


STAFF REPORT

TO: Mayor and City Council

FROM: Robert W. Oast, Jr., City Attorney 

SUBJECT: Amendments to Council's meeting schedule and rules

DATE: 3/25/08

Summary Statement: Consideration of resolutions implementing changes to Council's meeting schedule and rules, as discussed at the March 18, 2008, worksession.

Review and Analysis:

A. Worksession meeting time. At the March 18 worksession, Council indicated that it wished to change the schedule for worksessions so that the meetings would begin at 3:00 p.m. This is a return to the schedule that was in place prior to 2006, except that the meeting on the first Tuesday, which used to be a worksession, is not being held, in lieu of the Council committee structure. The first attached resolution amends Rule 1 to implement this change to Council's regular meeting schedule.

B. Worksession processing, agenda submittal deadline. Council also indicated that it wished to clarify the rules regarding taking action and receiving public comment at worksessions (essentially, codifying the practices that have developed over time), and to modify the submittal deadline for agenda items.

The second attached resolution amends Rule 1 to defer to the resolution that Council adopts at least annually regarding its meeting schedule, and to address the issues regarding action and comment that Council discussed. This resolution also revises the agenda material submittal deadlines in Rule 4, not only as to when the deadline is, but also to recognize the effect of the worksessions on Council's schedule. This amendment also provides for modification of these deadlines in appropriate circumstances.

A copy of an excerpt from the draft minutes from the March 18 meeting, when these matters were discussed, is attached for Council's information.

Pros:

- Implements Council's direction as to schedule changes
- Provides clarification as to purposes and procedures for worksessions
- Adjusts submittal deadlines to recognize re-institution of worksessions
- Eliminates potentially confusing redundancy between rules and resolution regarding meeting schedule.

Cons:

- None noted

Recommendation: If the resolutions meet with Council's intent, adoption is recommended.

Attachments:

- 1) Resolution implementing changes to Council's meeting schedule
- 2) Resolution amending rules 1 and 4 of the Rules of Procedure for City Council (with Exhibit)

Tuesday – March 18, 2008 - 5:00 p.m.

Worksession

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Jan B. Davis; Councilwoman Robin L. Cape; Councilwoman Diana Hollis Jones; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; Councilman William A. Russell Jr.; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and City Clerk Keisha Lipe

Absent: None

WORKSESSION RULES

Mayor Bellamy felt that since this was the first worksession in a couple of years, worksession rules should be established, which will be formally adopted at a formal meeting. There was a brief discussion and consensus of the majority of Council on the following items:

- Worksessions will be held on the third Tuesday of each month
- Worksession will begin at 3:00 p.m. (Councilwoman Jones noted that she may not be able to be at the 3:00 p.m. worksession since it a change from the 5:00 p.m. meeting time.)
- Public comment will not be allowed at worksessions (with Council having the ability to waive the rules, if necessary)
- Limited use of taking formal action at a worksession (with notice on the worksession agenda that it would be the intent of Council to take action and public comment being allowed on that matter)
- Public speaking time limits same as formal meetings
- Board/Commission interviews and/or appointments to be considered at a worksession with interviews and formal actions being taken at the next formal meeting
- Meetings with other governmental bodies will be held at worksessions (but if the worksession date is not available to the other body, Council may schedule such meetings at other times, including formal meetings or special meetings), understanding that Council can adjourn the meeting to re-convene the meeting at another location
- Effective April 1, 2008, Council and staff reports will be due to the City Clerk 8 days before the formal meeting or worksession.

BUDGET CALENDAR/GENERAL OBLIGATION BONDS

Chief Financial Officer Ben Durant said that this is the consideration of the proposed Fiscal Year (FY) 2008-09 Budget Preparation Schedule and a possible November 2008 General Obligation (G.O.) bond referendum.

Mr. Durant presented the FY 2008-09 budget schedule (important dates that involve Council, including the proposed dates for budget worksessions in May), reviewed the Capital Improvement Process (CIP) and asked for direction on enhancing the CIP via a G.O. bond referendum.

Regarding the budget schedule, (1) it is a tight budget year; (2) staff is currently completing technical reviews; (3) there will be a budget preview at the April 15, 2008, worksession; and (4) budget worksessions are scheduled for May and June, 2008. The FY 2008-09 budget is scheduled for final adoption on June 17, 2008.

RESOLUTION NO. 08-

RESOLUTION MODIFYING ASHEVILLE CITY COUNCIL MEETING SCHEDULE

WHEREAS, pursuant to N.C.G.S. 160A-71, and Sec. 8 of the Asheville City Charter, the City Council has the authority and the obligation to fix the time and place of its regular meetings; and

WHEREAS, the schedule of City Council meetings for 2008 was established pursuant to Resolution No. 07-208, adopted November 7, 2008; and

WHEREAS, by Resolution No. 08-50, adopted on March 11, 2008, the meeting that occurs on the third Tuesday of every month was designated a worksession; and

WHEREAS, the City Council desires to amend its meeting schedule to provide for worksessions to begin at 3:00 p.m. on the third Tuesday of each month;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The worksession meeting that occurs on the third Tuesday of each month shall begin at 3:00 p.m., and shall be held in the Council Chamber on the second floor of the City Building, Asheville, North Carolina.
2. Resolutions No. 07-208 and 08-50 are hereby deemed amended to conform to this Resolution.
3. This resolution shall be filed with the City Clerk pursuant to N.C.G.S. 143-318.12.

Read, approved and adopted this 25th day of March, 2008.

City Clerk

Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 08-

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City Clerk

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EXHIBIT A
City Council Rules of Procedure
Amendments – March 2008

1. MEETING SCHEDULE

Pursuant to N.C.G.S. 160A-71, the City Council shall establish its regular meeting schedule by resolution, which schedule may be amended from time to time. A copy of the regular meeting schedule shall be filed with the City Clerk as provided in N.C.G.S. 143-318.12, and otherwise as required by law, and shall be attached to these Rules as an Appendix. Regular meetings may be designated as "formal meetings" or "worksessions."

The primary purpose of worksessions, whether they precede the formal meetings or are conducted solely as worksessions, is to inform the council of matters over which the council has concern, including upcoming agenda items. The focus of the worksessions will be receiving reports from the staff and other professionals reporting to the council; meeting with representatives of other governmental bodies, including boards and commissions appointed by the council; and receiving such additional information as the council may deem appropriate in carrying out its duties.

Formal action in the form of ordinances and resolutions will ordinarily not be taken at worksessions; however, council may provide direction as to those matters coming before it at worksessions. Because of the nature of worksessions, and because opportunities for public comment will be provided for any item when said item is scheduled for action by the council, public comment will not ordinarily be taken at worksessions.

Notwithstanding the foregoing, worksessions are regular meetings of the council, and council is not precluded from suspending its rules and taking action when it is necessary or expedient to do so. In such event and to the extent practical, the possibility that council will take action on an item will be noted on the published worksession agenda, and public comment as to that item will be received. The council may in any case suspend the rules to allow public comment as to any item under consideration at a worksession. If public comment is allowed at a worksession, the rules governing public comment, including Rules 7 and 7.5, will apply.

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(Amendments to Rule 4 appear as strikethroughs and underlines.)

4. AGENDA

- (a) The city clerk shall prepare the agenda for each meeting as directed by the mayor and the city manager. Any council member may have an item placed on the agenda so long as the request is timely and is consistent with the notice

requirements of Rule 2, if applicable, and subject to other requirements set out in these rules. A copy of all proposed ordinances shall be attached to the agenda.

- (b) An agenda package shall be prepared that includes, for each item of business placed on the agenda, as much background information on the subject as is available and feasible to reproduce. In order to facilitate preparation of the agenda package, written materials (including display materials) that will be used in presenting an agenda item, including presentations by Council members, shall be provided to the city clerk no later than ~~two Friday~~eight calendar days prior to the day of the meeting at which the item is scheduled. For example, information to be considered at a meeting scheduled for the third Tuesday should be submitted to the city clerk not later than 5:00 p.m. on the Monday preceding the second Tuesday. The preceding sentence does not apply to items originating with the city manager or city attorney, or that were considered by the council at a preceding worksession, and scheduled for a formal meeting at the direction of council. For good cause, the submission deadlines set out herein may be modified with the consent of the mayor. Each council member shall receive a copy of the agenda and the agenda package, and they shall be available for public inspection and distribution or copying when they are distributed to the council members.
- (c) The council may by majority vote add items to or subtract items from the agenda, except that (i) the council may not add items to the agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (ii) only business connected with the emergency may be considered at an emergency meeting.
- (d) The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for person attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on are available for public inspection at the meeting.