

THURSDAY-2:00 P.M. OCTOBER 9, 2008 SPECIAL WORK SESSION

The City Council of the City of Elizabeth City held a work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Members of Council in attendance were: J. M. Baker, D. B. Evans, L. A. Hummer, R. E. King, B. S. Meggs, E. K. and Rivers, J. A. Stimatz. Member V. C. Watts was absent. Staff members in attendance were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan and Deputy City Clerk V. D. White.

Mayor Atkinson opened the meeting and welcomed those in attendance. He advised that the purpose of the meeting was to allow Fleming Bell from the School of Government address Council regarding council policies and procedures. He then called upon Councilwoman B. S. Meggs for the invocation.

Following the invocation the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor Atkinson called for action on the prepared agenda.

A motion was made by Councilwoman L. A. Hummer, seconded by Mayor Pro Tem J. M. Baker to approve the agenda as presented. Those voting in favor of the motion were: Hummer, Baker, Evans, Meggs, King, Rivers and Stimatz. Against: None. Motion carried.

2} PRESENTATION/DISCUSSION – COUNCIL POLICIES AND PROCEDURES:

Mayor Atkinson recognized A. Fleming Bell, Professor of Law, School of Government – UNC Chapel Hill, North Carolina for comments.

Mr. Bell started his discussion speaking on why use formal procedures. In his opinion it is one way to assure fair treatment for all members of the Council. He briefly went over the twelve principles that govern procedure in decision making by the governmental body. Most importantly councils need to adopt a code that requires everyone to have and show respect for each other. The following is the twelve principles:

- 1} The Council must have legal authority to act.
- 2} The Council can take formal, binding action only at a validly called and held meeting.
- 3} Proper notice to all the members is required.
- 4} A quorum of the voting members must be present.
- 5} The Council must have a question to decide, which is capable of being answered "yes" or "no". Exception is election of officers or making appointments.
- 6} One main question may be pending at a time.
- 7} Debate must be allowed.
- 8} A formal vote is required.
- 9} A question is decided by a majority of the valid votes cast with a simple majority usually being sufficient.
- 10} Fraud, trickery and deception are not allowed.
- 11} Decent speech and decorum are required, with no disrespect of other members and no questioning the group's own integrity.
- 12} Actions and decisions must not violate law.

Some other related procedural principles are:

- 1} The Council should proceed in the most efficient manner possible.
- 2} Every member should have an equal opportunity to participate.
- 3} The Council's rules of procedure should be followed consistently.
- 4} Decisions should be based on the merits, not on manipulation of the rules.
- 5} Make sure your rules help, not hinder (Bell's caution).

He discussed how small councils are different and quorums. He advised to seldom have the Clerk to write verbatim minutes as minutes should be only action taken. When making motions speak clearly in order that the Clerk can get the entire motion written down. If you give an extremely long motion, write it down and hand it to the Clerk.

He went over the important roles of the Mayor and the different types of motions. While the task of preparing the agenda may be delegated the Council is ultimately responsible for approving its regular meeting agendas. Items such as what should be included or should not be included, what does the open meeting law require, what is the order of business and how should citizen comments be handled should be decided before you get to the meeting.

He talked about the law for mandatory public comment periods. This law applied to Boards of County Commissioners, City Councils and Boards of Education. The law requires that each board must provide at least one period for public comment per month. He noted that no public comment period is

required, if there is no regular meeting during the month. Some of the rules that may govern the public comment period are as follows:

- 1} Time limits for each speaker.
- 2} Designation of spokesperson for groups supporting or opposing the same position.
- 3} Selection of delegates from groups on each side.
- 4} Providing for maintenance of order and decorum in the conduct of the hearing.
- 5} Allowing for removal of persons who disrupt the meeting and refuse to leave.
- 6} All subjects within the local government's jurisdiction probably must be allowed.
- 7} Council must make sure that all viewpoints are allowed to be heard.
- 8} Criticism of the Council must be allowed, even if it is not always polite.
- 9} Criticism of employees probably may be limited; if there is an alternate way to share concerns (Manager or Council in a Closed Session).

Questions were asked of Mr. Bell by members of Council such as when a member of Council is allowed to be excused from discussion or voting on an issue in conflict; how do you keep Council focused on important issues and the best way to bring a dragging discussion to an end without slighting individual members.

Mayor Atkinson thanked Mr. Bell for his participation and stated that Council and he will take all he has spoken about and incorporate it into the rules and procedures for Council.

3} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 4:00 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor