

1 CITY OF FLINT
2 RECEIVERSHIP TRANSITION ADVISORY BOARD MEETING
3 WEDNESDAY, DECEMBER 14, 2016
4 2:00 P.M.

5
6 Meeting before the
7 RTAB Board at ~~Flint City Hall, Flint~~ Richard H.
8 Austin Bldg. 430 W. Allegan, Lansing, Michigan,
9 on Wednesday, December 14, 2016.

10

11 BOARD MEMBERS PRESENT:

12 Frederick Headen - The Chairperson
13 Michael Finney (Telephonically)
14 Joel Ferguson
15 Michael Townsend (Telephonically)

16

16 FROM THE CITY:

17 Chief Legal Officer, Stacy Oakes
18 City Administrator, Sylvester Jones
19 Chief Financial Officer, David Sabuda

20

20 OTHERS PRESENT:
21 R. Eric Cline

22 REPORTED BY: Mona Storm, CSR# 4460

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| | Approval of Agenda | 3 |
| 4 | Approval of 11-9-16 minutes | 4 |
| 5 | UNFINISHED BUSINESS | |
| 6 | None | |
| 7 | NEW BUSINESS: | |
| 8 | Approval of 2017 RTAB Meeting Schedule | 5 |
| 9 | Approval of Resolutions & Ordinances for City Council Meetings: | |
| 10 | | |
| 11 | 11-14-16, Resolutions 422, 467, 485-491, 494-497, approved | 8 |
| 12 | 11-28-16, Resolutions 497, 497.2, approved | 10 |
| 13 | Resolution 511 (FY 2016 Budget Amendment/ Transfer of Funds/MDEQ Grant) | 10 |
| 14 | | |
| 15 | Resolution 549, approved contingent upon the receipt by the Department of Treasury of a copy of the resolution, the Court's Order and review by staff and written assurance from the Mayor that the resolution will not be vetoed in the 7-day period | 21 |
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1 Flint, Michigan

2 Wednesday, December 14, 2016

3 2:06 p.m.

4 THE CHAIRPERSON: The meeting will come to
5 order. Let the record reflect that a quorum is
6 present, including Mr. Finney and Mr. Townsend
7 participating by conference call. You have a copy of
8 the agenda. Are there any additions to the agenda at
9 this point?

10 If not, is there a motion that the agenda be
11 approved?

12 MR. FERGUSON: So move.

13 THE CHAIRPERSON: Support?

14 MR. FINNEY: Support.

15 THE CHAIRPERSON: Without objection, the
16 agenda's approved.

17 Next item of business would be the approval
18 of the RTAB meeting minutes from November 9th.

19 MR. TOWNSEND: Move to approve.

20 MR. FERGUSON: So move.

21 THE CHAIRPERSON: A motion's been made and
22 seconded. Any discussion?

23 If not, those in favor of the approving the
24 RTAB minutes from November 9th, please say "aye".

25 BOARD MEMBERS: Aye.

1 THE CHAIRPERSON: Opposed?

2 Approved.

3 There is no Unfinished Business.

4 New Business, we will bypass, at least for
5 the moment, Item A, Mayor and Council, and proceed to
6 the 2017 RTAB proposed meeting schedule.

7 Any questions about that?

8 This continues to be the second Wednesday of
9 each month. If there are no questions, is there a
10 motion that the proposed meeting schedule for 2017 for
11 the RTAB be approved?

12 MR. FERGUSON: So move.

13 THE CHAIRPERSON: Is there support?

14 MR. FINNEY: Support.

15 THE CHAIRPERSON: Any discussion?

16 MR. FINNEY: Yeah, I just have one question
17 unrelated to the dates. But is there a plan for the
18 review of the Flint situation and how is that -- does
19 that have any impact on this? Obviously, it doesn't
20 have any impact on the schedule but I'm just curious.

21 THE CHAIRPERSON: It does not have an impact
22 on the schedule but Mr. Cline is here and can
23 certainly --

24 Do you want to indicate to Mr. Finney, sort
25 of, where you are with regards to --

1 I assume, Mike, you're talking about the
2 annual evaluation of the City's position?

3 MR. FINNEY: Yes, yes.

4 MR. CLINE: Yes. We -- we're going to be
5 moving forward with that. We've been getting that
6 organized. My staff has been working on completing
7 several other annual reviews at the moment. So these
8 are very time-consuming endeavors. So we're probably
9 going to be starting that, in earnest, here very
10 shortly, right after the holidays. So I think we'll be
11 giving an update maybe at the next meeting on our
12 strategy for that. So --

13 THE CHAIRPERSON: Motion's made and seconded
14 regarding the approval of the 2017 meeting schedule.
15 Those in favor, please say "aye".

16 BOARD MEMBERS: Aye.

17 THE CHAIRPERSON: Opposed?

18 Meeting dates for 2017 are approved.

19 Next item of business would be the approval
20 of the Resolutions and Ordinances from the City Council
21 meeting. We'll begin with City Council meeting of
22 November 14th. There are, I believe, 13 resolutions
23 from that meeting.

24 Mr. Cline, do you want to summarize each of
25 those for us, please.

1 MR. CLINE: Yes. And I forgot to get those
2 out of my folder here, so all right. We have the
3 following resolutions: 421 -- I'm sorry, 422 was a
4 contract for -- a three-year contract for switch gear
5 maintenance with Power Plus Engineering in the amount
6 of \$28,000 per year.

7 467 was the purchase of five Chevy Tahoes in
8 the amount of \$182,000 for the police department
9 vehicle fleet.

10 485 was an agreement for janitorial supplies
11 with Arnold Sales, adding about \$8,500 to the existing
12 contract.

13 486 was a change order with WT Stevens for an
14 emergency water line replacement in the amount of
15 \$6,200.

16 487 was a Memorandum of Understanding to use
17 CDBG funds in the amount of \$240,000 for the
18 Brennan Center roof replacement.

19 488 was a budget amendment regarding the
20 health advisor budget in the amount of \$285,000. This
21 is a grant funded -- grant funded budget amendment.

22 Resolution 489 was the acceptance of a Health
23 and Human Services grant for mental health services in
24 the amount of \$972,000 for year one. This is a
25 possibility of a four-year grant project in the amount

1 of up to \$4.8 million.

2 Resolution 490 was a budget amendment for
3 \$5 million from a DEQ grant for lead line replacement.

4 Resolution 491 was the settlement of a
5 grievance in the amount of \$8,500. This is a personnel
6 matter at the City level.

7 Resolution 494 was a change order with
8 Yeo & Yeo for auditing services in the amount of
9 \$8,000.

10 Resolution 495 was a renewal by the City
11 Council of the Mayor's declaration of a state of
12 emergency.

13 Resolution 496 was the appointment of
14 Carol-Anne Blower to the Zoning Board of Appeals.

15 And, finally, Resolution 497 was the first
16 reading of an ordinance to amend Chapter 18 of the
17 City's Code of Ordinances.

18 THE CHAIRPERSON: Is there a motion that the
19 resolutions --

20 MR. FERGUSON: So move.

21 THE CHAIRPERSON: Is there support?

22 MR. FINNEY: Support.

23 MR. TOWNSEND: Support.

24 THE CHAIRPERSON: Is there any discussion
25 regarding any of the resolutions Mr. Cline had

1 summarized?

2 Hearing none, those in favor of the motion,
3 please say "aye".

4 BOARD MEMBERS: Aye.

5 THE CHAIRPERSON: Opposed?

6 Those resolutions are adopted.

7 We go next to City Council Resolutions from
8 their meeting of November 28th. Mr. Cline?

9 MR. CLINE: All right. Resolution 497 was
10 the second reading and adoption of the ordinance
11 amendment for Chapter 18 in the Code of Ordinance,
12 which deals with taxation. This was -- the first
13 reading was conducted at the prior meeting.

14 Resolution 497.2 was the public hearing that
15 was held on that specific ordinance adoption.

16 And then you have Resolution 511, which
17 Mr. Headen asked to be separated for additional
18 discussion. That is the acceptance of a grant from the
19 MDEQ. It's a budget amendment in the amount of
20 \$860,000 for water distribution optimization.

21 THE CHAIRPERSON: Given the absence of the
22 Chief Financial Officer this afternoon, I'm sure due to
23 the weather, we'll simply include Resolution 511 in
24 with the other two, 497 and 497.2, and I'll ask for a
25 motion that those resolutions be approved.

1 MR. FERGUSON: So move.

2 THE CHAIRPERSON: A motion's been made. Is
3 there support?

4 MR. TOWNSEND: Support.

5 THE CHAIRPERSON: Is there any discussion?

6 Hearing none --

7 MR. FINNEY: I just have one quick question.
8 So we're actually building on 511, also, even though it
9 originally was separated?

10 THE CHAIRPERSON: That's correct.

11 MR. FINNEY: Is there a reason for that, that
12 it was separated or -- I'm curious.

13 THE CHAIRPERSON: I believe we wanted to get
14 a fuller understanding from Mr. Sabuda as to the
15 details of it. Given the fact that he's not here to
16 provide that, I see no reason to hold up voting on that
17 particular resolution.

18 MR. FINNEY: So your understanding is there's
19 no concerns on the City's part with respect to this; he
20 just wanted to provide a more detailed explanation?

21 THE CHAIRPERSON: That's correct.

22 MR. FINNEY: Okay. Okay. Thank you.

23 THE CHAIRPERSON: Motion is pending. Those
24 in favor of the motion, please say "aye".

25 BOARD MEMBERS: Aye.

1 THE CHAIRPERSON: Opposed?

2 Motion is adopted.

3 Item D under New Business is the budget to
4 actual for October. Does anyone have any questions
5 regarding that that we can relay back to Mr. Sabuda?

6 MR. TOWNSEND: I don't have any at this time.

7 MR. FINNEY: No, nothing from me.

8 THE CHAIRPERSON: If not, we'll consider that
9 Budget to Actual Report to have been received.

10 There is no public comment. We do have the
11 Chief Legal Officer for the City here. As I indicated,
12 I think, to Mr. Finney earlier, Ms. Oakes did raise the
13 possibility of us considering a resolution that was
14 adopted by the City Council just this Monday night
15 regarding the possible settlement of a federal lawsuit.

16 Ms. Oakes, is that something that you wanted
17 to elaborate upon?

18 MS. OAKES: Yes, for the benefit of the other
19 RTAB members whom I have not had the opportunity to
20 speak with, we did receive on December -- on November
21 the 30th an order from the Eastern District at
22 4:45 p.m., in essence, calling for us to codify our
23 rental code. We were unable to get a City Council
24 meeting for lack of a quorum and they did have a
25 Special Council meeting on Monday, December 11, at

1 which they voted to approve the rental code. In
2 essence, the judge is requesting that this ordinance be
3 passed, in an effort to make a federal lawsuit moot,
4 where a resident has sued the City of Flint due to
5 rental inspections that he feels is not valid.

6 THE CHAIRPERSON: I did indicate to Chief
7 Legal Officer the Board's general distaste with taking
8 up items at the last minute that we've not had a chance
9 to read or review, which I think applies here.

10 But, as I indicated, out of courtesy, given
11 the fact that she's here and made an effort to come to
12 the meeting, I want to at least bring the issue to the
13 attention of the other three of you.

14 I'm going to leave this up to the Board to
15 decide whether we take this issue up this afternoon. I
16 will only indicate, as an individual member, I have
17 some discomfort signing off on a resolution, not
18 because of the subject matter but simply it's something
19 that I've not had a chance to read, our staff has not
20 had an opportunity to review it and to pose any
21 questions that they might have.

22 But I'll leave it up to -- to the Board to
23 decide whether or not we wanted to take this issue up
24 this afternoon.

25 Mr. Ferguson?

1 MR. FERGUSON: What are the pros and cons
2 about the merits of the resolution, you know, without
3 dealing with the technicality?

4 What's -- what does this do for you and why
5 is it necessary right now?

6 If we do this, what does it harm? You know.

7 MS. OAKES: Ultimately, the harm would be the
8 judge may see this as not taking advantage of an
9 opportunity that she has given the City to codify their
10 rental ordinance to make sure that this case can be
11 moot once it comes before her for a status conference,
12 that, with the -- which is before the next RTAB
13 meeting, as Mr. Headen has indicated. And, as I -- I
14 have here, the resolution was passed by City Council so
15 there -- it's not in dispute as it relates to City
16 Council.

17 MR. FERGUSON: So the City Council passed the
18 resolution?

19 MS. OAKES: City Council has passed the
20 resolution and, essentially, this is the next step, for
21 the RTAB to sign off on the resolution.

22 THE CHAIRPERSON: And does a status
23 conference occur before the 11th of January?

24 MS. OAKES: Absolutely, Mr. Headen, or I
25 promise you I would not have drove down here in this

1 storm.

2 THE CHAIRPERSON: And what's the date of the
3 status conference?

4 MS. OAKES: I don't have that before me at
5 this moment. But that is why we requested a special
6 meeting with Council and they were not able to get a
7 quorum. But we were able to have that ordinance voted
8 on, on December the 11th.

9 THE CHAIRPERSON: So there's no --
10 I'm sorry. Mr. Ferguson, go ahead.

11 MR. FERGUSON: No, I'm sorry.

12 THE CHAIRPERSON: So there's nothing in the
13 Judge's Order requiring this to be approved today
14 but -- but the sentiment is that it would certainly be
15 preferable if that would be done?

16 MS. OAKES: Well, the judge did not know what
17 our -- our next meeting would be as it relates to the
18 RTAB or City Council. The judge made it very clear
19 that this order was sent out at 4:45 and it should be
20 resolved within short order. So, as to make the case
21 moot, we operated on the timeline that we had,
22 requested a special meeting of City Council. They were
23 not able to get a quorum. And, in an effort to make
24 sure we were before this RTAB on today --

25 THE CHAIRPERSON: But, just to clarify,

1 there's nothing that requires us to act upon it today?

2 MS. OAKES: When you say is there anything
3 that requires you, what do you mean?

4 THE CHAIRPERSON: Is there any action or any
5 statement by the judge that --

6 MS. OAKES: The judge does not -- I doubt if
7 the judge even know what RTAB is.

8 MR. FERGUSON: Mr. Chairman.

9 THE CHAIRPERSON: Yes?

10 MR. FERGUSON: I would think that, if the
11 City Council has unanimously supported this, I see us
12 supporting them this time. And it's something that it
13 doesn't harm us to do. You know, it's really been
14 vetted by them when they unanimously passed this so I'd
15 like to move that we go ahead and pass this.

16 THE CHAIRPERSON: Was it approved unanimously
17 by the City Council?

18 MS. OAKES: There were no objections. There
19 were no "no" votes.

20 THE CHAIRPERSON: And is there any assurance
21 that the Mayor will not veto this during her 7-day veto
22 period?

23 MS. OAKES: The Mayor has not indicated any
24 intention of vetoing this. The Mayor has been very
25 supportive of trying to move it forward in an effort to

1 satisfy the Federal Judge in the Eastern District.

2 MR. FERGUSON: I would say this: That the
3 City Attorney who reports directly to the Mayor in --
4 in this weather wouldn't drive up here if she didn't
5 feel that everyone's on the same page. I mean --

6 MR. FINNEY: And I have one.

7 MR. FERGUSON: -- this is not a clear day to
8 drive up just to be in odds with the Mayor you report
9 to and with a unanimous vote by the City Council.

10 MR. FINNEY: I have one, Mr. Chair.

11 THE CHAIRPERSON: Yes?

12 MR. FINNEY: Does the Judge's Order include
13 any financial impact to the City or just simply to --
14 and then do you anticipate any financial impact based
15 on the change that -- that was being approved?
16 Obviously we don't -- we haven't seen it yet so I'm
17 speaking completely ignorant and I don't know what that
18 is about so help me understand.

19 MS. OAKES: Essentially, the Judge is
20 attempting to give the City an opportunity to codify a
21 Rental Inspection Code so as to alleviate any merits of
22 the case that the Plaintiff has against the City for a
23 violation of search and seizure as it relates to a
24 rental inspection. The financial impact to the City
25 would essentially be not taking advantage of this

1 opportunity and the judge feeling compelled to award
2 some level of damages to the Plaintiff.

3 MR. FINNEY: But could there be -- so, by
4 moving to this new level of inspection, whatever is
5 involved in that, does that -- does that have potential
6 financial implication of staffing or frequent
7 inspection or anything like that that might have
8 financial implications going forward?

9 MS. OAKES: The additional financial
10 implication would be the landlord must pay for the
11 rental inspection to be conducted. This RTAB approved
12 the hiring of the rental inspection company about two
13 meetings ago. So that money is already encumbered. At
14 this point, it's a matter of making sure the Rental
15 Inspection Code is codified so as to receive payment
16 from individual landlords to proceed with rental
17 inspections.

18 MR. FINNEY: This is a question for you,
19 Mr. Chair.

20 Have we ever approved a resolution where it
21 is conditional on you, as Chair, and the team at
22 Treasury doing that standard review that you would
23 normally do, and subject to there not being any
24 determination of problems in the resolution, you would
25 be authorized to proceed and -- with the RTAB's, you

1 know, approval or would it be better to wait?

2 Because I'm generally aware of where our RTAB
3 member Ferguson is in trying to move it forward, if
4 possible. But I also wanted to make sure we, at least,
5 have a chance to see what we're voting on.

6 THE CHAIRPERSON: We've not done a
7 conditional approval up until this point but we
8 certainly could. We could conditionally approve it
9 today with the understanding, for example, that the Law
10 Department would submit to the Department of Treasury
11 by, say, noon on Friday a copy of the resolution, copy
12 of any order from the Court and any other relevant
13 document so that staff here could review those
14 documents as well as circulate the documents to
15 everyone on the RTAB. And if there were no objection,
16 once individuals had had an opportunity to review those
17 documents, then the approval this afternoon would
18 stand. Otherwise, it would be rescinded. So we could
19 certainly do something on a conditional basis like
20 that.

21 MS. OAKES: And if I may, Mr. Chair.

22 THE CHAIRPERSON: Yes.

23 MS. OAKES: I mean, at your last Special RTAB
24 meeting where you voted to move forward with the
25 stipulated Order in the trash case, City Council had

1 not even voted to accept that stipulation. So there is
2 some precedent for this RTAB moving forward with votes,
3 you know, prior to having the technical steps met.

4 THE CHAIRPERSON: But, as I indicated
5 previously on that point, the RTAB had access to the
6 documents. Even though the Council had not yet voted,
7 we had, in fact, seen drafts of all the documents. But
8 has the Court issued a specific order? Is there
9 anything in writing from the Court regarding this case?

10 MS. OAKES: Yes, that -- they issued that at
11 4:45. And we then went to Council to request a Special
12 City Council meeting. And all of those documents have
13 been e-mailed to you since our conversation of a half
14 an hour ago.

15 THE CHAIRPERSON: So I will move, then -- or
16 suggest a motion that --

17 MR. FERGUSON: That's why I was raising my
18 hand.

19 THE CHAIRPERSON: That we will accept -- does
20 the resolution have a number?

21 MS. OAKES: Yes.

22 Resolution 16-0549.

23 THE CHAIRPERSON: It's 16-0549?

24 MS. OAKES: Yes.

25 THE CHAIRPERSON: Is there a motion that

1 Resolution 16-0549 be approved contingent upon the
2 receipt by the Department of Treasury of a copy of the
3 resolution, the Court's Order and review by staff
4 and --

5 MR. FERGUSON: I want to make that amendment,
6 that what you suggested.

7 THE CHAIRPERSON: Please.

8 MR. FERGUSON: Yeah, I'd like to move that
9 we -- I move we -- we support this with the conditions
10 that the Chairman has listed.

11 MR. FINNEY: I'll support that motion.

12 THE CHAIRPERSON: Motion's been made and
13 supported.

14 Are there any questions?

15 MR. TOWNSEND: I just -- I understand the
16 motion. I guess the only thing that I wanted to add is
17 that we -- we need to be very careful what we're doing
18 because of setting this precedent, moving forward.

19 I mean, I'd hate to see this as a common
20 occurrence, this happening. We've discussed this
21 several times. And my feelings is, though, I do
22 understand maybe the urgency of this situation, but I
23 think, in order to make us all feel a little more
24 comfortable, having the document ahead, in front of us,
25 could have been done. Something -- you know, the

1 meeting was on Monday so there was some resolutions
2 prepared there that went before the Council. And today
3 being Wednesday, we still had not received it.

4 But also, without that reassurance of the
5 Mayor, because I do understand she'd not have sent
6 Madam Attorney down there without that. But we have
7 said in the past that we wanted to hear from the Mayor,
8 saying, you know, that she would not veto it.

9 And all of these things conditional, again,
10 based on those issues, I think that's what I'd like to
11 add on there, getting, also, some sort of written
12 statement from the Mayor saying that she will, you
13 know, waive that right or -- to veto it, I think should
14 be added to it as we go forward.

15 But I also just wanted to caution everyone
16 that we're setting a precedent that that would happen
17 on a regular basis. And we've seen this already. It's
18 not like it's something new. We've seen various
19 attempts at this in the last six, eight months, nine
20 months. And so I just think that it will be continued.

21 THE CHAIRPERSON: Thank you. And I agree
22 with your -- your comments and I think we all have to
23 be careful to make sure that this is an exception and
24 not -- does not become the rule.

25 We have a motion which has been made and

1 supported. But I'm going to suggest that Mr. Townsend
2 just put forth the equivalent of a friendly amendment,
3 which was to add to receipt of the resolution itself
4 and the Court's written Order, some written assurance
5 from the Mayor's office that she will not veto this
6 resolution during the 7-day period.

7 MR. FERGUSON: I support the friendly
8 resolution amendment.

9 THE CHAIRPERSON: So the resolution has been
10 amended. Motion's been made and seconded. Is there
11 any discussion regarding the resolution as amended, the
12 motion?

13 Hearing none, those in favor of the motion,
14 please say "aye".

15 BOARD MEMBERS: Aye.

16 THE CHAIRPERSON: Opposed?

17 Motion is adopted.

18 We have now --

19 MR. FINNEY: Just a question.

20 THE CHAIRPERSON: Yes?

21 MR. FINNEY: Did we just vote on the
22 amendment or did we vote on the main motion or both?

23 THE CHAIRPERSON: On the main motion.

24 MR. FERGUSON: So we got to have the main
25 motion. We voted on the amendment right then.

1 THE CHAIRPERSON: We voted on the main
2 motion.

3 MR. FERGUSON: Okay.

4 THE CHAIRPERSON: We have now with us
5 Mr. Jones, City Administrator, and also Mr. Sabuda,
6 Chief Financial Officer.

7 Mr. Jones, did you have any report for us on
8 behalf of the Mayor?

9 MR. JONES: I do not at this time. We're
10 just continuing with running the City and, actually,
11 nothing else to report at this time.

12 THE CHAIRPERSON: Mr. Sabuda, we already
13 accepted the cash flow report. Did you have any -- any
14 comments to add to that?

15 MR. SABUDA: Your Honor, no, I don't, other
16 than the audit is complete, we are finishing the audit
17 and --

18 THE CHAIRPERSON: I don't wear a robe so I'm
19 not "Your Honor".

20 MR. SABUDA: Oh, very good. The audit is
21 complete, we should have that in by December the 31st.
22 I wanted to let the Board know that so we will meet the
23 State deadline. And the millage passed in November,
24 which is good news also. And that's a \$752 million
25 revenue stream for us and that would be big news.

1 Everything else is right on target as we
2 expected. Thank you.

3 THE CHAIRPERSON: Thank you.

4 Is there any further business before the
5 Board?

6 MS. OAKES: Mr. Chair, if I may.

7 THE CHAIRPERSON: Yes?

8 MS. OAKES: As it relates to Legal and some
9 of these resolutions and settlement of litigation, as
10 you know, you take up the resolutions a month after
11 they've actually been voted on by City Council. Is
12 there any way to get any consideration for a future
13 response as it relates to Legal being able to move
14 forward with resolutions that have been voted on by
15 Council in regards to settlement of litigation at the
16 next RTAB meeting, at the next scheduled RTAB meeting
17 as opposed to holding them over for a month?

18 THE CHAIRPERSON: I'm not sure I understand
19 the question but --

20 MS. OAKES: For example --

21 THE CHAIRPERSON: For example, in the case --

22 MS. OAKES: For example --

23 THE CHAIRPERSON: In the case of this
24 month --

25 MS. OAKES: -- this month --

1 THE CHAIRPERSON: -- depending on when the
2 resolution for settlement would have been passed; if it
3 was passed on the 14th, then yes, it would be roughly a
4 month. If they were passed on the 28th of November, it
5 would have been about two weeks. So -- so one option
6 for you to consider would be to have such resolutions
7 be passed at the second of the -- of the two meetings
8 of the City Council in each month, in which case it
9 would only be roughly two weeks before it came to the
10 RTAB.

11 But, for example, for this particular meeting
12 today, the Board's packet went out, I believe, last
13 Friday and the deadline the staff set for the City to
14 have documents to staff to review would have been, I
15 believe, probably the 2nd --

16 MR. CLINE: It would have been the prior
17 Friday.

18 THE CHAIRPERSON: -- of December. So that's
19 the schedule that's been in place, the timeframe that's
20 been in place now since the RTAB has been here for a
21 year and a half. That's the same schedule that's
22 applied to every other city that has an RTAB. It gives
23 the staff here an opportunity to fully review and ask
24 any questions of resolutions, whether they're
25 litigation settlement-related or otherwise.

1 I don't know if that helps with respect to
2 your question but that's the -- that's the existing
3 timeframe.

4 MS. OAKES: And that was my question. Could
5 that -- could there be some considerations for amending
6 that timeframe? I understand that that has been done
7 and how it's currently done. But, in this case, there
8 was a settlement, Council voted on it on December the
9 12th, past the December 2nd submission date. And it's
10 essentially a settlement of litigation that we wouldn't
11 be able to discuss in a public meeting without an
12 executive session with the RTAB anyway.

13 THE CHAIRPERSON: You would not be able to
14 discuss during an executive session with us because we
15 would have no basis for closing a meeting.

16 MS. OAKES: Right. Therefore, the question
17 is essentially, is there any way for consideration for
18 settlements that have been voted on by Council in
19 regards to legal settlements for the RTAB to take it up
20 at the next available meeting? It, essentially, helps
21 the process for the Legal Department.

22 THE CHAIRPERSON: Well, the RTAB would take
23 it up at the next available meeting. I think your
24 question is if the next available meeting is a month
25 later, could it be done more expeditiously?

1 MS. OAKES: In this case, it was voted on on
2 December the 12th. Your packets were due December the
3 2nd.

4 THE CHAIRPERSON: Yes.

5 MS. OAKES: Were past December the 2nd when
6 it was actually voted on by Council.

7 THE CHAIRPERSON: I understand.

8 MS. OAKES: Right. So this is the next
9 meeting. But would you be willing to take it up --

10 THE CHAIRPERSON: The answer is no.

11 MS. OAKES: Right. And that was the
12 question. Could there be some consideration for Legal
13 when it comes to settlements that have been voted on by
14 Council and approved?

15 THE CHAIRPERSON: I can ask staff to take a
16 look at this issue but I don't --

17 MS. OAKES: And that's all I'm requesting.

18 THE CHAIRPERSON: I don't see, off the top of
19 my head, a legitimate reason to separate out those
20 resolutions that deal with lawsuit settlements from the
21 normal business of the Council.

22 If there's a given instance where there's
23 some aspects of a settlement that requires immediate
24 approval, there is always a possibility of making an
25 exception at a special meeting. But, again, based upon

1 what Mr. Townsend said a moment ago, those ought to be
2 rare exceptions.

3 MR. FINNEY: The other question that I had
4 for Chief Legal Counsel, or Ms. Oakes, is it possible
5 to include, as a part of your negotiations of
6 settlements, the process that the City follows?

7 In other words, you negotiate an agreement,
8 it comes before the Council, it goes to the Mayor, it
9 comes to the RTAB. Is it possible to include that
10 process in the negotiations process so that you set the
11 expectation for whoever the settlement is with of the
12 timing?

13 MS. OAKES: Absolutely. And that's
14 oftentimes the case, which takes up a considerable
15 amount of time explaining the road and the process that
16 we must go through. But, so yes that actually does
17 occur. I was just hoping there could be some
18 consideration. I don't know in the past 18 months if
19 the RTAB has decided to say that a settlement could not
20 be approved. If there could be some consideration.
21 Mr. Headen said he would check with staff and I
22 appreciate that consideration.

23 THE CHAIRPERSON: I'm not aware of any
24 instance over the last year and a half that we have
25 turned down a settlement that had been approved by City

1 Council.

2 MS. OAKES: Okay.

3 THE CHAIRPERSON: Is there any further
4 business before the Board?

5 If not, is there a motion that we adjourn?

6 MR. FERGUSON: I so move.

7 THE CHAIRPERSON: Is there support?

8 MR. TOWNSEND: Support.

9 THE CHAIRPERSON: Without objection, we're
10 adjourned. Thank you.

11 (Meeting was concluded at 2:40 p.m.)

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C E R T I F I C A T E

I, Mona Storm, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (29) pages, is a true and correct transcript of my said stenographic notes.

Date

Mona Storm
CSR-4460