

## COUNCIL CONFERENCE MINUTES

September 4, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:35 p.m. in the Municipal Building Conference Room on the 4th day of September, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal

ABSENT:

None

Item 2 was considered prior to Item 1.

Item 2, being:

### DISCUSSION REGARDING CITY COUNCIL MEETING PROCEDURES.

Mayor Rosenthal said she and Ms. Brenda Hall, City Clerk, have discussed the issue of minutes and Ms. Hall informed her that she is currently working on a technology improvement available within the Granicus video streaming software program. Mayor Rosenthal requested Ms. Hall update Council and afterwards if Council felt the new technology would create progress on making minutes more accessible to the public, the minute's discussion may need to be put on hold until the technology improvement is implemented.

Ms. Hall said there is a "minutes" feature within the Granicus video streaming software program that was put on hold due to implementation issues to meet Norman's needs relative to motions. She said Staff is currently time-stamping the video with the agenda after each meeting and once the "minutes" feature is implemented a person would be able to go to the City website, click on the agenda item within the minutes, and go directly to that agenda item within the video; therefore, the person would not need to fast forward and/or rewind the video in order to view a specific agenda item. Ms. Hall said if Council so desires to implement the "minutes" feature as a compromise to summary and/or verbatim minutes, she will make this project a priority. She said Staff would continue to complete legislative minutes, but the added "minutes" feature would be available to the public so that specific agenda item(s), including the discussion, could be easily viewed on the City website.

Councilmember Kovach asked if a quicker link to Board and Commission agendas and minutes was possible. Ms. Hall said currently on the front page of the City website, there is a link "Watch Meeting Video Streams," which navigates the user to all the past City Council agendas and videos which are arranged by date. She said the wording on the link can be reworded to address the agendas. Councilmember Kovach felt the agendas and/or minutes for the Boards and Commissions that are not videoed needed to be more user-friendly and suggested a tab be added on the home page of the City's website to steer the user directly to agendas and/or minutes.

Council discussed and agreed Staff should make the "minutes" feature within the Granicus video streaming software program a priority and Councilmember Griffith asked for a timeframe. Ms. Hall said it should not be a lengthy process, but Staff would need to work through some initial trouble-shooting issues and request additional training by the vendor. She said the look of the minutes will change to work within the Granicus software program, but Staff can move forward if Council is comfortable with a different look for the minutes.

Mayor Rosenthal said at the City Council Annual Retreat on August 18, 2012, Council discussed suggestions of how to improve the flow of City Council meetings and discussed different ways to facilitate the discussion with the goal of making the Council meetings shorter, more business-like, and not starting agenda items (very) late in the evening. She said Council talked about adopting a process similar to what the Norman Public School Board utilizes

which requires citizens to “sign up” in advance and indicate what topic they wish to comment on. Mayor Rosenthal said Council also discussed implementing a consistent and formal time limit for applicants in terms of presentations, citizens in terms of comment(s) concerning the applicant/application, as well as Councilmember(s) in terms of discussion at the end of the meeting. She said one option mentioned was to have Councilmember(s) questions answered by Staff before the meeting. Another option was that Council should not begin consideration of a new agenda item after a certain time an agenda item that comes forward after 11:00 p.m. would be considered at the next City Council meeting

Mayor Rosenthal requested Council’s input on how to streamline the use of time and make Council meetings more efficient. Councilmember Kovach felt Council should consider not beginning a new agenda item after a certain time because it could either be rushed through or the public and/or Council disposition may not be one that would be favorable to the item. Councilmember Spaulding agreed and said he was in favor of postponing such agenda items. Councilmember Castleberry felt late night meetings were not beneficial to Council, Staff, or the public in attendance and from an audience and/or participation standpoint, Council should consider having meetings during the day rather than the evening. He felt beginning Council meetings at 4:00 p.m. instead of 6:30 p.m. would be more beneficial to citizens, Staff, and Council. Councilmember Gallagher said he would not be in favor of beginning Council meetings at 4:00 p.m. because people who work until 5:00 p.m. would not be able to attend the meetings.

Councilmember Gallagher suggested Council do the non-consent items first and take care of the consent agenda items last, which would make Council meetings more time efficient and allow the audience to leave earlier if they chose to. Councilmember Kovach said consent agenda items should go quickly and felt if Council disciplined itself the consent docket could remain at the beginning of the meetings. He said Council could still ask questions, but in general the questions could be easily answered by a phone call or email to Staff so that they will not take up a lot of time during the meeting. Councilmember Kovach felt placing the consent agenda at the end of the meeting could risk making the consent docket last longer than it should. Councilmember Griffith felt Council should consider placing a time limit of three (3) to five (5) minutes for public comments on all agenda items, especially consent agenda items and Councilmember Williams agreed stating delaying or postponing agenda items because of the hour could present a hardship on applicants.

Councilmember Gallagher suggested City Council meetings begin at 6:00 p.m. rather than 6:30 p.m. and keep the consent agenda at the beginning of the meeting. He said the Council Conference meetings could also be changed to begin at 5:00 p.m. instead of 5:30 p.m. Councilmember Jungman said the debate process is important and did not feel public comments should have a time limit. Councilmember Kovach agreed public and/or Council comments are important but felt pertinent information can be given in an efficient manner. He suggested Council be more disciplined and cognizant of the time. Councilmember Spaulding asked if the City Council of the City of Oklahoma City conducts their meetings during the day and Staff said yes. He said if questions were asked and answered in advance and Council voted on the issue(s) without comment, it could create a public perception that a decision was made before hand.

Councilmember Castleberry asked if the consent docket had to be read aloud and Mayor Rosenthal said yes, according to the City Charter. Mr. Jeff Bryant, City Attorney, said consent items are usually routine items; however, over time, items that are not necessarily routine items have been allowed to be placed on the consent docket. He said one way that has made this process acceptable is to read the entire consent docket and allow the public to make comment(s).

Mayor Rosenthal said Council will discuss this further at a later date.

Item 1, being:

PRESENTATION AND WORKSHOP ON PARLIAMENTARY PROCEDURES BY MS. ARNELLA KARGES.

Mayor Rosenthal introduced Ms. Arnella Karges and stated she previously worked for the Oklahoma House of Representatives as the Deputy Clerk and Parliamentarian as well as assisted the House Research Staff with staffing the Economic Development Financial Services and Rules Committees. She said Ms. Karges has worked with the Oklahoma State Chamber since 2012 and knows first hand knowledge of parliamentary procedure.

Ms. Karges said the principles underlying parliamentary law include rules that are made upon a careful balance of the rights of persons or of subgroups within an organization's or an assembly's total membership. She said Robert's Rules of Order is really crafted to make sure all persons have the opportunity to speak, do so in an efficient manner, and get business done while protecting not only the rights of the majority but the minority as well. The rules are based upon a regard for the following rights of the majority; of the minority, especially a strong minority – greater than one third; of individual members; if absentees, and all of these together.

Under these rules, a deliberative body is free to do what it wants with the greatest amount of protection to itself and with consideration for the rights of its members. Parliamentary procedure makes it more efficient, with regard for everyone's opinion to arrive at the general will of the people.

Ms. Karges highlighted the level of rules and governing structure of the Oklahoma State Constitution, Oklahoma State Statutes, City of Norman Charter, City of Norman Code or Ordinances, and Robert's Rules of Order Newly Revised (10<sup>th</sup> Edition), per City Code, Article 1, Section 2-108. She said the ability to meet requires a quorum, members must show up on time in order for a meeting to take place and the Norman City Charter, Article 11, Section 1, stipulates five members of the City Council to constitute a quorum.

Ms. Karges emphasized the patterns of formality and said it is always important in a formal meeting to address officers with titles, i.e., Chair, Mayor, Councilmember, etc. She said patterns of formality can also help with the rules of debate.

Ms. Karges highlighted the established order of business, processes, and procedures for making motions. She said main motions can be debated and once concluded, a vote of the majority would be required. Types of motions include:

- **Main motions** – introduce subjects, cannot be made while another main motion is pending, and can yield to privileged, subsidiary, and incidental motions;
- **Subsidiary motions** – change or affect how the main motions is handled and voted on BEFORE the Main motion;
- **Privileged motions** – most urgent and concern special or important matters not related to pending business; and
- **Incidental motions** – questions of procedure that rise out of other motions and MUST be considered before other motions.

Ms. Karges provided an overview of typical motions and voting methods and Councilmember Spaulding asked the proper wording for withdrawing a motion after the motion has been debated and/or discussed and whether the member who initially seconded the motion would need to withdraw as well. Ms. Karges said the wording "Mr./Ms. Chairman I wish to withdraw my motion," would be sufficient but if significant discussion has occurred the motion becomes the property of the body and chances of getting the motion withdrawn may be pretty slim. She said withdrawing a motion – with consent of Council would not require the seconder to withdraw his motion.

Ms. Arnella Karges highlighted the rules of debate and said they are important to remember particularly with trying to keep meeting(s) timely and efficiently as possible. The rules of debate are as follows:

- Remarks must be germane to the question before the assembly – that is, his or her statements must have bearing on whether the pending motion should be adopted;
- Must avoid personalities;
- Never attack or question the motives of another member – the measure or motion, not the member, is the subject of debate;
- Cannot state that someone is false – a member might state, “I believe the member is mistaken”;
- All remarks should be addressed through the chair
- Avoid using member’s names, i.e., “the Councilor from Ward 5,” or “the at-large Councilor”;
- Refrain from speaking on an action not pending;
- Refrain from speaking against one’s own motion;
- Cease speaking during an interruption by the chair; and
- Do not disturb the assembly, i.e., during debate, during remarks by the presiding officer, during a vote, avoid whispering, do not walk across the floor, or in any other way disturb the assembly.

The presiding officer has a number of responsibilities to keep the meeting flowing efficiently;

- Open the meeting at the appointed time.
- Announce the business to come before the body.
- Recognize members who are entitled to the floor.
- State and put to vote all questions that legitimately come before the body. Announce the results of each vote.
- Protect the assembly from obviously frivolous or dilatory motions.
- Enforce the rules relating to debate and those relating to order and decorum within the assembly.
- Expedite business in every way compatible with the rights of the members.
- Decide on all questions of order, subject to appeal.
- Respond to members’ parliamentary inquiries of procedure or factual information bearing on the business of the assembly.
- Authenticate by signature any proceedings of the body.
- Declare meeting adjourned when applicable.
- Call a meeting to order or adjournment.
- Should always be fair and impartial.
- Be ready to enforce such things as asking the Sergeant of Arms to help maintain order.

Ms. Karges said members should always obey the rules of debate, remember parliamentary decorum, and respect the rights of other members.

Councilmember Jungman asked if someone makes personal comments, would a “point of order” be used to address that and Ms. Karges said a point of order can be raised asking the Chair to remind members to keep their comments on the issue at hand. She said members should avoid harsh statements and/or criticisms and always keep conversations at the upper level. Councilmember Jungman asked for examples of when a “point of order” would be common and Ms. Karges said some instances might include if the presiding officer forgets to call for debate and/or if a member gets off topic.

Councilmember Kovach asked Ms. Karges to explain the statement “the presiding officer is the only one who can ask for unanimous consent vote” and Ms. Karges provided an example as follows:

- There is a motion on a resolution,
- A member makes a motion to amend the resolution,
- Debate and discussion occurs on the amended motion,
- Member who made a motion to amend the resolution changes their mind and asks the chair to withdraw the motion, and

- Chair could state, “By unanimous consent we will allow the member to withdraw the motion” and if there are no objections the motion is withdrawn.

Councilmember Kovach asked if it would be appropriate for the presiding officer to call for unanimous consent on the consent docket without objection and Ms. Karges said yes, but that the presiding officer should call for an objection at least three (3) times. Councilmember Kovach asked under the rules of debate, whether every member should be allowed to speak once before a member could speak twice. Ms. Karges said one way to handle this situation is for the presiding officer to say, “All those Councilmembers wishing to speak in favor of this issue, give me your name and all those Councilmembers wishing to speak in opposition of this issue give me your name.” She said the presiding officer should always want to end the debate with a speech in prepotency of the issue, therefore the opposition speakers could go first then the speakers in favor of the issue would go last. Ms. Karges said typically, the member who is offering the motion or resolution would finish the discussion. She said the most efficient way is for each member to speak once. Councilmember Spaulding asked what would be the appropriate procedure if a member was not necessarily opposed or in favor but rather had questions and Ms. Karges said it would depend on whether or not there are time limits in place, but a member could request the chairperson recognition to ask the question “would the speaker/councilmember yield to a question?” She said it would be up to the councilmember to yield to the question or not.

Ms. Karges said if Council has a big issue on the agenda and is aware there will be a lot of people who will want to speak, Council may want to place a time limit on the speakers. She said it would be the presiding officer’s duty to inform the audience there is a sign-up sheet for those wishing to speak on issues to assist with keeping the meeting organized and timely. Councilmember Williams asked what procedure would need to take place if someone from the audience decided to ask a question or speak after one of the selected speaker(s) who signed up to speak finished talking and Ms. Karges said it really depends on how Council sets up the debate process. She said if practices are in place to draw the speaker(s) from the sign up list; Council can either leave the debate open ended or make it clear the debate is over and the issue goes to a vote. Ms. Karges said Council will want the debate process to occur the same for every agenda item so the public, as well as the other Councilmembers, will know what to expect.

Ms. Brenda Hall, City Clerk, asked the City Attorney to respond to exceptions to Robert’s Rules as adopted by ordinance and Mr. Jeff Bryant, City Attorney, said he is concerned with declaring the vote on consent items as unanimous consent because the Charter states all votes must be recorded. Additionally, he said it currently takes five (5) votes to pass resolutions, ordinances, or motions; therefore, if there is a subsidiary motion made when a main motion is pending, the subsidiary motion would only require five (5) votes to pass rather than the super majority required under Robert’s Rules.

Items submitted for the record

1. Parliamentary Workshop agenda dated September 4, 2012
2. PowerPoint Presentation entitled, “Parliamentary Procedure Workshop,” dated September 4, 2012
3. Robert’s Rules of Order Newly Revised - Explanation of Parliamentary Procedure Terms

The meeting adjourned at 6:40 p.m.

ATTEST:

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City Clerk

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Mayor