

CHARTER CHANGE COMMITTEE

Thursday, March 23, 2023

Via Zoom (Remote)

DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Traverse

Staff Present: Kim Sturtevant (Acting City Attorney)

Others in Attendance: Melo Grant (Councilor-Elect)

Meeting called to order at 7:04 PM.

1.0 Agenda

1.01 Motion to amend agenda

Motion by Councilor Carpenter, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Adopt Minutes from 02/27/2023

2.01 Adopt Draft Minutes from 02/27/2023

Motion to Adopt Minutes from 02/27/2023 without changes.

Motion by Councilor Carpenter, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous.

3.0 Public Forum

Melo Grant gave public comment during the Council Rules discussion.

4.01 City Council Rules

Bergman: We started last meeting on Rule 4. The yellow highlights are things we worked on last meeting.

Attorney Sturtevant: The yellow highlights were my changes per the Committee recommendations from last meeting. I can get you a copy with the totality of the changes that we have done since the beginning.

Bergman: I see now that Melo Grant is here. Feel free to open up the rules document on the agenda so you can follow along and perhaps offer some comments. Moving on to Rule 5. I see no changes to 5a, but some changes to 5b.

Traverse: Going to the beginning of the Rules, we have both a 1 and a 1A. I think we should renumber the rules after making 1A into Rule 2. In addition, many of the rules have brackets and I think we should remove them to clear up the table of contents.

Carpenter: I agree we should clean it up if we can do so without making a mess.

Bergman: I also agree, motion by Traverse and second from Carpenter. All in favor? Unanimous.

Traverse: My substantive question is on the language around the term City Council. Rule 11 states the rules on yeas and nays, but there are still some instances of different language with regards to majorities. Do we mean a majority of those present and voting or just a majority of those present? Rules 4, 7, 17, and 18 all use different language on what constitutes a majority. I think we should come to a conclusion on whether we want to use majority present or majority present and voting.

Bergman: So the issue is adding the term 'and voting' to these instances. Rule 11 already has the exception clause, so we do not need to add such a clause. I would entertain a motion.

Traverse: So moved.

Carpenter: I second.

Bergman: All in favor? Unanimous. The amendments pass. Back to Rule 5b.

Melo Grant (Member of the public, Councilor-Elect): Why do we limit public forum?

Carpenter: I think it was a matter of allowing the Council to get work done on meeting nights. Council business can sometimes start very late because of lengthy public comment.

Traverse: This was a recommendation from the ad-hoc committee. I generally agree that there should be parameters to ensure we get to Council business.

Melo Grant: I think this is not a good idea for a variety of reasons. We used to give three minutes, it has been cut to two minutes. Previous Councils really tried to limit what people would say, such as not repeating what has already been said. We had very lengthy issues on public safety. There were some insensitive things said by Councilors. Listening to constituents is part of the Council's work. To allow people to speak is an easy win. I was not involved in the working group. We are already limiting people to two minutes. I do understand how exhausting the forums can be for Councilors.

Carpenter: If there is a hotly contested item we should have extra time for public forum, but the issue comes when we are going to be working on other items to attend to. We usually know how many people are going to speak so we can plan ahead.

Traverse: Sixty minutes is actually already an extension from a previous 30 minute limit. We are also allowing the Council to extend the limit and not just limiting that power to the President.

Melo Grant: I don't know how many people usually sign up ahead of time versus just show up.

Carpenter: We have to queue up the rest of the meeting and manage the agenda items beyond just public forum.

Melo Grant: We can still set aside time for public forum and adjust based on how many sign ups there are.

Bergman: I don't like the limitation and think it should be stricken, as I voted last meeting. I would be happy to second a motion to eliminate the time restraint.

Traverse: I am not inclined to remove it altogether. We also have a hard stop in the rules at 10:30 PM unless we suspend the rules. If we don't have a collaborative Council, then there is the potential for some funny business around that. I would be open to extending the time period to 90 minutes, but I am against leaving it open-ended. Unfortunately, some public forum is toxic and not productive and we have seen that in the past.

Carpenter: I like leaving it at 60 minutes with the Council having the ability to extend by a vote. We could have a regular public forum and then more at the end of a meeting if needed. We receive a lot of written comments on agenda items and those are also included in the public agenda. I think written comments are generally better anyhow. We can also set up specific public forums for specific topics.

Bergman: I would move to extend the time limit to 90 minutes if that is amendable.

Traverse: I second.

Melo Grant: I have another comment. If a forum goes long then it is going long for a reason. The Police Commission has had five hour meetings too, I understand. Are we really going to stop people from speaking? That's the end of my comment.

Bergman: We have a motion that has been seconded. We shall go to a vote for Rules 5 and 15 regarding the time limit.

Traverse: Before we vote, I understand the concern around this. But, most public bodies put time limits on public comment and testimony for good reason. The model rules put out by the VLCT suggests 30 minutes, I am in favor of longer. If people are still looking to speak, they need to sign up in advance and we do have to get to the Council's business.

Melo Grant: The Council's business is the people's business. We had a hurtful comment from a former Councilor and implied that some business was more important than other business.

Carpenter: There is a section that anyone can post written comment as well.

Bergman: Shall we vote. Traverse and myself are yeas, Carpenter is a nay. The yeas have it and the rule will be adjusted to 90 minutes. Moving to Rule 6. I see no changes to Rule 6, on to Rule 7. I see no changes from what the ad-hoc group did. On to Rule 8. Looks like we removed 'when necessary.' Rule 9, no changes.

Carpenter: Back in Rule 8, we will have to adjust the references to the numbering of Rules.

Bergman: Yes, we will do that, thank you. No changes to Rule 9 other than the brackets. No changes to 10 and 11. Rule 12 is where we moved the committee absence language.

Carpenter: Could we ever end up in a situation where a Councilor only goes to every third meeting and still be in compliance?

Bergman: I suppose it is possible.

Carpenter: That is a situation I want to avoid as it is counterproductive. I suspect that is why the working group put three in a Council year.

Bergman: I think some of this is a political issue rather than a rules issue.

Carpenter: Exigent circumstances aside, a committee is not really functioning with two people at most meetings. I would feel better about changing to missing three meetings in six months rather than a year.

Bergman: Our committee is certainly diligent and we have a lot of work to do, I don't think most committees are as diligent as we are. I am not inclined to change this.

Carpenter: This is very committee-specific based on how often it meets. I don't know how to write that in.

Bergman: If there is a motion we can take that up.

Carpenter: I move to changing the rule to three meetings in six months rather than a year.

Traverse: I second.

Bergman: I oppose, that is too easy to remove Councilors from committees.

Carpenter: If the Councilor has an exigent circumstance like being sick or stuck in an airport, I don't think that should count. We could strike the prior approval language. Without having a good reason, missing three meetings in six months is a lot.

Bergman: I don't think so myself.

Traverse: I have a different take on this. Right now, the President has all the power to move people around on committees. I think right now the President has the power to remove someone for any reason. I think by adding language at all, we are constricting the President's powers. Then, in the future, someone might interpret absences as the only reason to remove someone from a committee. I am open to this amendment. What about if someone misses three consecutive meetings in six months?

Bergman: I understand the desire for the language 'for good reason.' Good reason is less than exigent as that is a pretty high bar. If the work can get done without one Councilor, then I am in favor of being lenient. I feel like this could be used as a political cudgel. Perhaps we change it to 'without good reason' instead of 'exigent.'

Carpenter: The point being that Councilors should show up unless they have a good reason to be absent.

Bergman: Carpenter moves to adjust the language, Traverse seconds. All unanimous in support of the change. Rule 13, I see no changes.

Attorney Sturtevant: Regarding Traverse's earlier clarification, do we want the voting language in this rule to be consistent with those other rules?

Bergman: I think logically it relates and flows from the previous section. Ben, any thoughts on this?

Traverse: Yes, that is fine.

Bergman: Moving to Rule 14, no changes. Rule 15, there are suggestions from the working group. We have dealt with the extension issue previously. We deleted the Councilor reflection section in this. No indication we want to reopen any of this? Rule 16, sections a, b, and c are all the same. Rule 17 is only the small 'present and voting' change. Looking through these last ones, I think they are fine. I am going to write a memo on this for the Council meeting on March 27. I hope we will have the minutes ready by Monday. I will circulate a tracked version of the rule changes.

5.0 Other Committee Business

Carpenter: I know we are hoping to get some joint meetings with the Public Safety Committee set up and hopefully we can work on scheduling that in the next few months.

6.0 Adjournment

Motion to Adjourn.

Motion by Councilor Carpenter, Seconded by Councilor Traverse.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:37 PM.