

# **Council-Manager Relations Committee**

**Monday, July 22, 2013 – 11:45 a.m.**

**Room 280**

Committee Members: Warren Cooksey, Chair  
Mayor Patsy Kinsey  
David Howard  
James Mitchell

---

## **AGENDA**

**I. Handbook for Citizen Advisory Board Members**

*Staff Resource: Stephanie Kelly*

**II. City Attorney Evaluation Timeline**

*Staff Resource: Cheryl Brown*

Action: Recommendation to change the date for the next Committee meeting from August 26 to August 19.

**III. Discussion of 2014 Mayor and City Council Retreat Date**

*Staff Resource: Ron Carlee*

Action: Recommendation to change the date for the Annual Mayor and City Council Retreat to January 29-31, 2014. The North Carolina City County Manager's Association Meeting is February 5-7, 2014.

**IV. Next Meeting Date**

Pending Committee approval – reschedule Monday, August 26 meeting to Monday, August 19 at 11:45 a.m. in Room 280.



**CHARLOTTE**<sup>SM</sup>

# **Handbook for Citizen Advisory Board Members**

**A guide for citizens  
appointed by the Mayor and City Council**

**July 2013**



## **TABLE OF CONTENTS**

Introduction	3
Appointments to Boards and Commissions	4-5
Qualifications	6
Roles and Responsibilities	7-9
Term of Office	10
Attendance Policy	10-11
Resignations & Replacements	11
Code of Ethics Policy	12
Harassment Policy	13-14

# INTRODUCTION

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

Advisory boards, commissions, or committees and boards are established by action of the Charlotte Mayor and City Council or by State law to increase citizen input and participation in City government. Some of the groups 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 group, the greater the effectiveness of the group in carrying out its charge and ultimately improving the community.

While the Mayor and City Council sets policy and makes decisions affecting its constituency, it also considers 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, committee or commission meetings shall comply with the North Carolina Open Meetings Laws, including notice of meetings.

# APPOINTMENTS TO BOARDS AND COMMISSIONS

The Charlotte Mayor and City Council has a long history of providing many opportunities for citizen participation on local government boards and commissions. The Mayor and the City Council appoint citizens to both ad hoc committees and standing committees. The ad hoc committees are temporary committees that have been given a very limited charge and are usually expected to provide the Mayor and the City Council with a recommendation within one year.

The 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 Airport Advisory Committee and the Tree Advisory Committee.

There are thirty-eight standing committees, boards, 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.

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>.

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 publicizes vacancies as follows: (i) provide City Council with a list of upcoming vacancies; and (ii) provide and/or post a list of vacancies to local print, 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.

The appointment process is described below:

1. An application is required for consideration of an appointment to a City board. They may be obtained from the City Clerk's Office or are available at: <http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Application.aspx>
2. All discussion and consideration of appointments are made in an open session 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.

3. 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. All information provided in completing the application becomes public information and is subject to public records requests.
4. Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

# QUALIFICATIONS

1. Appointees to boards and commissions shall be registered to vote in Mecklenburg County, unless otherwise specified or provided for by law, ordinance, or Council action establishing said board or commission, or in the rules or by-laws of said board or commission, if approved by Council.
2. No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards or commissions; this limitation shall not apply to ad hoc committees appointed by the 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 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.

# **ROLES AND RESPONSIBILITIES OF BOARD MEMBERS, CHAIRPERSON AND STAFF SUPPORT**

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

## **A. Advisory Board Members**

Advisory 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 group.
- The majority of work of the advisory group 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 policy).
- In order for the group to provide the most comprehensive information to the 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 or the staff support person if he/she cannot attend a meeting.
- Members are asked to keep up-to-date on information relating to advisory board interest areas.

- Individual members often assist the staff support person in developing reports to the Mayor and City Council.

## **B. Advisory Board Chairperson**

- The Advisory board chairperson may be appointed by the Mayor, City Council or the members of their respective board, in accordance to 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. Their 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 support orients new members to the work and operations of the board, committee 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 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 support prepares timetables for completion of projects.
- The chairman and members develop annual reports which are due to the City Council in accordance with adopted policy.
- The chairperson may discuss the advisory board work with nominees interested in becoming members.
- The chairperson forwards multiple 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 meets with the Mayor and City Council concerning the work of the advisory board, upon their request.
- The chairperson keeps the Mayor and City Council apprised of all controversial issues, either directly or through staff support.

### **C. Advisory Board Staff Support**

- Staff support persons provide important resources to advisory boards. The resources and staff time available to advisory boards varies. Advisory boards report to the City Council and the staff support report ultimately to the City Manager, an arrangement that works most effectively when the chairperson and the staff support have a clear understanding of what needs to be done and what resources are available to get the job done. The staff support carries out his/her responsibilities in the following ways:
- The staff support shall provide assistance to clarify the role of the board, committee or commission, the time of meetings, quorums, etc.
- The staff support provides attendance reports and notifies the City Clerk's Office of vacancies due to resignations, multiple absences, or other reasons.
- The staff support gathers information and makes it available to the group for report development and project completion.
- The staff support researches and provides requested data to members.
- The staff support provides technical expertise to the group.
- The staff support works with the chairperson to prepare each agenda and necessary meeting materials.
- The staff support notifies all members of upcoming meetings and new developments.
- The staff coordinator prepares draft reports and correspondence as agreed upon with the chairperson and makes sure all City presentations are prepared in the appropriate format.
- The staff support keeps his/her supervisor and department head informed on the work of the advisory board.

## TERM OF OFFICE

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.

## 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 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, 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.

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.

## **RESIGNATIONS AND REPLACEMENTS**

Any member of a board, committee 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, committee 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 SERVING ON ADVISORY BOARDS AND COMMISSIONS**

(Insert the City Attorney's revisions recommended by the Committee on May 28th)

# HARASSMENT POLICY

1. The City Council will not tolerate or condone acts of harassment by the Mayor, Council members, or members of City boards and commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.
2. Violators of this policy will be subject to appropriate disciplinary action as set forth in the policy. A portion of the policy applicable to those serving as advisory board members is provided herein.

## 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 key business executive, 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.

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.

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.

**CITY OF CHARLOTTE  
HUMAN RESOURCES DEPARTMENT**

**M E M O R A N D U M**

**To:** Council-Manager Relations Committee

**From:** Cheryl Brown   
Human Resources Director

**Date:** July 19, 2013

**Subject:** City Attorney FY2013 Evaluation Timeline

Attached is the proposed timeline for City Attorney Bob Hagemann's evaluation for review and approval at Monday's Council-Manager Relations Committee.

The City Attorney's evaluation has been scheduled for Monday, August 26 at 2:00 p.m. in Room CH-14.

Please feel free to contact me at 704-336-5703 should you have questions or need additional information prior to Monday's Committee meeting.

CLB/ts  
Attachment

## **Proposed timeline for completing the City Attorney's FY13 evaluation:**

Evaluation Date: Monday, August 26, 2:00 – 4:00 p.m.

### **Leading up to the evaluation date:**

Monday, July 22: Council Manager Relations sets its next meeting on August 19

July 22 – August 7: Opportunity for Mayor and Councilmembers to have one-on-ones with the City Attorney prior to evaluation

Friday, August 9: 1<sup>st</sup> email to Council with the survey attached

Friday, August 9: City Attorney distributes his performance summary to Council via Council packet

Thursday, August 15: Survey responses due

Monday, August 19: HR staff to compile responses for Committee review

Monday, August 19: Council-Manager Relations Committee to meet at noon to review survey results

Wednesday, August 21: Survey Results distributed in the Council packet with pay data

Monday, August 26: Meeting to evaluate the City Attorney