

Sustainability Commission Meeting, May 1, 2023

Meeting Summary

SC Members in Attendance: Andrew Scholl, Rick Hawksley, Judy Nelson

Excused: Mary Jayne Stone

Others in Attendance: Julie Morris, City of Kent; Bridget Susel, City of Kent; Erik Fink, City of Kent; Bill Wilen, Ad Hoc Committee member

Judy Nelson called the meeting to order at 5:34pm and roll was taken.

Rick Hawksley motioned to excuse Mary Jayne Stone, Judy seconded – unanimous approval was had.

Rick motioned to amend the agenda to let Erik Fink speak first. Andrew (Andy) Scholl seconded. Hearing no discussion, the vote was called, and unanimous approval was had.

Erik introduced himself as the Assistant Law Director for the City of Kent and described his responsibilities. He provided a presentation explaining the roles of commission members in order to provide parameters, define responsibilities and procedures, and keep the Sustainability Commission from ever being sued. This information is given periodically to all boards and commissions, as there have been several instances over the years of various commission and board members acting inappropriately, causing legal problems for the City.

Erik explained that the primary responsibility of the Chair of the Sustainability Commission is to make sure everyone gets heard, that the meetings are conducted in a neat and orderly fashion, and that all the rules are complied with. This authority begins at the start of the meeting and ends once the meeting is over. This authority remains contained to the meetings only. The Vice Chair has the same responsibilities, but only when the Chair is not present at a meeting.

An example of problematic behavior to avoid was discussed: signing personal letters as a member of a commission on City letterhead and/or on mimicked City letterhead. Rick Hawksley advised that if the Commission wanted a letter written to Council, or anyone else, then the proper procedure would be to have Julie write it and then review it with Bridget and/or Erik for approval before sending it out. That was confirmed to be correct by both Bridget and Erik as a matter of procedure to ensure compliance with protocols for City sanctioned communications.

Erik and Bridget discussed the difference between minutes approval requirements for the quasi-judicial boards versus the advisory boards, of which the Sustainability Commission is considered advisory. The quasi-judicial boards have the authority to make a ruling based on law which is why they have the additional requirements and procedures around minutes. The Sustainability Commission as an advisory board does summary minutes that are filed of record but do not require a vote of approval.

Erik clarified it's fine to put down on a resume one's commission membership and particular role, or include same on their Linked-In profile etc.. The City is proud to have volunteers on the commission, but the City needs to make sure the use of the role stays within the designated purview for same. It was reiterated that the members have no authority outside of the committee meeting.

Rick asked for information regarding open meetings and communications. Erik and Bridget advised the Ohio Attorney General had decided meetings can be conducted in cyberspace, however, those meetings usually violate sunshine laws. The General Assembly pulled the virtual meeting allowance back in July of 2021, which is why all of the City meetings went back to being in-person at that time.

Procedure for group emails was discussed. Erik advised one email sent out to everyone by a member can create a meeting. If there is an idea or item that needs to be distributed to the entire group, send it to Julie and she can disseminate it to everyone, as that keeps the item as a notification. If an email accidentally gets sent out by a member to everyone, do not “reply all”, and instead reply directly back to Julie only. She can then make responses known. This also provides evidence of what was disclosed etc. and how things were handled to correct the issue.

Erik clarified three members of the commission can be out in public together, or at an event together at one time, but they cannot discuss City business. When three or more members are together discussing City business, a meeting is considered created. If that meeting was not advertised in accordance with City of Kent’s policy, it would be a violation of Ohio’s Sunshine Law. Rick added they have been careful to sit event booths with no more than two members at one time just to make sure those laws aren’t violated and can’t appear to be being violated (as opposed to having 3 people in the booth even if they weren’t discussing City business). As an example, Rick mentioned that he could sit down with Andy at Scribbles to have coffee and discuss business because there is only two of them, but he couldn’t then meet with Judy, or any of the other members directly after his meeting with Andy, as that could be considered a serial meeting and it gives the impression they’re making a decision before the meeting happens.

Erik confirmed having two members discussing City business prior to the meeting is fine but then, when the public meeting happens, Erik advised anything business related from that previous discussion be added to the public minutes so that there is no hint or suggestion that any kind of “backroom” deal was had. Bridget reiterated that we will be doing projects now related to the CAP, which will generate funding and programmatic decisions after they have been researched and vetted. We will have to be very careful about how to conduct business and have conversations related to same, as those types of discussions could generate opposition and create problems.

Bill Wilen asked what the role of visitors are. Erik advised that when the public comment section of the agenda is opened, the visitor(s) can contribute to the matters being discussed, but otherwise they are not to participate in the meeting discussions in accordance with Roberts Rules.

Erik explained that according to Sunshine Law, members can only discuss what is on the agenda. Other Business is the section to bring up other or new topics that members would like to see discussed, but the conversation about the new items is limited only to adding them to the next meeting agenda and cannot otherwise discuss the new items at the present meeting. Erik reiterated it is important to stick to the agenda topics that have been advertised and posted properly (which includes posting on the City’s website as per Council’s past approval of same).

Judy asked for clarification about motions. Erik confirmed that the role of Chair (or any formal role) doesn’t diminish the ability or authority to make a motion. Erik explained that any member can make a motion, but if no one seconds the motion, then it dies for lack of a second that effectively ends the issue. Erik clarified however that if members are having a discussion (i.e. should we allow red cars in the City of Kent) and someone motions that the item should be allowed and no one seconds, that motion dies but the conversation can continue until there is either resolution on the particular topic, whether a motion for or against, or a motion to table is made, or the discussion is ended with no one having anything further to say. It was reiterated that even if a motion is voted down, discussion can continue as someone may move to amend the original motion (i.e. should we allow blue cars), or make a new motion after continued discussion.

Rules around absences were discussed. Bridget advised attendance is tracked – 3 within a calendar year can warrant a warning letter being sent to the member. This rule isn’t codified but it is under Council’s standing rules for the boards and commissions. Rick commented that as such, the Commission should continue to move

to excuse members. Erik agreed and added that doing so allows Council to be able to remove members who have more than three absences but clarified that removing members isn't always the course of action taken. Bridget also clarified that generally Council does not remove members for absences, but it gives them the opportunity if needed to do so, primarily when absences are interfering with the capacity of the group to have quorum, votes, and move projects forward. It is understood that as a volunteer on a board, things come up that make absences necessary, but it is the consistency of absences and impact on ability for the group to do what is needed that is considered.

Discussion regarding calling special meetings was had. Erik advised special meetings can be called if they get routed through Staff and get properly advertised. Erik advised Council allows for posting meeting notices online to meet the advertisement posting period requirement. Bridget and Erik confirmed 24 hours in advance notice for emergency or special meetings is required.

Ad Hoc and working group sessions were discussed. Bridget advised the Sustainability Commission can also substitute a work session in the monthly commission meeting so that they do not have to end up being separate meetings. Different ways to structure and advertise the work sessions/meetings under the Commission meetings were discussed.

Bridget suggested that the focus of the next few Commission work sessions be prioritizing what initiatives out of the Climate Action Plan (CAP) will be worked on for the rest of this year and into the next. Bridget advised that in terms of tabling and sharing information with the public about the CAP, members have to stick to what has been vetted. She is in process of confirming whether the Commission can have a seat at a City table for the Heritage Festival.

Judy asked whether members could invite people to our working sessions to help provide expertise on a topic. Using the business community as an example, Bridget explained members need to be very clear about what is being asked for and why, in addition to following a protocol for that education and outreach. Bridget explained a staff person has to be a part of that outreach process – that a volunteer on a commission doesn't speak for the City and as such, staff has to be involved. Bridget advised that in the beginning, when working on the City-Business Climate Alliance section of the CAP, she may need to facilitate the introductions to members of the business community to ensure they know the staff person(s) and volunteer(s) from the commission that are asking for a meeting are in fact legitimate, and the meeting is in good faith as part of the CAP/sanctioned by the City.

Bridget suggested thinking through how to reach out to members of the community that may not yet support the CAP, those who hold different ideas about sustainability, or who have disagreed with City actions in the past. Bridget reiterated strategic and focused consideration needs to be made as to who are brought into the Ad Hoc committees/working groups, as well as who are targeted for the education and outreach and how.

Bridget clarified that Judy and Julie's role during work sessions will be to keep members on task and focused on discussions only related to what is being worked on for that particular session. If other topics are brought up during a work session, they will need to be tabled for a different work session and/or formal meeting if needed.

Representation of the Commission in the community was discussed. Judy advised there is a difference when representing oneself as a member of the commission verses when one is speaking for themselves. Anything communicated on behalf of the commission can only be what has been agreed upon by the commission to share. Sharing a personal opinion is fine but it must be made clear that it is a personal opinion and not that of the commission. Bridget also explained that as City representatives and administrators, we do not present at partisan political events, and also need to be thoughtful about how our presence at events could be thought

of as implicit support (“guilt by association”) when it would otherwise be outside the City purview. Neutrality is important, but Bridget clarified it is fine as individuals to attend any community event, organization etc. as long as you are not espousing your personal views as being those of the commission’s.

All members agreed to move the Open Comments item on the agenda forward to allow visitor Bill Wilen a chance to speak. Bill shared he is attending as a natural progression out of his previous work on the CAP ad hoc group. He’s interested to hear more about where we are with CAP and where we will be heading with it. Judy noted that she had communicated to both Bill and Lorraine McCarty that the commission will be working on the education and outreach components, and that both of their input into that process would be valuable given the time and work they gave the ad hoc committee over the years.

Rick discussed research that has been done over the last 10 years regarding different forms of democracy and public participation. Rick noted that Bill has been directly involved in Democracy Day in Kent. Rick has been thinking about when moving forward with the CAP, members aren’t just thinking about education and PR, but also about engagement. Using the example of his previous work to extend and develop the bike path, and the map they developed to engage the public with over a multi-year campaign, Rick explained how that kind of engagement drew out supporters and nay-sayers, but ultimately benefitted the Park district and saw the completion of the bike path extension. Rick provided summary information about the article New Democracy: Forms of Many Publics, also sharing information about citizen initiatives and assemblies as possible working group formats that utilize deliberate efforts to bring a wide spectrum of people together to talk about a topic, as an effort to help engage the community in concrete and creative ways around the CAP.

Bridget also agreed that, while these committees will have to follow the protocol for engagement as discussed previously, they can target the interest and expertise in the community based on what is being worked on. Rick will present more ideas he has around this as the Commission holds future work sessions around engagement.

Judy closed the discussion and asked for clarification on order of business about where Rick’s agenda item should now be placed, since it had previously been under New Business. Bridget noted it can now be moved to Old Business, or it can be folded under the working sessions around education and outreach parts of the CAP.

Judy opened discussion about the Old Business/Farmer’s Market Booth agenda item. Julie explained this item had been left on the agenda for more discussion. Before the CAP was passed, members used to have to choose a topic for the monthly Farmer’s Market Booth. Now that the CAP has passed, it changes the focus to sharing information about the CAP at public events instead. Discussion was had and members agreed the Commission needed first have working sessions to prioritize what will be shared, as well as when and where, and this can all fall under the purview of the Education and Outreach working sessions. Bridget advised the Commission should only be sharing the basics of what is in the plan at this point. Bridget advised a link on the Community Development’s webpage has been created to house CAP information, but it needs to be tested to make sure it’s working.

Bridget noted that Paul Bauer from the City worked with the EPA to clean up the brownfield site along Middlebury Road. They will be removing 20-30k old tires that had been dumped on the site years ago and the EPA will be removing them for free.

Discussion was had about changing the format of the meetings to working sessions for the CAP, instead of holding both a formal commission meeting and an additional work session(s) during the month. The meetings will be structured such that roll will be called as part of the formal meeting and then the meeting will immediately adjourn, moving into a working session. If at any point during the working session an item needs a vote, the formal meeting can be called back into session to hold the vote. Judy motioned to move the

Sustainability Commission meetings to this working session format, Rick seconded. Discussion was offered and hearing none, the vote was called and passed unanimously.

Julie will update the Sustainability Commission agenda accordingly to reflect the new format. She will also prepare some initial CAP summary flyers and materials that can be used for general education and outreach that will be sent out to members before the next commission meeting.

Bill Wilen noted he has four business connections who are interested in being involved and he'd like to get a plan together for how to connect them – he will start with informal conversations.

Judy mentioned that the standing meeting for the first Monday in June won't work for her. Members reviewed their availability and advised the following Monday, June 12th will work to reschedule. Julie will alert the members who did not attend about the date change.

Judy motioned to adjourn, Rick seconded, and discussion was offered. Hearing none, and with unanimous approval, the meeting was adjourned at 7:15pm.

The next Sustainability Commission meeting will be held Monday, June 12th, 2023, starting at 5:30 p.m. at the Overholt building.