

Legislation Text

File #: 15-19735, Version: 1

Amend City Council's Resolution on Boards and Commissions

Action:

- A. Adopt a revised resolution on Boards and Commissions to establish a remote participation policy for members of certain boards, committees and commissions of the City of Charlotte, and**
- B. Adopt a revised resolution amending the Code of Ethics, Gift Policy and Disclosure Requirements for members of all boards, committees, and commissions of the City of Charlotte.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Stephanie Kelly, City Clerk's Office

Explanation

Action A

- In 1997, Council adopted a resolution establishing attendance policies and related requirements for boards and commissions, which resolution was amended in subsequent years, most recently in 2019.
- On October 10, 2022, City Council amended its Rules of Procedure to provide remote participation options for councilmembers in City Council Committee meetings only. This authorization permits committee members to participate remotely and vote on the business of the meeting. Members of city-appointed boards, committees and commissions have requested similar remote participation options.
- Proposed revisions to the Boards and Commissions resolution establishes a Remote Participation section which provide guidelines for when members of city-appointed boards, committees, or commissions may participate remotely in meetings. The resolution also revises the section on Attendance requirements by providing that remote participation fulfills a member's attendance requirements.
- The Remote Participation section only applies to boards, committees, or commissions whose members serve in an advisory capacity only.
- Boards, committees or commissions that hold quasi-judicial hearings, such as the Civil Service Board and the Citizens Review Board, or boards, committees or commissions that engage in final decision-making duties, such as the Arts and Culture Advisory Board and the Charlotte Regional Visitors Authority, shall continue to meet in person for quasi-judicial hearings or when taking final votes on matters that create legal obligations for the city.
- The attached list of current city-appointed boards, committees and commissions identifies which ones may allow remote participation for its members based on the function of the board and role of its members.

Action B

- Previously, the Code of Ethics, Gift Policy and Disclosure Requirements (Ethics Policy) for members of boards, committees, and commissions was consistent with the Ethics Policy for Mayor and Council.
- On February 22, 2021, City Council adopted a resolution revising the Ethics Policy for Mayor and City Council.

- This action updates the Ethics Policy for members of boards, committees, and commissions to be generally consistent with the previously adopted revisions for Council's Ethics Policy, as appropriate.
- The proposed revisions clarify the requirements for reporting and reviewing potential ethics-related concerns; substantive revisions are limited to Part A, Part B, and Part D of the Code of Ethics. Specific revisions include:
 - Conflict of Interest - if any potential for conflict of interest arises, board, committee, and commission members shall seek advice of the City Attorney, or designee, where (revised Part A, Section 3.b.):
 - Matters before the board may present a conflict of interest under any applicable law or policy; or
 - Board, committee, or commission members' connections with a contractor or subcontractor relates to city business; or
 - Board, committee, or commission members' business or property interests disclosed on their Statements of Economic Interest may be the subject of city business; and
 - Obligation to disclose potential conflict is on the board, committee, or commission member, not the contractor, subcontractor, or city.
 - Gift Policy (revised Part B, Definitions) - expanded applicability to cover all boards, committees, and commissions, including ad hoc boards and committees appointed by the Mayor or City Council.
 - Complaint and Review Process (revised Part D, Sections 1 and 2):
 - Creates new *prima facie* allegation standard for complaints: facts in the complaint, if true, must be sufficient to establish an alleged violation
 - *Prima facie* allegation may include complaints of: business connections posing potential conflicts; misappropriation of city resources; criminal or fraudulent activity, or any harassment; and
 - City Attorney may refer violations of law (criminal or fraudulent) to appropriate agency.
 - Authorizes initial review by City Attorney or designee and permits submission of amended complaint; and
 - Requires excusal of board member from participation in board business while an ethics complaint is under investigation.

Attachment(s)

Revised Boards and Commissions Resolution for Remote Participation

Boards and Commissions Remote Participation Eligibility

Revised Resolution of the Charlotte City Council Amending the Code of Ethics for Members of Boards, Committees, and Commissions of the City of Charlotte