

DURHAM CITY COUNCIL PROCEDURES COMMITTEE MEETING
Tuesday, June 18, 2019 @ 3:00 P.M.
2nd Floor Committee Room – 101 City Hall Plaza

Pursuant to the proper notification, the Durham City Council held a Procedures Committee meeting on the above date and time in the City Council Committee Room located at 101 City Hall Plaza with the following members present: Chair and Council Member Charlie Reece, Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Member Vernetta Alston. Absent: None.

Also present: Council Members Javiera Caballero and Mark-Anthony Middleton; City Manager Tom Bonfield, City Attorney Kim Rehberg and City Clerk Diana Schreiber.

Chair Reece called the meeting to order, welcomed all in attendance and stated the purpose of the meeting was to discuss various topics pertaining to Council procedures.

SUBJECT: APPROVAL OF MINUTES DATED 2/14/2019

Correction made on page 2, elimination of the duplicated word, 'fund'.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Alston, to approve the minutes as amended. Motion passed unanimously.

SUBJECT: UPDATE FROM THE CITY ATTORNEY ON OPEN ITEMS FROM PREVIOUS MEETING

Chair Reece and Interim City Attorney Rehberg met on April 30th to discuss outstanding items to the Procedures Manual. City Manager Bonfield recommended that the sections of the Council's administrative procedures be placed on an upcoming agenda for approval by Council.

1. Internship Policy – Information would be sourced from the 2/14/19 minutes; it was advised to incorporate the information into the Procedures Manual as Attachment E.
2. Travel & Training transfers - Eliminated approval process of requiring a Clerk form that detailed travel and training transfers between council members.
3. Public Comment Period- refer to the previous minutes. Chair Reece would work with the City Attorney on the language.
4. Role of Liaisons - Requested clarity on liaisons to certain boards who are appointed to be liaisons to other boards- what was their voting status. Bylaws are housed in the City Clerk's Office and therein, define the categories of members. DOST, Cultural Advisory Board and DPAC were mentioned as having exceptions. It was suggested that a letter be composed to each board from the City Attorney to outline the responsibilities of liaisons versus the eligible voting members, unless there was a specific regulation in the bylaws allowing liaisons to vote and if liaisons attending board meetings (from other boards) were intended or not intended to be voting members- aka the cross pollination effect.

Attorney Rehberg would work together with Ms. Brooks to review the board, committee and commission bylaws to determine which boards had what type of liaisons and from what sources (other boards, community at large, etc.).

5. Role of Council Members on appointed boards- should council members have the option or right to vote, participate in quorum and giving campaigns, etc. on appointed boards. Ancillary board activities of Council and Council's roles would be investigated by the City Attorney's Office. City Attorney Rehberg stated her administrative assistant would contact the boards to inquire about bylaws, expectations from the Council liaisons and if voting was required by council liaisons.
6. Attendance Policies of volunteer boards– clarify the threshold for removal of board, committee, commission member. Council utilized its own attendance policy stating members should attend at least 50% within a given twelve-month period. Attendance Report provided by Clerk once a year to Council. When a member was out of compliance, the Clerk notified the Chair of the body in writing. When the subsequent report (one year later) indicated the same member remained non-compliant, the Clerk notified the board member of their removal.

Typically, when the Clerk contacted the Chair, the Chair reached out to the board member. More often than not, the member either reaffirms their commitment to attend meetings or resigned.

Certain boards have their own attendance requirements that were more strenuous than the 50% requirement and any deviation was specifically mentioned in the bylaws. Support was voiced for a more stringent requirement (above 50%) but it was the consensus of the Procedures Committee members to not fall below the 50% threshold. Attachment A, paragraph 20 - Add language, "Provided that the 50% requirement set in this section represented the minimum threshold." It was the consensus of the Procedures Committee to support this added language.

Assistant Clerk Brooks explained the attendance report process and communication between the City Clerk and chairs.

SUBJECT: ADDRESSES ON BOARD APPLICATIONS

Attorney Rehberg summarized there was not a statutory requirement to physically collect addresses; offered a question with a check mark 'Are you a resident of the city of Durham' where a volunteer could attest to the truth of that answer; or volunteers could verify their addresses when submitted to the Clerk's Office, the attending Clerk could check the address as properly residing in the city of Durham but not record it; spoke to in-person residency and property tax verifications- the Clerk could ask, 'Are you a taxpayer, do you own personal or real property in the city or county and go onto the tax collection website, search the name, verify they are current and be done with it and not record anything.'

City Clerk Schreiber inquired about the timing of the in-person verifications: was it at time of application, prior to nomination or post nomination - prior to appointment.

Council Member Caballero favored a check box to affirm or not. Attorney Rehberg restated the committee's intent was, for individuals not wanting to provide their addresses, was to require, at point of application, an applicant would come to City Hall for the Clerk to verify their tax obligation and residency in person, referred to as self-verification or in-person verification; and emphasized that the whole point of this was to remove barriers.

Council Member Alston inquired about the current tax check and residency process and supported the verification occur once at the point of application and prior to the name being placed on the ballot.

Mayor Pro Tempore Johnson spoke to applying on-line where an appointment could be made for an applicant to come into the office where the Clerks would check the applicant's residency and tax obligation before an application being placed on the ballot; and for an applicant coming in without an appointment with a paper application could represent a workflow issue.

Ms. Brooks voiced the fact that almost all applications were submitted on-line.

Mayor Schewel expressed concerns about the time the new process would take on staff and individuals wanting to apply for boards; suggested to offer a choice, list your address and apply on-line; or, if you did not want to list your address, you can attest or self-verify by coming to City Hall. He summarized by stating that having applicants come down to City Hall would limit access.

Council Member Caballero was supportive of the alternative way to apply since it offered applicants a choice of how to process their applications.

Chair Reece suggested placing a check box on the form instead of putting your address, applicants could come in for in-person verification; and an automatic email would be sent out explaining to the person that they need to come into the Clerk's Office.

Council Member Middleton inquired if using some type of electronic interface to verify, did that not still create a public record.

Attorney Rehberg stated the information would be captured in the search history on staff computers. She stated that the Clerk would be using a county database to conduct the searches and that the Clerk would not be creating or generating information.

Ms. Brooks explained the tax check process with Durham County Tax Department. She stated that she sent out an email with the spreadsheet containing applicants' names and emphasized that it was necessary for a Tax Office staff person to verify tax obligations. It was difficult to accomplish the verification task on the Clerk's end since the County database may not be up to date.

Chair Reece summarized that it sounded like, given the way that the verifications were conducted, that there was not a way to prevent the recording of information somewhere.

Council Member Alston suggested a check box for in-person verification be on the application that directed the applicant reach out to the Assistant Clerk's phone number to arrange an appointment.

Mayor Schewel empowered the Chair of the Committee to work out the final details. There was consensus on the Procedures Committee to do this.

Chair Reece summarized that by his understanding of the Procedures Manual, stated that this was something within the Clerk's purview to determine the right way to go about performing her duties. He pointed out that the Procedures Manual did not obligate the City Clerk to verify tax status but merely *authorized* the City Clerk to verify tax status. The Procedures Manual required all persons appointed to boards, committees and commissions be non-delinquent in their taxes but did not require verification, it only authorized the Clerk to verify tax status.

Council Member Middleton asked about verification.

Chair Reece explained what the Procedures Manual said related to the Clerk and verification. Considering the fact that the Clerk was authorized to make the verification, suggested that the Clerk should engage in the verification; however, there could be other interpretations of the Procedures Manual.

Council Member Middleton asked about the Clerk's authorization.

Chair Reece responded that in accordance to his research, Council was not required to collect addresses and the Procedures Manual suggested nothing required verification of tax status. If the Clerk decided that the best way to handle it was to require attestation of a person being up-to-date on their property taxes, there was nothing in the Procedures Manual that required a different outcome.

Council Member Middleton stated that Council required people serving on boards be current on their taxes.

Chair Reece responded that if applicants attest they were, the rules permit that as sufficient. And if Council found out an applicant was not current on their taxes, Council could remove them and make another appointment. Council's rules do not require verification, they required persons be current on their taxes, and did not require Council to check on applicants.

Mayor Schewel stated that verifying applicants was easy.

Chair Reece stated that in the majority of cases, the person would fill out the form online and put their address on and it will work exactly the way it works now. Where someone wanted to come in and do an in-person verification, that process would go forward and we would figure out how that process would go forward.

Council Member Caballero noted that the Clerk's Office was on-hold to release the vacancy process for the Mayor's Hispanic/Latino committee until Council could reach consensus; and did not want to wait until next Procedures Committee Meeting.

Council Member Caballero stated the bylaws had been approved by Council; the Clerk was ready to set the application to go *live* but wanted to have to questions around addresses answered.

SUBJECT: OTHER BUSINESS

Mayor Pro Tempore Johnson addressed the concept of access in the form of stipends for volunteers of boards, committees and commissions. She stated that other forms of access could be reflected by offering childcare, interpretation, food, etc. and suggested putting this topic on a future Procedure Committee meeting agenda.

Chair Reece addressed the concept of volunteerism versus stipends. He was open to suggestions about how to address the topic and engaging the broader community.

Council Member Caballero referenced work being conducted in Charlotte pertaining to race equity and inclusion. She mentioned the new city office of Equity and Inclusion and Sharon Williams' role in devising a good fit for Durham.

City Manager Bonfield spoke to the overall strategy with the Department of Equity and Inclusion by stating that each department would be responsible for evaluating and working with staff to evaluate those types of operational issues.

Chair Reece stated he would send an email to the Clerk and Manager about this specific issue and requested guidance in the form of best practices.

SUBJECT: PUBLIC COMMENT

There were no speakers signed up for Public Comment.

There being no additional business to come before the Committee, the meeting was adjourned at 3:56 p.m.

Diana Schreiber
City Clerk