

**JOURNAL OF CITY COMMISSION WORK SESSION**  
**November 17, 2020**

City Commission Work Session  
Civic Center, Gibson Room 212

Mayor Kelly presiding

**CALL TO ORDER:** 5:30 p.m.

Due to the COVID-19 health concerns, the format of the City Commission Work Session was held in a virtual video-conferencing environment.

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members participated electronically via Zoom Webinar: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City Staff participating electronically were: Deputy City Manager Chuck Anderson, Finance Director Melissa Kinzler, and Human Resources Director Gaye McInerney. Present were City Attorney Sara Sexe, Police Captain Jeff Newton, and City Clerk Lisa Kunz.

To honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation as follows:

- Attend in person. **The City will be following the current Governor's Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the City.** Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 25. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, November 17, 2020: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net).
- Electronically. Register via the link on the meeting's agenda to the virtual meeting utilizing Zoom Webinar or to participate by phone.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190 or online at <https://greatfallsmt.net/livestream>.

**PUBLIC COMMENT**

None.

**1. NEIGHBORHOOD COUNCIL UPDATES – NEIGHBORHOOD COUNCIL # 2**

Shyla Patera, NC #2 Chairperson, reported that the council has been meeting in the Civic Center Gibson Room due to Covid related school closures, rather than at the West Elementary School library the second Wednesday of every month. Electronic participation is being set up for future meetings to comply with the City-County Health Department's latest directive. The council has been working on a visioning plan, nuisance housing issues, social media and its bylaws.

The Neighborhood Council northern boundary is the Northwest Bypass, the southern is the Sun River, the eastern is the Missouri River, and the western is the City limit line.

In response to Commissioner Moe, Chairperson Patera reported that some of the council's concerns over the past year were the need for a full council, speeding on 6<sup>th</sup> Street SW, nuisance properties, sprucing up parks, and CMR student needs. Council members have heard different concerns and successes expressed to them remotely. With regard to Covid concerns, the council wants everyone to stay safe.

Commissioner Tryon expressed kudos to Chairperson Patera for her care and concern of the community and for staying involved. He inquired what the neighborhood participation rate was pre-Covid, and what the council plans to do to encourage more participation in the future.

Chairperson Patera responded that it all depends on the issues at the meetings. Neighbors did attend meetings if there was a hot topic on the agenda. There has been declining attendance, but she hopes the council will be able to do some outreach to the neighbors in December or January for increased participation.

Mayor Kelly inquired about her experience accessing and participating in the meeting via Zoom. Chairperson Patera responded that sometimes it is easier to submit written comments. She can access the meeting electronically and hopes others can as well.

## **2. COMMISSION DISCUSSION ON DRAFT RESOLUTION PROMOTING DIVERSITY AND INCLUSIVITY**

Mayor Kelly commented that resolutions drafted by Commissioner Moe and City Attorney Sara Sexe are before the Commission for discussion.

City Attorney Sexe reported that Commissioner Moe submitted a draft Resolution the morning following the Special Work Session meeting pertaining to a non-discrimination ordinance (NDO). Prior to that meeting, City Manager Greg Doyon asked her and Human Resources Director Gaye McInerney to look at the City's policies and procedures and for her to draft a proposed Resolution. She concluded that her draft Resolution incorporated some of the public comment and language pertaining to the governor's mandate with regard to inclusivity and diversity.

Commissioner Moe reported that based on the discussion at the September 8<sup>th</sup> Special Work Session regarding a NDO she drafted a proposed Resolution that was not targeted to one particular class that has experienced discrimination. She would like to accomplish something more than an expression of faith. She would like the City to actively encourage inclusivity, discourage discrimination, and give people who think they are the victims of discrimination guidance on how they might pursue that.

She continued that her draft contains more substantive language than what City Attorney Sexe's draft Resolution proposes. To her, City Attorney Sexe's draft Resolution is a statement of beliefs that is more appropriate for a Proclamation.

Two things that Commissioner Moe suggested the City should do for protected classes are: (1) comprehensive data collection and annual discussion and release of the information, and (2) the City provide an ombudsman role for where people with discrimination complaints can go.

Commissioner Tryon commented that City Attorney Sexe's draft Resolution is more appropriate for the purposes for which the City Commission is supposed to be addressing the issues, and that Commissioner Moe's draft goes beyond the City Commission's powers according to the City Charter.

At Mayor Kelly's request, City Attorney Sexe explained the different levels of formality between a proclamation, resolution and ordinance.

Mayor Kelly requested that Human Resources Director Gaye McInerney discuss what is currently being done and what steps are already in place as a matter of course with non-discrimination throughout the City.

Human Resources Director Gaye McInerney responded that the City policies and procedures in place are as broad as possible addressing discrimination and all forms of harassment and are addressed through complaint forms or grievances. She explained the broad, yet targeted, outreach for recruitment, and data captured by a software program.

City Attorney Sexe added that the Legal and Human Resources Departments have taken a concerted effort to educate staff in terms of the obligations of holding a public office and ensuring that the public employees recognize that we all need to carry out our duties for the benefit of all of the public.

With regard to Commissioner Tryon's concern about separation of powers, City Attorney Sexe explained that in 2017 Great Falls' voters decided that creation or the updating of personnel policies is the job of the city manager as well as oversight of the employees. The City Commission's only employee is the City Manager. The Commission sets general policy, and policy implementation is carried out by the City Manager.

Commissioner Tryon noted that Commissioner Moe's proposed resolution language is that of an ordinance as the items prescribe policy for City staff and the City Manager.

Commissioner Moe responded that she has always thought dealing with discrimination piecemeal misses the point. After the Special Work Session meeting she tried to fold in the various things she has heard over the past five months from people in the community to say this is what the City does and will do on these issues rather than singling out one particular protected class. City Departments, the School District and other entities collect data that should be shared that shows we are making progress in these areas. The City should be the model of how Civil Rights laws are followed.

Commissioner Houck commented that this group has been trying to get something passed in Great Falls for three years. Other larger Montana cities have taken stands at different levels. What she has heard most from the community is we have to mirror words with our actions. It would be nice to have a proclamation or resolution in place that shows this is how we do

business in Great Falls, this is how we promote inclusivity. She hopes from there that many other businesses within the community will pledge to follow what the Commission adopts.

Commissioner Robinson commented that, by the time the Non-Discrimination Ordinance was presented in Great Falls, the Supreme Court had ruled that the LGBTQ community is protected under the Civil Rights Act under the term of sex. He expressed concern about some language in Commissioner Moe's draft and suggested amendments as follows:

First "Whereas" paragraph: The history of our nation is stained with . . . ,

Second "Whereas" paragraph: Delete "particularly Montana's indigenous peoples," and Delete the last paragraph that begins with "FURTHER."

He suggested that Human Resources Director McInerney, City Attorney Sexe and Commissioner Moe get together to work on a Resolution.

Mayor Kelly read the BE IT RESOLVED paragraphs 1-4 of City Attorney Sexe's draft Resolution recognizing that if this Resolution gets passed, and considering the City's form of government structure, it is setting the parameters of what the Commission can then use as values and goals to help direct the conversation with the City Manager.

City Attorney Sexe responded that she drafted more general policy statements under which the City Manager would then direct staff. She is looking for guidance from the Commission regarding what portions of either or both of the draft Resolutions are acceptable or what the Commission wants in the final Resolution for evaluation.

Mayor Kelly commented that Commissioner Moe's statements about data and an ombudsman could be crafted into the Resolution at a later date. Having an adopted Resolution is a statement to the community, ourselves and for those that are looking to see what kind of community the Commission represents.

Commissioner Moe suggested the following bolded language be added to City Attorney Sexe's draft Resolution:

Paragraph 3 – That the City abhors and will not tolerate discrimination, harassment, or denial of equal rights and privileges, based on race, color, religion, sex, age, national origin, and other classifications which are protected by federal and state law, **and will provide citizens with access to information on their legal recourses should they experience discrimination.**

She would also like the City to be more open about the data that the City already collects.

Commissioner Tryon commented that City Attorney Sexe's draft Resolution is adequate.

It was the consensus of the Commission for City Attorney Sexe to take into consideration the Commission's comments and bring forward a draft at a Commission meeting for public discussion.

## **DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS**

Deputy City Manager Chuck Anderson commented that the December 1<sup>st</sup> work session consists of an update from Neighborhood Council 9, and an Airport update from John Faulkner and the Airport Board. The December 15<sup>th</sup> work session will consist of his Maclean RFP update and Paul Skubinna's update on an upcoming Wastewater Treatment contract. The January 5, 2021, work session will consist of revised TIF allowances and a review of the City's fiscal position.

Mayor Kelly asked if the Commissioners had any topics to add to the list. No one responded.

### **ADJOURN**

There being no further discussion, Mayor Kelly adjourned the informal work session of November 17, 2020 at 6:46 p.m.