

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., SEPTEMBER 1, 2021

THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AND AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., SEPTEMBER 1, 2021.

Committee Members Present:

Jeanine Faegre, Chair (via Zoom)
Bobby Reishman, Vice Chair (via Zoom)
John Kennedy Bailey (via Zoom)
Bobby Haas (via Zoom)
Courtney Persinger (via Zoom)
Robert Sheets (via Zoom)
Keeley Steele (via Zoom)

Absent:

None

Councilmembers also Present:

Adam Knauff (via Zoom)
Chad Robinson (via Zoom)

1. Approval of Previous Minutes – Councilmember Reishman moved to approve the minutes of the previous meeting on 7-27-2021. Councilmember Sheets seconded. There was no objection, and the minutes were approved.

2. Resolution No. 529-21 – Amending Rules No. 3 and No. 13 of the Rules of Council to require that appointment recommendations from the Mayor to City Council be filed with the clerk by 12:00 noon on Friday immediately preceding the day of the meeting considering the recommendation; that each recommendation be made individually and voted on individually; and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration.

Councilmember Faegre asked Councilmember Knauff, the resolution's sponsor, to remark on the resolution. Councilmember Knauff stated that the resolution requires that nominations for appointments be given to the City Clerk's Office by noon the Friday before a Council meeting, requires that Council vote individually on all of those nominations and requires that those nominations disclose any familial relationship of the nominee with the Mayor's Office, Administration, City Council or Department Heads. He added that the resolution is not reactionary to anything. He had provided the members via email with documentation of his interest in the subject since his initial term in 2010. At the beginning of his current term, he emailed the City Clerk's Office to request that appointments be emailed to him when they are received.

Councilmember Knauff stated that when these appointments are received the day of the meeting, it becomes difficult to ask questions or vet nominations and the direction that the Administration would want that Committee to go. Additionally, these nominations aren't frequently presented to Council, and when they are, they are done so in groups. It does not seem like that big of a time consideration to have them voted on individually. This will give Councilmembers the flexibility to ask questions. Lastly, Councilmember Knauff added that it was important that familial relationships be disclosed in order to be as transparent as possible. He added that nothing in the resolution would prevent a familial relationship, but there does need to be transparency.

Councilmember Faegre added that she is in favor of transparency. She agreed that Councilmembers should know well in advance who the recommendations will be. She added that any Mayor is going to appointment people that they can depend on and are loyal to their goals.

Councilmember Steele stated that she did not have an issue with Council getting more advanced notice of appointments. She added that disclosing familial relationships is not important. Councilmember Steele motioned to amend the resolution by:

removing on line 6 of the first page "and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration."
And removing on line 28 on the second page "and such recommendation or communication shall include a statement disclosing any familial relationships the

recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor."

Councilmember Reishman seconded.

Councilmember Reishman added that the familial requirement makes it seem like they believe something is suspicious, which is not the case.

Councilmember Persinger added that all three points are very good, and it is extremely relevant in politics to disclose familial relationships. Nepotism exists, and while he is not accusing anyone of it, he doesn't understand why anyone would not want to disclose information that is relevant.

Councilmember Sheets agreed that the familial relationship language should be removed. He added that during his original term, he had asked that appointments should include qualifications of the nominees.

Councilmember Knauff added that the intent of the familial disclosure requirement was not to show distrust, but should be done for the sake of transparency. He added that the requirement would apply to City Council and Department Heads as well as the Mayor.

Councilmember Steele added that she has never heard a Councilmember question an appointment during a Council meeting. Despite Councilmember Knauff's previous interest in the matter, the resolution was introduced after the last two appointments (which did have familial relationships with City staff). Councilmember Steele added that if they had known those appointments beforehand, questions could have been answered in a timely manner.

With the majority of the members voting in the affirmative, with at least one recognized Nay from Persinger, Councilmember Faegre declared the amendment to Resolution 529-21 as approved.

With no further discussion, Councilmember Reishman made a motion to approve the resolution as a Committee Substitute. Councilmember Bailey seconded.

A roll call was taken:

Yeas: Faegre, Reishman, Haas, Persinger, Sheets, Steele
Nays: Bailey

With the Yeas being in the majority, Resolution No. 529-21 Committee Substitute was approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Steele seconded. Meeting adjourned.

Resolution No. 529-21 - Amending Rules No. 3 and No. 13 of the Rules of Council to require that appointment recommendations from the Mayor to City Council be filed with the clerk by 12:00 noon on Friday immediately preceding the day of the meeting considering the recommendation; that each recommendation be made individually and voted on individually; and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That Rules No. 3 and No. 13 of the Rules of Council be amended, all to read as follows:

Rule No. 3. - Filing of papers to be introduced at city council meetings, and action thereon by clerk of council.

In order to promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established:

(a) All bills, resolutions, petitions, committee reports, communications, appointments, and other documents for consideration by the city council must be filed in the office of the clerk of the council not later than 12:00 noon on Friday immediately preceding the day of the meeting at which it is intended they be considered; provided that this restriction shall not apply to the mayor or the mayor's designated deputy; provided, however, that any written mayoral recommendation or communication for the appointment of any individual to a position, board, or seat that requires the consent of Council may not contain more than one individual appointee and shall be filed by 12:00 noon on Friday immediately preceding the day of the meeting and such recommendation or communication shall include a statement disclosing any familial relationships the recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor.

(b) Nothing herein shall be construed to prohibit any member of the city council, at the proper order of business, from introducing or submitting any bill, resolution, petition, committee report or communication during any regular meeting.

(c) The clerk of the council shall assign a serial number to each bill and resolution introduced and shall have authority to edit and correct them as to form.

(d) No bill or resolution shall be filed with the clerk of the council or introduced from the floor unless it bears the signature of at least one member of the city council as sponsor. Any member of the city council, for this purpose, may verbally authorize the clerk of the council or any of the clerk's deputies to sign the member's name thereto.

Rule No. 13. - Call for a division of a question.

Any member of the city council may call for a division of any question before a vote is taken thereon if it comprehends propositions in substance so distinct that, if one proposition be taken away, another substantive proposition remains for decision by the city council; but a member of the city council calling for a division of a question shall state in what manner the question shall be divided. Notwithstanding the foregoing, every vote regarding the appointment of a person to any position, board, or seat shall be taken individually, identifying each proposed appointment for its own separate vote, and under no circumstances may multiple proposed appointment