Governance & Accountability Committee

Tuesday, May 26, 2015 – 12:00 noon

CH14

(NOTE ROOM CHANGE)

Committee Members:	David Howard, Chair LaWana Mayfield, Vice Chair John Autry Patsy Kinsey Greg Phipps
Staff Resource:	Carol Jennings, Chief of Staff Randy Harrington, Chief Financial Officer

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AGENDA

I. <u>Ethics Review – Boards and Commissions</u>
Staff Resource: Bob Hagemann
Attachments (Pages 2-4)

II. <u>Boards and Commissions – Attendance and Orientation</u>
Staff Resource: Stephanie Kelly
Attachments (Pages 5-31)

III. <u>City Manager Evaluation Multi-Rater Discussion</u>
Staff Resource: Ron Carlee
Attachments (Pages 32- 33)

IV. <u>City Attorney Evaluation Multi-Rater Discussion</u>
Staff Resource: Bob Hagemann
Attachments (Pages 34-35)

V. <u>Next Meeting</u>
Monday, June 22, 2015

<u>Distribution:</u>

Mayor and City Council	City Manager's Executive Team	Corporate Communications
Council Team	Bob Hagemann	Stephanie Kelly
Greg McDowell	Cheryl Brown	
Sheila Simpson	Robert Campbell	

CHARLOTTE BOARDS AND COMMISSIONS

	Criminal Background Check	Oath of Office	Disclosure	Gifts	Investigations
Airport Advisory Committee*		X	X		X
Bechtler Arts Foundation Board					X
Bicycle Advisory Committee					X
Business Advisory Committee			X		X
Charlotte Area Fund Board of Directors		X			X
Charlotte Community Capital Loan Fund					X
Charlotte Housing Authority	X	X	X		X
Charlotte International Cabinet					X
Charlotte Mecklenburg Coalition for Housing					X
Charlotte Regional Visitors Authority	X	X	X		X
Charlotte-Mecklenburg Public Access Corp					X
Citizens Review Board	X	X			X
Citizens Transit Advisory Group					X
Civil Service Board	X	X			X
Charlotte Water Advisory Committee			X		X
Community Relations Committee		X			X
Domestic Violence Advisory Board	X				X
Firemen's Relief Board of Trustees		X			X

* Board meetings and appointments are on hold until further notice

	Criminal Background Check	Oath of Office	Disclosure	Gifts	Investigations
Historic District Commission		X	X		X
Historic Landmarks Commission		X			X
Housing Appeals Board	X	X	X		X
Keep Charlotte Beautiful					X
Mint Museum Board of Directors					X
Neighborhood Matching Grants Fund Review Team					X
Passenger Vehicle for Hire Board	X	X	X		X
Planning Commission		X	X		X
Privatization/Competition Advisory Committee			X		X
Public Art Commission					X
Storm Water Advisory Committee			X		X
Transit Services Advisory Committee					X
Tree Advisory Commission					X
Waste Management Advisory Board			X		X
Zoning Board of Adjustment	X	X	X		X

Disclosure – Statement of Economic Interests

Staff recommends requiring disclosure for boards and commissions in four categories where board decisions/recommendations may have an effect on reportable economic interests.

1) Land use and other regulatory bodies
- Historic District Commission
- Planning Commission
- Zoning Board of Adjustment
- Housing Appeals Board
- Passenger Vehicle for Hire Board

2) Non-transit public enterprise advisory boards
- Airport Advisory Committee
- Charlotte Water Advisory Committee
- Storm Water Advisory Committee

3) Business
- Business Advisory Committee
- Privatization/Competition Advisory Committee

4) Independent bodies
- Charlotte Housing Authority
- Charlotte Regional Visitors Authority

Gifts

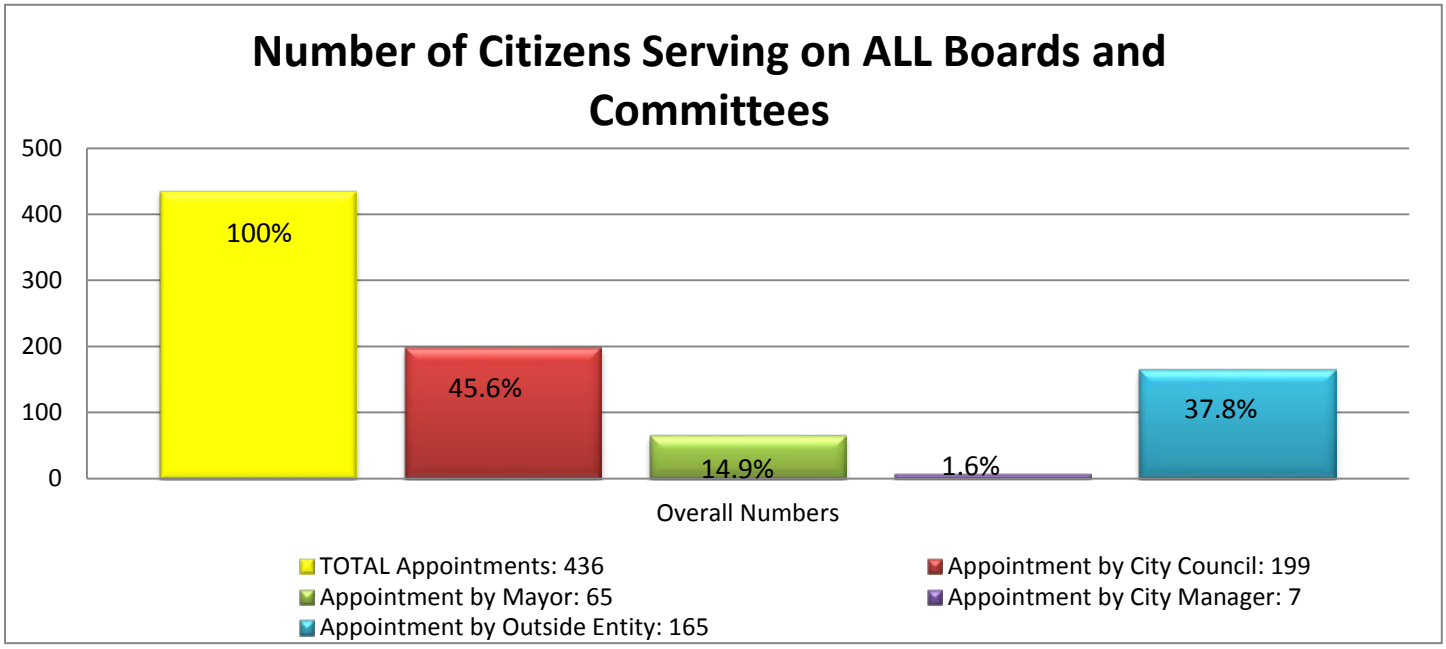
Staff recommends that either:

(i) all boards and committees be subject to the gift ban; or
(ii) those required to file statement of economic interests be subject to the gift ban

Investigations

Staff recommends that allegations of ethical violations be investigated by the City Attorney's Office except when there is a conflict or significant political concerns that would warrant investigation by an independent third party.

ANALYSIS OF COUNCIL
BOARDS AND COMMISSIONS DATA
(199 APPOINTMENTS)



ANALYSIS OF COUNCIL BOARDS AND COMMISSIONS DATA (199 APPOINTMENTS)

2013

TYPE	AMOUNT	PERCENTAGE
Resignation	23	11.56%
Failed to Meet Attendance Requirements	7	3.52%
Declined Reappointment	13	6.53%

2014

TYPE	AMOUNT	PERCENTAGE
Resignation	24	12.06%
Failed to Meet Attendance Requirements	6	3.02%
Declined Reappointment	5	2.51%

2015 to Date

TYPE	AMOUNT	PERCENTAGE
Resignation	6	3.02%
Failed to Meet Attendance Requirements	9	4.52%
Declined Reappointment	0	0.00%

Reasons Given for Resignation

May 2014-April 2015

RESIGNATION REASON	NUMBER	PERCENTAGE
Relocation	5	22.7%
Other Obligations	8	36.4%
No Reason Provided	9	40.9%
TOTAL:	**22**	**100.0%**

CHARLOTTE.

MEMO

TO: Governance and Accountability Committee

FROM: Stephanie C. Kelly, City Clerk

RE: Council's Attendance Policy & Board Orientation Policy

DATE: April 24, 2015

In November 2009, upon a recommendation from Council's Restructuring Government Committee, City Council approved a revised resolution setting forth among other things, an orientation session for all new members prior to or at their first meeting and a revised attendance policy. The current attendance policy applies to all committee members appointed by the Mayor, City Council and the City Manager.

The requirements of Council's attendance policy are easily accessible on the Clerk's website. Perspective applicants may also find the listing and description of boards and commissions, the meeting schedule for all boards, an online application form and the handbook for citizen boards, committees and commission members.

At the time of application, the time commitment and schedule for each board is listed on the vacancy notice itself. When completing the application, candidates are required to sign an acknowledgment that they will adhere to all city policies pertaining to boards and commissions, including attendance. Applications are kept on file for one year. If the application is over five months old, the Boards and Commissions Clerk contacts the applicant via email to see if they are still interested in the position.

All members that are appointed are mailed letters of notification along with the Handbook for Citizen Boards, Committees and Commission Members which contains the City Council approved Attendance Policy, Code of Ethics Policy and other information that will assist them in fulfilling their role as an advisory board member. Newly appointed board members are asked to review the content of the handbook and to sign the acknowledgement form.

Attendance reports are submitted by board staff advisors to the Clerk's Office on a quarterly basis. In January following the close of a calendar year, the Clerk's Office calculates the 65% attendance figures based on those reports. This oftentimes makes the number of resignations and attendance failures seem excessive during the first quarter.

Council's Attendance Policy:

A. Board members are required to attend at least 65% of all regular and special meetings and assigned committee or subcommittee meetings held during a calendar year.
B. Board members may not miss three consecutive regular meetings.
C. Board members will be removed from the board for failure to meet A and B.
D. Board members interested in being reappointed at the end of their first term of office must have attended at least 75% of all regular, special and assigned subcommittee meetings over the course of their term.
E. Board members must attend at least 50% of each meeting in order to be counted present.
F. There are **no** excused absences.

Attached is a summary of the turn-over on various boards beginning from 2013. Usually, the Clerk's Office is notified of a resignation by the board's staff advisor. Some members submit resignations in lieu of being removed for failure to fulfill attendance requirements. Generally, we are not provided a reason for resignation, so we have no related data.

Attachments:

2009 City Council Resolution re: Boards and Commissions
2013 Handbook for Citizens Serving on Advisory Boards

RESOLUTION OF THE CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURE FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, AND ATTENDANCE, AND FOR THE SUBMITTAL OF REVIEW REPORTS OF BOARDS AND COMMISSIONS.

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies and process for public notification of vacancies, nominating, and appointing volunteer citizens to boards, committees, and commissions, and

WHEREAS, the City Council has reviewed City policies regarding, consecutive terms, residency, attendance, and review reports of boards, committees, and commissions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby establishes the following policies and procedures for public notification, nomination, and appointment of persons to boards, committees and commissions, and states the City's policies regarding consecutive terms, residency, attendance, and submittal of reports by boards, committees, and commissions as follows:

Section 1. **PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS**

Appointments to boards, committees, and commissions shall be made quarterly. At the first regular meeting of the first month of each calendar quarter (January, April, July and October), provided that meeting falls during the first fifteen days of the month, each member of the City Council may nominate one person for appointment to each of the positions to be filled by Council. Should the first regular meeting not fall during the first fifteen days of the first month of a calendar quarter, nominations shall be made at the last regular meeting of the preceding quarter. After nominations are closed, no further nominations may be made. If there is only one nominee for a position, the appointment may be made by voice vote at the same meeting at which the nomination is made.

At least four weeks prior to the quarterly date for nominations, the City shall publicize vacancies to be filled by appointment of the Council as follows: (i) at the Council Meeting four weeks prior to nominations, the City Clerk will provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to local print, radio and television media, and through the City's website.

Any vacancies created by resignation or automatic removal shall be included with the next group of quarterly nominations. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed and qualified.

By nominating a person who has not submitted an application for the subject board, committee, or commission, the nominating Council Member certifies that the person has indicated an interest in serving and that the nominee will file an application with the City Clerk's Office by noon the day before the appropriate Council agenda for appointment is delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for filing the application the day following the nomination.

At the next business meeting after the close of nominations, the Council shall vote on the nominees for the positions to be filled. The appointments shall be determined by written ballot. A ballot containing the names of nominees, as well as a space for "None of the Above", shall be distributed to each Council Member. Each Council Member shall vote for a nominee or for "None of the Above", sign the ballot and return it to the City Clerk who shall tally and announce the votes and the results.

In accordance with the City Charter, no nominee shall be deemed appointed unless he or she receives at least six votes. If no nominee receives at least six votes on the first ballot, a second ballot (or vote) shall be cast. Only the top two vote getters shall be candidates on the second ballot. If as a result of the first ballot a tie vote situation produced more than two top vote getters, (i.e., 3-3-3-2; 5-3-3; 4-2-2-2-1), the Council shall cast ballots (or vote) on the top candidates to narrow the field of candidates to two. Then a third ballot (or vote) shall be cast on the top two vote getters. If no nominee receives at least six votes after the third ballot, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done in accordance with this paragraph.

Criminal background checks are required for nominees of the following boards:

Charlotte Regional Visitors Authority
Civil Service Board
Housing Appeals Board
Parole Accountability Committee
Passenger Vehicle for Hire Board
Domestic Violence Advisory Board
Housing Authority
Citizens Review Board
Zoning Board of Adjustment

A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, or a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

Any departure or deviation from the above process shall not affect the validity of an otherwise valid Council appointment.

Section 2. **CONSECUTIVE TERMS/MULTIPLE BOARDS**

No member of any board, committee, or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off that board, committee, or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

Section 3. **OATHS OF OFFICE/ORIENTATION**

For a board, committee, or commission requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff advisors shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City Government, etc.

Section 4. **RESIDENCY REQUIREMENTS**

A member of any board, committee or commission must at all times be registered to vote in Mecklenburg County.

Exceptions to the above statement may exist for some boards for purposes of regional membership (i.e., the Airport Advisory Committee). These exceptions will be handled on a case by case basis.

Section 5. **ATTENDANCE POLICY**

In order for a board, committee, or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attendant to the business of the body. Therefore, all members are required to attend at least 65% of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES.** On January 1 of each year, a member of any board, commission, or committee appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served. In order to be eligible for reappointment to a board, committee, or commission, a member must have attended at least 75% of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member

served. In addition, any member of a board, commission or committee shall be automatically removed from said body for failure to attend any THREE CONSECUTIVE REGULAR MEETINGS of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy. Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to anyone who is removed from a board, committee, or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Staff advisors shall file attendance reports with the City Clerk by the end of the first month following the close of a calendar quarter.

This attendance policy shall apply to every member of a board, committee, or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board, committee, or commission that is not part of the City of Charlotte.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

Section 7. **CONFLICT OF INTEREST**

Council's January 24, 1983 Conflict of Interest Resolution established for boards, commissions, and committees shall continue as it is in its entirety.

Section 8. **REPEALER**

All prior resolutions of the City Council establishing procedures for the public notification, nomination, and appointment of persons to boards, committees, and commissions, and setting forth the City's policies for consecutive terms, oaths of office, residency, attendance, and review reports are, except to the extent that they are supplementary to and consistent herewith, repealed. This repeal includes, but is not limited to, resolutions recorded at Resolution Book 34, Pages 578-582, Resolution Book 36, Page 148, and Resolution Book 38, Page 277.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 11th day November, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 42, Pages (271-276).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of November, 2009.

Stephanie C. Kelly

Stephanie C. Kelly, CMC, City Clerk

CITY OF CHARLOTTE MECKLENBURG LS 1775 NORTH CAROLINA

CHARLOTTE

Handbook for Citizen Boards, Committees, and Commission Members

A guide for citizens appointed by the Mayor and City Council

September 2013

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INTRODUCTION

Thank you for volunteering to serve your community through an appointment by the Mayor and City Council to a citizen board, committee, or commission. This handbook will acquaint you with the Mayor and City Council's policies in regard to boards, committees, and commissions and the particular roles and responsibilities of members. This handbook is provided to new appointees by the Office of the City Clerk along with their notice of appointment.

Boards, committees, and commissions are established to increase citizen input and participation in City government. Some of the boards, committees and commissions exist to advise and make recommendations to City Council, while others have distinct regulatory responsibilities that are established by law.

By accepting this appointment, you are now in a position to work directly with your local government, on behalf of your fellow citizens, to enrich community life on a wide variety of issues. The greater your participation in the work of the board, the greater will be the effectiveness of the board in carrying out its charge and ultimately improving the community.

While the Mayor and City Council set policy and make decisions affecting their constituency, they also consider citizen participation a vital aspect of good government. Working in partnership with the Mayor and City Council, City staff, and your fellow citizens, we can continue to set the standards for excellence in good government and quality of life.

All board and commission meetings shall comply with the North Carolina Open Meetings Law, which requires that all meetings of "public bodies" be open to the public after proper notice is given. The open meetings law (G.S. 143-318.9 through 143-318.18) defines the term *public body* as any board, commission, committee, and so forth, in state or local government that (1) has at least two members and (2) exercises or is authorized to exercise any of these powers: legislative, policy-making, quasi-judicial, administrative, or advisory.

Unless otherwise specified, a quorum is a majority of the actual members of the board or commission. A quorum of the board or commission shall be required in order for any action to be taken.

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

The Charlotte Mayor and City Council have a long history of providing many opportunities for citizen participation on local government boards, committees, and commissions. There are 38 standing boards, committees, and commissions to which the Mayor, City Council and occasionally the City Manager make appointments. With a few exceptions, appointment powers are divided on a one-third and two-thirds ratio between the Mayor and the City Council.

The Mayor and the City Council appoint citizens to both ad hoc committees and standing committees. Ad hoc committees are temporary committees that have been given a very limited charge and are usually expected to provide recommendations to the Mayor and City Council within one year. Standing committees have ongoing responsibilities and are usually either regulatory or advisory in nature. Regulatory committees are involved in setting policy or operating procedures for the related activity, e.g., the Civil Service Board, the Passenger Vehicle for Hire Board, the Zoning Board of Adjustment. Advisory committees are charged with reviewing and commenting on local plans and policies, e.g., the Planning Commission and the Tree Advisory Committee.

A description of all City boards is available in the City Clerk's Office and on the City Clerk's webpage at: http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Boards.aspx.

The Mayor and City Council also appoint citizens to non-city bodies.

Appointments to boards, committees and commissions are made quarterly. At least four weeks prior to the quarterly date for nominations, the City Clerk's Office provides the Mayor and City Council with the list of upcoming vacancies eligible for appointment. The vacancies are publicized by providing and posting a list of vacancies to local newspapers, the GOV Channel and through the City's website. Terms expiring during any quarter shall remain filled by the person then holding the position until a successor is appointed.

Applicants seeking appointments to a specific board are strongly urged to attend several meetings of the board prior to completing and submitting an application.

An application is required for consideration of an appointment to a board or commission. All information provided in completing the application becomes public information and is therefore subject to public records requests.

All discussion and consideration of appointments are made in open sessions of the City Council. After the announcement is made, each member of City Council has the opportunity, at a specified meeting, to nominate one person for appointment to each of the positions to be filled. At a subsequent meeting, City Council makes the appointments to fill the vacant positions. This is done by ballot vote and a nominee must receive at least six votes. If no nominee receives at least six votes on the first ballot, the process is repeated with only the names of the top vote getters. This process is repeated until there are two candidates. If there is still not a person receiving six votes, the appointment may be deferred to the next Council meeting.

Once an application for an appointment has been filed with the City Clerk, it is placed on file and remains active for one year. At the end of that period of time, the applicant will be contacted by the City Clerk's Office to see if they wish to seek other opportunities to participate on a City board.

Applications may be obtained from the City Clerk's Office or website:
http://charmeck.org/city/charlotte/CityClerk/Pages/default.aspx

QUALIFICATIONS

1. Appointees to boards, committees, and commissions shall be registered to vote in Mecklenburg County , unless otherwise specified or provided for by law, ordinance, or City Council action establishing said board or commission, or in the rules or by-laws of said board or commission, if approved by City Council.

2. No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards, committees, or commissions; this limitation shall not apply to ad hoc committees appointed by the City Council.

3. Criminal background checks are required for nominees to the following boards:
   - Charlotte Regional Visitors Authority
   - Charlotte Housing Authority
   - Citizens Review Board
   - Civil Service Board
   - Domestic Violence Advisory Board
   - Housing Appeals Board
   - Passenger Vehicle for Hire Board
   - Zoning Board of Adjustment

   A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction, a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

4. An oath of office (or affirmation) is required for some boards, committees, and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment. A new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office, if applicable.

5. Appointees to boards, committees, and commissions shall receive a copy of this handbook and be asked to date and sign an acknowledgement of same.

TERM OF OFFICE

No member of any board or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off the board or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case by case basis (i.e., a need for continuity or experience).

An individual may not serve on more than two boards, committees, or commissions at one time.

ROLES AND RESPONSIBILITIES OF BOARD MEMBERS, CHAIRPERSONS AND STAFF

The roles and responsibilities listed below are general guidelines. It is important that dialogue take place between the members, chairpersons, and staff on how the specific board can function at its optimum. The members and chairperson of a board serve as advisors to the Mayor and City Council and receive their charge from the Mayor and City Council. The staff is an employee of the City, usually with other job responsibilities, and is accountable to their Department Head and/or City Manager. Responsibilities clearly defined by the chairperson and staff will make the board and its work more effective.

A. Board Members

Board members are an important part of the City of Charlotte government process. They are selected to be part of a board or commission that advises the City Council on pertinent issues, policy-making, and project development and implementation. This can be accomplished in the following ways:

- It is important for every member to be aware of the time, energy, and commitment that is involved in being part of an advisory board.
- The majority of work of the advisory board is accomplished at the monthly meeting. Therefore, all members in attendance contribute to the most effective work plan.
- Individual members are encouraged to prepare materials that are substantive and meet required deadlines.
- Members may be asked by the chairperson to complete specific tasks which may include serving on subcommittees.
- Every member contributes to the problem-solving process.
- All members are required to vote on recommendations and actions of the group unless a potential conflict of interests exists (see Code of Ethics Policy, page 12).

- In order for the board to provide the most comprehensive information to the Mayor and City Council, each member works in the spirit of compromise and negotiation in order to reach consensus when possible.

- A member must notify the chairperson and the staff support person if he / she cannot attend a meeting

- Members are asked to keep up-to-date on information relating to board interest areas.

- Members shall not represent their individual views through any contacts they have with the media as being representative of the full board unless the board has formally taken a position on the matter

- Members shall communicate through the Chairperson upon taking a position on any matter of significance.

B. Board Chairperson

The board chairperson may be appointed by the Mayor, City Council or the members of their respective board, in accordance with the guidelines and/or legislation establishing such board, and act as a link between the Mayor and City Council, advisory board members, and the community. The chairperson's responsibilities include the following:

- The chairperson advises the Mayor and City Council upon request or in reference to the mission of the board and City Council policy.

- The chairperson and staff conduct an orientation for new members to familiarize them with the work and operations of the board or commission, as well as the information contained in this handbook.

- The chairperson delegates assignments to members, recognizing skill, experience, and interest of individuals in the group; he/she makes sure all members get a chance to participate and uses subcommittees as much as possible to empower the group.

- The chairperson seeks the input of members on the work program and agenda formulation.

- The chairperson presides over the meetings and acts as facilitator to keep to the agenda.

- The chairperson makes sure all meetings are open to the public.

- The chairperson makes sure that citizen input is reflected in the group's recommendations.

- The chairperson uses consensus-building techniques to find optimum recommendations.

- The chairperson, in conjunction with staff, prepares timetables for completion of projects.

- The chairman and members develop annual reports which are due to the Mayor and City Council in accordance with adopted policy.

- The chairperson is encouraged to discuss the advisory board work with applicants seeking appointment to the board.

- The chairperson may forward names as recommendations to fill individual vacancies for the Mayor and City Council's consideration, attaching the relevant background information for each nominee.

- The chairperson may recommend certain skill sets necessary to fill individual vacancies that are a reflection of the needs of the board and community.

- The chairperson meets with the Mayor and City Council concerning the work of the board, upon their request.

- The chairperson shall not represent their individual views through any contacts they have with the media as being of representative of the full board unless the board has formally taken a position on the matter.

- The chairperson keeps the Mayor and City Council apprised of all significant issues, either directly or through staff support.

C. Board Staff

Staff provides important resources to boards. The resources and staff time available to boards varies. Boards report to the Mayor and City Council and the staff report ultimately to the City Manager, an arrangement that works most effectively when the chairperson and the staff have a clear understanding of what needs to be done and what resources are available to get the job done. The staff carries out his/her responsibilities in the following ways:

- The staff shall provide assistance to clarify the role of the board or commission, and with routine issues such as the time of meetings, quorums, etc.

- The staff works with the chairperson to prepare each agenda and necessary meeting materials.

- The staff notifies all members of upcoming meetings and new developments.

- The staff provides attendance reports and notifies the City Clerk's Office of vacancies due to resignations, multiple absences, or other reasons.

- The staff gathers information, provides research and makes it available to the board or commission.

- The staff provides technical expertise to the group.

- The staff prepares draft reports and correspondence and makes sure all City presentations are prepared in the appropriate format.

- The staff keeps his/her supervisor and department head informed on the work of the advisory board.

ATTENDANCE POLICY

In order for a board or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body. Therefore, **all members are required to attend at least 65%** of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**.

On January 1st of each year, a member of any board or commission appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served.

In order to be eligible for reappointment to a board or commission, **a member must have attended at least 75%** of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member served. A member of a board or commission shall be **automatically removed** from said body for **failure to attend any THREE CONSECUTIVE REGULAR MEETINGS** of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy.

Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

The City Clerk shall send a letter to anyone who is removed from a board or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

This attendance policy shall apply to every member of a board or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board or commission that is not part of the City of Charlotte.

RESIGNATIONS AND REPLACEMENTS

Any member of a board or commission who desires to resign shall do so in writing to the staff support and/or Office of the City Clerk.

Unless otherwise provided by law, ordinance or resolution, all appointments by the Mayor, City Council and City Manager to a board or commission serve at the pleasure of the appointing office, and may be removed at the discretion of said office.

Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte, North Carolina

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the Charlotte City Council has previously adopted a Code of Ethics for the Mayor and City Council , and

WHEREAS, it is appropriate that members of City boards, committees, and commissions, as well as Mayoral and City Council appointees to non-City bodies (hereinafter "Board Members"), also adhere to a Code of Ethics.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Charlotte, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles and Code of Ethics to guide Boards Members in their lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

- Board Members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- Board Members must always remain aware that they may, at various times, play different roles:
  - As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions
  - As decision-makers, who arrive at fair and impartial determinations.

- Board Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of Charlotte. Each Board Member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

Section 1.

Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However in doing so, Board Members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City Board, Committee, or Commission and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens; and

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that a Board Member is behaving unethically because one disagrees with that official on a question of policy (and not because of the council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2.

Board Members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other Board Members and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3.a.

Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b.

If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the City Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4.

Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings.

Board Members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5.

Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council members have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any closed sessions held by the body are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

HARASSMENT POLICY

Section 1.

The City Council will not tolerate or condone acts of harassment by the Mayor, Council members, or members of City boards, committees and commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Section 2.

Violators of this policy will be subject to appropriate disciplinary action as set forth in the policy. This portion of the policy is applicable to those serving on advisory boards, committees or commissions.

Definitions

Harassment is verbal or non-verbal conduct or physical acts which are unwelcome or offensive to or retaliatory against an employee or group of employees based on their race, religion, color, sex, national origin, sexual orientation, age, disability or political affiliation and which:

A. Affects an employee's conditions of employment, or
B. Interferes with an employee's ability to perform his or her job, or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute harassment are:

Slurs and epithets; offensive jokes or statements; threats; derogatory pictures/materials/ articles displayed on bulletin boards or in work areas; derogatory graffiti; segregating facilities (such as break rooms, bathrooms, eating areas, work stations) based on race, sex, national origin, color, religion, age, or disability; physical violence intended to harass, intimidate or discourage employees from pursuing complaints; retaliatory acts based on an employee having filed a charge of discrimination.

Sexual Harassment is **unwelcome** verbal, non-verbal or physical advances of a sexual nature or non-sexual hostile or physically aggressive behavior directed to an employee because of such employee's sex, which:

A. Affects an employee's conditions of employment; or
B. Interferes with an employee's ability to perform his or her job; or
C. Creates an intimidating or hostile work environment.
D. Examples of acts which may constitute sexual harassment are:

(1) Verbal - Referring to an adult as "girl", "hunk", "doll", "beefcake", "babe", "studmuffin", "honey", or "sweetie"; whistling or catcalling; sexual comments or innuendoes; sexual jokes or stories; making sexual comments about a person's clothing, body; recounting one's sexual exploits or asking about sexual fantasies, preferences or history; repeatedly asking a person for a date after being

turned down; starting or spreading rumors about the sex life of a person; making kissing sounds, howling or smacking lips; threats.

(2) Nonverbal – Blocking a person's path; following the person; making sexual gestures; making facial expressions.

(3) Physical - Hugging, kissing, patting, stroking, pinching or grabbing; rubbing oneself sexually around another person; brushing against a person; touching the person's clothing, hair or body; giving a massage around the neck or shoulders; revealing parts of the body in violation of common decency; physically forcing sexual activity on someone ranging from assault to rape.

(4) All of the conduct listed in Examples 1, 2, and 3 which are directed to an employee by a non-employee in the workplace, i.e., contractors or vendors who may do business with or for the City.

(5) Employment opportunities or benefits granted by a supervisor to his/her employee because such employee submits to the supervisor's advance.

Hostile Environment means a workplace that has become intimidating or offensive due to conduct of employees which is threatening in nature.

Complaints

Any employee who believes that he or she has been the target of harassment by the Mayor, a Council member, or a member of a City board or commission should inform their supervisor, their department head, the City Manager, the City Attorney, or Human Resources. In the event that the person receiving the information is not the City Manager, the person receiving the information shall promptly notify the City Manager.

1. Upon being notified of a complaint, the City Manager shall notify the Mayor or, if the complaint is against the Mayor, the Mayor Pro Tempore. If the complaint is an informal complaint, the City Manager and Mayor (or Mayor Pro Tempore) may meet with the person whose conduct is the subject of the complaint to inform the person of the complaint and to discuss the need for the person to adjust or correct his or her conduct. If appropriate, the results of this meeting may be reported to the complaining employee.

2. A formal complaint (and an informal complaint that the City Manager decides to handle as a formal complaint) shall be investigated and subject to sanctions.

Sanctions

Following the completion of an investigation of an allegation against a member of a City board or commission conducted pursuant to Section 2, the City Council may sanction the member who was the subject of the investigation. Potential sanctions include removal of the member, adoption of a Resolution of Censure, and any other lawful sanction within the Council's power.

ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK FOR CITIZENS SERVING ON CITIZEN BOARDS, COMMITTEES, AND COMMISSIONS

On the date written below, I received the "Handbook for Citizen Board and Commission Members—A Guide for Citizens Appointed by the Mayor and City Council." I acknowledge this handbook contains basic information related to serving as a volunteer on a board or commission as well as specific policies as shown below:

- Attendance Policy
- Code of Ethics Policy
- Anti-Harassment Policy

I understand that I am responsible for reviewing the contents of this handbook and asking questions if I do not understand any part of it.

DATE: _____

NAME: _____

BOARD OR COMMISSION: _____

SIGNATURE: _____

(A signed copy of this form will be maintained in the City Clerk's Office with the application once appointed to serve.)

Timeline for Completing the City Manager's FY15 Evaluation

Evaluation Date: Monday, July 27 meeting, Noon, CMGC Room CH-14

Leading up to the evaluation date:

*Tue, May 26	The City Manager provides the Governance & Accountability Committee with a recommendation on a multi-rater evaluation, which may include subordinates, peers, or people external to the City with whom the City Manager may work closely.
Fri, June 26	The City Manager submits to the Mayor/Council via the Mayor/Council packets a self-assessment of his performance based on the dimensions previously set and provides other information he considers important in assessing his performance.
Mon, June 29	HR sends website link for Mayor/Council to individually complete an online survey of the City Manager on the agreed dimensions. Stated deadline of Sunday, July 12, extend to Wednesday, July 15, if needed.
Fri, July 17	Results of multi-rater evaluation and online survey go to the Mayor/Council and City Manager in confidential envelopes within the Mayor/Council packets.
**Mon, July 20	One week prior to the evaluation, the Governance & Accountability Committee reviews all of the evaluation material received by and about the Manager and proposes specific areas to be reviewed with him during the evaluation meeting.
MON, JULY 27	**EVALUATION MEETING**

a. The Mayor/Council meets alone to consider the recommended areas of discussion from the Governance and Accountability Committee and may add other items for discussion if agreed to by six members of the Council.
b. The City Manager joins the Mayor/Council at an appropriate time and provides a self-assessment, addressing the items identified by the Governance & Accountability Committee and any additional items identified by the Council. The Mayor/Council then provides its feedback to the City Manager, as well as holds a general discussion around the City Manager's future work plan.
c. Mayor/Council meets alone to discuss the interaction of the City Manager, their overall evaluation of performance, and, as appropriate, changes to his employment agreement.

*Assumes 2015 Governance & Accountability Committee meeting schedule will remain the 4th Monday of each month
**A change to the Governance & Accountability Committee meeting schedule will be needed for this meeting (3rd Monday of the month)

Evaluation follow up and preparation for next year's process:

*Mon, Sep 21	No more than 60 days after the evaluation meeting, the Governance & Accountability Committee meets with the City Manager to assess the effectiveness of the evaluation process and provides recommendations to the Mayor/Council for revision.
*Mon, Sept 21	Unless otherwise changed by October 1, the City Manager provides the Governance & Accountability Committee with recommendations on the dimensions on which he will be evaluated in the coming year, including the work plan.
Dependent on above date	The Committee formally recommends the dimensions to the Mayor/Council for decision.

*Assumes 2015 Governance & Accountability Committee meeting schedule will remain the 4th Monday of each month

Timeline for Completing the City Attorney's FY15 Evaluation

Evaluation Date: Monday, August 24 meeting, Noon, CMGC Room CH-14

Leading up to the evaluation date:

*Tue, May 26	The City Attorney provides the Governance & Accountability Committee with a recommendation on a multi-rater evaluation, which may include subordinates, peers, or people external to the City with whom the City Attorney may work closely.
Fri, July 24	The City Attorney submits to the Mayor/Council via the Mayor/Council packets self-assessment of his performance based on the dimensions previously set and provides other information he considers important in assessing his performance.
Mon, July 27	HR sends website link for Mayor/Council to individually complete an online survey of the City Attorney on the agreed dimensions. Stated deadline of Sunday, August 9, extend to Wednesday, August 12, if needed.
Fri, Aug 14	Results of multi-rater evaluation and online survey go to the Mayor/Council and City Attorney in confidential envelopes within the Mayor/Council packets.
**Mon, Aug 17	One week prior to the evaluation, the Governance & Accountability Committee reviews all of the evaluation material received by and about the Attorney and proposes specific areas to be reviewed with him during the evaluation meeting.
MON, AUGUST 24	**EVALUATION MEETING**

a. The Mayor/Council reviews compensation information with the Human Resources Director and then meets alone to consider the recommended areas of discussion from the Governance and Accountability Committee and may add other items for discussion if agreed to by six members of the Council.
b. The City Attorney joins the Mayor/Council at an appropriate time and provides a self-assessment, addressing the items identified by the Governance & Accountability Committee and any additional items identified by the Council. The Mayor/Council then provides its feedback to the City Attorney as well as holds a general discussion around the City Attorney's future work plan.
c. Mayor/Council meets alone to discuss the interaction of the City Attorney, their overall evaluation of performance, and, as appropriate, changes to compensation or employment agreement.

*Assumes 2015 Governance & Accountability Committee meeting schedule will remain the 4th Monday of each month
**A change to the Governance & Accountability Committee meeting schedule will be needed for this meeting (3rd Monday of the month)

d. Mayor/Council take a public vote on any change to compensation at the evening meeting.

Evaluation follow up and preparation for next year's process:

*Mon, Sept 21	No less than 60 days after the evaluation meeting, the Governance & Accountability Committee meets with the City Attorney to assess the effectiveness of the evaluation process and provides recommendations to the Mayor/Council for revision.
*Mon, Sept 21	Unless otherwise changed by October 1, the City Attorney provides the Governance & Accountability Committee with recommendations on the dimensions on which he will be evaluated in the coming year, including the work plan.
Dependent on above date	The Committee formally recommends the dimensions to the Mayor/Council for decision.

*Assumes 2015 Governance & Accountability Committee meeting schedule will remain the 4th Monday of each month