



Meeting Minutes

GOVERNANCE COMMITTEE

Monday February 28, 2022 at 10:00 a.m.
City Hall in Conference A

Members Present: Councilor Katherine Cook, Chair, Councilor Vincent Lombardi, both in person; Councilor John Tabor, by Zoom

Staff Present: Karen Conard, City Manager
Synthia M. Ravell, Legal Administrator

Members of the Public: Ann Walker (in person); Richard Gamester and Nancy Pearson (each by Zoom)

Members of the public were able to participate by Zoom.

1. The meeting was opened at 10:04 a.m. by Councilor Cook.
2. Roll call taken of those present and recorded above.
3. Councilor Cook discussed Rules 41 and 43B

Rule 41 – currently no changes

Rule 43B – Public Dialogue; no more than three (3) councilors for public dialogue sessions

Councilor Lombardi defined public dialogue as people seeking answers to questions where public comment is people giving their opinions

Councilor Cook stated she would bring language to the next meeting regarding public dialogue for discussion

4. Councilor Lombardi discussed other City Council Rules revisions

Work Sessions – Rule 3 comment; labeled as a work session but would have a quorum. City Manager Karen Conard said she would get clarification from Legal Department

Rule 14 – privilege question; Councilor Cook questioned privilege usage; City Manager Conard will get clarification from Legal Department

Rule 34 – discussion regarding City Clerk attending all meetings and Executive Session needs clarification what the Executive Session is for; City Manager Conard noted the session is without staff but needs someone from Legal

Rule 47 – Prohibits anyone from serving more than 10 years; is this something we want?

Possible suggested new rule regarding unbudgeted expenditures

Ethical – suggestion to Rule 21, add word ethical

Councilor Cook – get changes to legal counsel for redlining for next Governance Committee meeting

Chair shared various Council Agendas

Councilor Tabor – discussion regarding changes about expenditures; City Manager regarding Supplemental Appropriation

Councilor Lombardi – clarify to include anticipated liability

City Manager Conard – obtain legal clarification

Councilor Tabor – obtain City Manager input, her budget with Council support

5. Councilor Tabor discussed Ethics

Make clear complainant bears the burden of proof

Standards of evidence – obtain legal clarification

Due process

Committee – power of discovery

Consider hearings should be public with provision for deliberation in non-public

Committee should make written finding with recommendation of sanctions or penalties to governing body

Member of governing body needs to recuse themselves from voting

Currently four (4) members – so that there is no tie votes, number of members should be either three (3) or five (5); possibly four (4) chosen by lot with one (1) chosen by Mayor

Motion to suspend rules to allow public comment by Councilor Lombardi, seconded by Councilor Tabor, with a roll-call vote. All in favor.

6. Public comment was received from:

Ann Walker – concur with the Committee’s discussion regarding ethics; with respect to the last ethics complaint, what was written was ignored and wasn’t even put on file

Richard Gamester – concurs with the Committee’s discussion regarding ethics and Ann Walker’s comments; it was a difficult set of rules to work under; recommendations should be strongly enforced; clean-up how it is handled following completion of Ethics Committee findings

Councilor Tabor – City Council needs to follow advice of Ethics Committee and not ignore it; will speak with City Attorney to consider ways governing body has to follow through

Ann Walker – at end, vote was unanimous

Richard Gamester – hear from complainant of last Ethics complaint matter

Motion to suspend the rules to allow comments from Nancy Pearson; motion made by Councilor Lombardi, seconded by Councilor Tabor, with roll-call vote. All in favor.

Nancy Pearson – important for policy updates regarding ethics; found process murky and vague with narrow parameter; unaware of steps once formal complaint was sent to the City; onus of responsibility is on complainant with the process overly burdensome and favors the accused; need skill set to navigate the process; City should appoint a legal advisor for the complainant to help navigate through the process; complainant should be interviewed by Ethics Committee; Ethics Committee should be responsible for discovery, not complainant; ruling and recommendation by Ethics Committee should be followed with no voting by the accused.

Councilor Lombardi – asked for Nancy Pearson to submit her items in writing for review

Councilor Tabor – an ombudsman, legally trained to assist or outside counsel, to help complainant

Richard Gamester – if unanimous vote and it goes to the governing body and nothing is done with it, ‘do nothing’ should never be part of the process

Ann Walker – concurs with Richard Gamester and Councilor Tabor

Councilor Tabor – how to proceed on working towards changes; legal staff to take points made and come up with new draft language; get expert opinion

Points on what constitutes an ethical violation

- No financial gain, but public official appeared – self-interest; undermined legislative intent
- Language about divulging public info, which is vague and right now has no sanction/penalty
- Representations made/shared

Councilor Lombardi – good points

Councilor Cook – need clarification from Legal; should be serving or served but no longer serving

Councilor Tabor – will talk with legal counsel; will make points in writing then will take to City Attorney and then bring back

Councilor Lombardi – will be happy to meet

Councilor Cook – move on, bring back topic for next meeting

Councilor Lombardi – it occurred to him regarding email process coming through City website; Councilor Bagley responds to most, is he representing Council when replying to emails? (when he or anyone replies)

City Manager will obtain legal counsel clarification

Councilor Cook – report back from Legal; rules; copies with changes from Legal; continue discussion of ethics with recommendations and definition of violation; request back regarding City Council emails regarding volume and responses

Public comment ended at 11:25 a.m.

Nancy Pearson made final comment in full support of public dialogue, updated, streamlined and inclusive; great step forward

Motion to adjourn made by Councilor Lombardi, seconded by Councilor Tabor. On a unanimous Roll Call vote, all concurred. Meeting ended at 11:27 AM.

Minutes prepared by
Synthia M. Ravell, Legal Administrator

Approved by Governance Committee on: March 28, 2022