that. Since you are typically notifying by email so they know the reason for the Special Called meeting, it made sense to us to notify all three in case Donna is on vacation, you have also notified Nikki and April. That way, all three have gotten emails so if someone happens to be out of the office, there is not any confusion as to who got the email about the message notification. Council member Vance asked a question about whether or not IT could set up an email account that they can use that will go to everybody that needs to be notified. Ms. Duncan said she thought that it could be done because they could set up City Clerk as a generic email that would go to all three people in the Clerk's office much like Aldermen, which we need to change to Council member that goes to all of you. I would think that IT could do that. Council member Vance said that would make a lot of sense because if I am in a hurry to get that to you and I don't know whom the third person is, then if I just hit the City Clerk and it goes to all three of them. Ms. Duncan said she would ask IT to do that. Chair member Gibson said he would agree with that.

Council member Moore said that if it comes down to that 15 minutes, it may be in order to comply with state law, that if we wanted to hold the meeting at 5:00 p.m. that we might have to move the meeting to 5:15 p.m. If you can't make the three-hour deadline, it might mean that you can't have the meeting at 5:00 p.m. Ms. Jackson said it is just one of those things she thinks of because a lot of times if it is a Special Called meeting like that, we have had it where it was an emergency. Council member Moore said that state law intends that it shouldn't be an emergency that can't wait two hours.

City Attorney Carol Duncan asked Communications Director Bill Campbell if he had found the section that he was referencing. Mr. Campbell said what he is seeing is in Section 2-87 on Page 4, that is down under (B)(1). It says the deadline for agenda items shall be at the City Clerk's office on or before 10:00 a.m. on Thursday. Mr. Campbell said the Mayor would like for that to be noon. He asked Ms. Duncan if she was in court on Thursdays. Ms. Duncan said never. Mr. Campbell said the Mayor thinks those two hours would be of use for us to make changes and get things on the agenda. City Clerk Donna Jackson said that we changed this some time ago. He

also has a second deadline. In other words, it is Department Heads that get the stuff to us by 10:00 a.m. It goes through the Mayor first and then the City Attorney. We put the agenda together and the Mayor's staff prints it. Then, he has until 4:00 p.m. to add or delete from that agenda. Ms. Duncan asked if so long as staff has it in by 10:00 a.m., it doesn't matter whether or not the Mayor or I have approved it. Ms. Jackson said no. By 10:00 a.m., staff or whomever is entering it, has to have it in Legistar and through the approval process by 10:00 a.m.

Mr. Campbell asked if that meant that it couldn't be edited or altered by 4:00 p.m. Ms. Jackson said that it means it can be edited and altered by the Mayor until 4:00 p.m. It can be removed, it can be amended. As far as the 10:00 a.m. deadline, I really don't have a preference. If you all want to push it back to noon, then we can work with that, but what happens is that it is right at a lunch hour. It limits the press, Council members, and other people who are trying to get in there and get it.

Council member Moore asked Mr. Campbell if that answered his question. He said that the Mayor and the City Attorney have until 4:00 p.m. Mr. Campbell said that it does and I think he is aware of that. He just felt that noon would be beneficial. I didn't have a long conversation with him. It is hard for me to speak for as to why, but he asked that I mention this to you. Chair member Gibson said that in his mind's eye that actually takes two hours away from the Mayor and City Attorney from making those edits and changes as opposed to adding a little to the timeline. Council member Moore said that by 10:00 a.m. you better have your rough copy and from 10:00 a.m. to 4:00 p.m. to edit or pull from. City Attorney Carol Duncan said that she did not have a preference. City Clerk Donna Jackson said you have to remember too that it is the public also. Mr. Campbell said that he understood. Is this is something that could be addressed again at another time so he is not failing miserably. Chair member Gibson said that they could certainly edit it on the Council floor. Council member Moore said that we can hold a Nominating & Rules Committee Meeting at any time you call it. Ms. Duncan said that this will be coming back with the ordinance so she supposes it could be amended when it is presented. It is more complicated. Council member Moore said that he likes what Chair member Gibson is saying. The closer that you get to that deadline, the less time you have to prepare or make adjustments. Ms. Jackson is right in that it goes to the Public too. If you go to noon, there are two less hours you have to make any kind of decision if you need to amend an ordinance or pull it or whatever from the Mayor or City Attorney. If everyone has to have it in by 10:00 a.m., then you have six hours to decide what you want to do as opposed to four and one of those being lunch. Mr. Campbell said right.

City Clerk Donna Jackson said that she would like to hear from the Mayor because there is probably a solution. I don't know what he is facing that is the problem. Mr. Campbell said there may be something that he is not articulating. Ms. Jackson said she is just trying to understand. For us, we can do it at noon. However, I don't know that it solves the problem. Mr. Campbell said you don't see the problem being solved by what I am proposing. Chair member Gibson said he agreed. Council member Vance said if you all can talk, we can amend this when it comes before the Council at the Council level and not have to address this again right now. Council member Moore said that he was indifferent. Ms. Duncan said she was as well. Council member Vance said he wants to make sure they can get it in Legistar on time. Ms. Duncan said that she starts checking Legistar at 9:00 a.m. on Thursday mornings and approves whatever is there. Sometimes you will check at 8:30 or 9:00 a.m. and there are fifteen things to approve in an hour. Or, sometimes there are things entered the night before and I don't see them until the next morning. However, I don't think we have missed a deadline because of that. I have called before and said I am working on this and it's going to be a couple of minutes and they are good with that. The point is if they work to the last second until 10:00 a.m. then they will work until the last

second until noon. Ms. Jackson said it is right at the lunch hour.

Council member Moore said that he was thinking there is a strategy there to bring something that is controversial and you wait until one minute until noon and you slap it on the Clerk's desk and she's gone to lunch until 1:00 p.m. and comes back at 1:00 p.m. and the Mayor has three hours between 1:00 p.m. and 4:00 p.m. to try to get the City Attorney to look at it and come to a conclusion. City Clerk Donna Jackson said this is how this works. The Department Heads, the Mayor's Office, they control all of that. They enter the ordinances into Legistar. I don't even know what they are working on a lot of the time. In order for that to go through the system, it first goes to the Mayor and the Mayor has to check his approval. Then, it goes to the City Attorney for legal reasons. Once all of that is completed, then and only then, does my office print out the agenda as to what they wanted on there. Council member Moore said so regardless to time, it has already been through both of those channels, the Mayor's office and the City Attorney's office? Ms. Jackson said that by 10 or by 12, that process has to be done in advance. But, that is only going to give the Mayor, if the deadline is 12, four hours to review it and make changes. Mr. Campbell said it would shorten that process. He might appreciate that point.

Council member Frierson made a motion to keep the deadline at 10:00 a.m. That gives Mr. Campbell an excuse with the Mayor that the committee wanted to keep it as is. Council member Moore seconded that motion. Chair member Gibson said he had a motion and second to keep the deadline at 10:00 a.m. All voted aye.

Chair member Gibson said that we would keep it at 10:00 a.m. and amend it on the Council floor if needed. Council member Moore said if the Mayor has a legitimate reason why that is not working, we will amend it on the floor if we need to when it is proposed.

## **8. Adjournment**

**A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this meeting be Adjourned . The motion PASSED with the following vote.**

**Aye:** 4 - Charles Frierson;Gene Vance;Chris Moore and Ann Williams

**Absent:** 1 - Charles Coleman