

**River Bend Town Council
Work Session Minutes
December 10, 2020
River Bend Municipal Building
5:00 p.m.**

Present Council Members	Mayor John Kirkland Don Fogle Brian Leonard Bud Van Slyke Buddy Sheffield
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Town Manager	Delane Jackson
Town Clerk	Kristie Nobles
Town Attorney	David Baxter

DISCUSSION – Filling of Vacancy

The Manager stated that Councilman Harry McClard recently submitted his letter of resignation from the Town Council. He presented a copy of the letter.

VOTE- Accept Resignation and Declare a Vacancy

Councilman Sheffield **moved to accept the resignation of Harry McClard and to declare a vacancy on the Town Council.** The motion carried unanimously.

DISCUSSION – Procedure for Filling Vacancy

The Manager stated that the Council would need to approve procedures to fill the vacancy. The Manager provided a copy of the procedure that was utilized in previous vacancies. He stated that he had made minor changes to the procedure and had discussed them with the Town's attorney. Councilman Sheffield stated due to COVID-19, he suggests the Council do as much as possible of the interview process on paper. He suggested having every Council member submit a question for the applicant and let them submit their answers on paper for Council review. The Council discussed using a larger facility if there are an abundance of applicants.

VOTE- Procedure for Filling Vacancy

Councilman Leonard **moved to approve the procedure for filling the Council Vacancy as presented.** The motion carried unanimously. (See attached)

DISCUSSION – Schedule for FY19-20 Audit Presentation

The Manager stated that Ms. Phyllis Pearson with Petway, Mills & Pearson will be present at the next meeting to present the Audit Presentation for FY19-20.

DISCUSSION – Human Resources Policy

The Manager stated that on April 16, 2020 the Town's Human Resources Manual was amended to include Sections 26 and 27 in accordance with the Families First Coronavirus Response Act (FFCRA). The Manager stated that the FFCRA is set to expire on December 31, 2020 unless Congress extends the act. The Manager stated unless Council takes action to remove them, these sections would remain in the Human Resources Manual. Councilman Leonard stated that he would like to leave this policy in place until COVID-19 is under control. The Council agreed with Councilman Leonard, not to modify Sections 26 and 27 at this time.

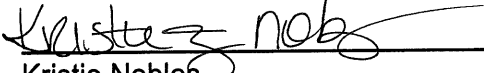
As previously discussed with the Council, the Manager stated that he has met with Mayor Kirkland and Councilman Van Slyke to discuss revising the Town of River Bend employee pay chart. He stated that he is working on multiple options for Council to review. He asked the Council if they would like to review these options at a Council meeting prior to Budget Season. The Mayor stated that he and Councilman Van Slyke believe it should be done prior to the budget sessions. The

Council agreed. Councilman Sheffield asked when the Budget workshops would be held. The Manager stated that the Town's workshops would probably be postponed again this year due to the uncertainty of how COVID-19 would impact the State's budget preparations. He stated that the Town's budget could be impacted by the State's budget and thus there was a need to delay the process again this year.

The Manager stated that he has been developing a Title VI Policy that NCDOT is now requiring. He stated that he plans to have it completed and sent to NCDOT for their review by January 4, 2021. Once the policy is approved by NCDOT he will present it to the Council for adoption.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 5:50 p.m.



Kristie Nobles
Town Clerk

Procedure for Applicant Interview

The River Bend Town Council will interview applicants for the position of Town Council member on January 14, 2021. The following procedures will be observed:

1. Prior to convening the meeting, all applicants will meet with the Mayor to draw numbers. The number drawn will determine the order in which the applicants will present their opening statements. Anyone who fails to participate in this drawing will be placed last on the list. If more than one person does not participate, they will be placed after all who have drawn, in alphabetical order.
2. When this item is reached on the agenda, The Mayor will introduce all applicants by name only, in the order determined by the draw and explain the procedures aloud.
3. All applicants will be seated in a designated holding area. When they are called upon, they will approach the designated seat and use the microphone to address the Council.
4. The Mayor will begin the process by recognizing the applicant who drew #1. That person will be directed to the microphone and will be given 3 minutes to make a statement. This will be the time for the applicant to introduce themselves, state their qualifications and the reasons they wish to serve on the Council. At the conclusion of the applicant's statement or 3 minutes, whichever comes first, the Mayor will continue the process by recognizing each applicant based on the order of the draw.
5. Next, the Mayor will call on Town Council members to pose questions to applicants. The first set of questions will be directed to the applicant who drew #2. The Mayor will begin on his left and call upon Council members in the order that they are seated to pose questions. The questions will continue to each applicant in numeric order. The next set of questions will begin with the next applicant. This process will continue until all applicants have been given an opportunity to be asked questions by the Council.
6. The Mayor will begin each round of questions by beginning with a new Council member, based on the order that they are seated. This rotating process will continue until all applicants are interviewed.
7. Each Council member will be allowed to ask up to 2 questions of each applicant. There is no requirement that each Council member must ask 2 questions of each applicant. Since the questions are not predetermined and not shared with the Council in advance, some Council members may have the same question. If that question has already been asked by another Council member, there is no need to ask the question again.
8. Each applicant will have up to 2 minutes to answer each question.

9. The Town Manager will serve as time keeper. A set of colored lights will be used to alert each applicant of their time. The colors mean:

GREEN- The applicant is within time limits and may talk.

YELLOW- The applicant has 30 seconds left and should begin closing their remarks.

RED- Time has expired and the applicant must stop talking.

Any applicants who continues to talk after the red light has been illuminated, will be stopped by the Mayor. This will be done in order to ensure that all applicants have the same time limits and none are given any additional time. The timer will begin after the question has been asked of the applicant.

10. Time or questions will not be shared among applicants. No applicant may transfer their time or questions to another applicant. If a candidate chooses not to use all of their time or if they do not answer a question, their time or question may not be transferred to another applicant. Any unused time or unanswered questions will simply be forfeited.

11. Council members may not transfer questions to another Council member. Any unused questions will simply be forfeited.

12. Applicants will be asked questions by the Council only. The public will not be allowed to ask questions.

13. Applicants will direct their answers to the Council only. During the interview process, no talking among other applicants or members of the public will be allowed.

14. At the conclusion of questions, the Mayor will end the interview process.

15. The Council will vote for a replacement Council member at their meeting on January 21, 2021. At that time, the selected person will be administered the oath of office and shall immediately assume their responsibilities as a member of the Town Council.

Procedure for Voting on Replacement

The River Bend Town Council will vote on applicants for the position of Town Council member on January 21, 2021. The following procedures will be observed:

1. When this item is reached on the agenda, the Mayor will open the floor for nominations, whereupon each Council member may put forward a single nominee. Council members are not required to put forth a nominee. Since each Council member may nominate different applicants, during this process, multiple nominees may be presented and debated. Also, different Council members may nominate the same person. Each Council member may nominate the applicant they consider to be the preferred nominee and explain why they consider any applicant to be the preferred or not preferred nominee.
2. When debate ends the Mayor shall call the roll of each member and each member shall cast a vote of his preferred nominee by stating the name of the nominee. Note- this is not a vote on a motion that has been put forward, therefore this is not an "aye" or "no" vote. This is when a Council member states the name of the person they wish to select. This will be known as Ballot #1.
3. Voting shall continue until a nominee receives a majority of the votes cast (by members present) during a single round of balloting. For example: A majority among River Bend's currently 4-member Council equals 3. Therefore, if all 4 members are present the first nominee to receive 3 votes during a single round of balloting shall be determined as the winner. Other combinations of members present may result in fewer than 3 votes constituting a majority.
4. If a winner is not determined on Ballot #1, any nominee that did not receive a vote and the nominee that received the lowest number of votes will be removed from consideration. Then Ballot #2, with only the remaining nominees, will be considered in the same process as described in Rule #2 above. If during Ballot #1 multiple nominees receive the same number of votes and that vote total constitutes the lowest number of votes received, other than zero, then all nominees receiving that vote total will be eliminated from the next ballot, unless that would eliminate all nominees, in that case, then only those receiving zero votes will be eliminated. If during Ballot #2 all nominees, receiving votes, receive the same number of votes and that vote total represents the lowest number of votes received, then only those receiving zero votes will be eliminated from Ballot #3. If during Ballot #2, no person receives zero votes, then all nominees receiving the same number of votes will be included in Ballot #3. Any nominee receiving zero votes during any ballot will be eliminated from consideration on future ballots. Step # 4 will only be used if there are 3 or more nominees put forth during Step 2.
5. This process shall continue until a nominee receives a majority of votes from Council.
6. After conducting Ballot # 2, if the Council conducts 3 additional ballots in a row wherein no nominee receives a majority of votes among Council, then the Council will utilize the "motion" process, whereby a Council member will put forth a motion to appoint a particular applicant as the appointee. After debate on that motion has ended, the Council will vote on that motion. If that motion ends in a tie, the Mayor shall be allowed to vote on the motion, otherwise the Mayor shall not vote on an appointment.
7. If for any reason, a nominee is not selected during this process, the Town will re-advertise the vacancy and conduct another set of interviews and another vote.

This procedure was used following the resignation of Gene Bauer because there were several applicants (12-20-18). Step # 4 was eliminated from the procedure following the resignation of Bill Wanamaker because there were only 2 applicants (2-21-19).

