

Transcription of Item #170603 from 12/7/17 CCom Meeting

So I believe this item is here simply because we had a vacancy on will have a vacancy a little later this month and so we wanted to advertise this position for a 2-week period, then hopefully make a decision at the first meeting in January so that the uab is not without that member for any appreciable length of time.

We see here the seven members and what particular classes. I will say one thing that I noticed that I felt was an oversight or I don't know what the logic was, that we have both of the, what I'll call at large members expiring at the same cycle, and it seems like it would make more sense that you would have each of those sort of open qualification members expiring on a separate, so that's one -- I mean, I'd like to -- I don't want to do anything without the UABs input, but I would like to hear from them and see if there's any reason why we shouldn't switch out one of the top group of people into the bottom category and vice versa just to get an opportunity for commissioners to pick that at large position. But the term we have open now, coming open right now is the category of major business as a utility customer, that is category is 25 or more employees and that's a gru customer, that's what we're looking to replace, then the two others coming due in March would be the open qualification positions.

So with that, we have commissioner warren.

>> yes, so during the workshop, I brought up the suggestion and my interest is in seeing if we can't have those other two positions that would be up in March to put it out there for interested -- apply for all three of those positions that would be coming up because of the amount of time it would take to fill up one spot, getting individuals lined up for the other two I thought it would be efficient of time. So I would want to make a motion to see if we couldn't consider opening up those spots for applications as well much otherwise, it looks like we'll turnaround into January wanting to do that.

>> yeah, possibly.

I didn't --

[Overlapping speakers] Why I think that the time thing was an issue for us. If it is for you.

>> to have that conversation, because we can't talk about it otherwise and this is the place to be talking about it. With your additional comment just now about being able to get that say switch and which ones will be rotating in March, you know, to be able to select which spot we'd replaced one of those open spots with with a professional background. So when would be the time to have that conversation also?

>> I think we send them to the uab. We have a desire to do that, let them have a conversation, make a recommendation back to us. Follow that procedure.

>> I would like to see that we move forward and save time with appointments because I think it's going to be very duplicative of who is going to apply for one of the spots to get them into the open spots and again, I feel like it's a conversation to have earlier than later.

>> okay. Commissioner goston.

>> thank you very much, Mr. Mayor. I was concerned about a citizen and I tried to give her some comfort in some things she was questioning me about and her biggest area of difficulty was the fact that we had a representative on the uab from infinity energy.

>> two of them.

>> yeah, I knew that, she didn't like that she felt that they would try to sabotage what they would recommend to us where they would eventually be selling natural gas to gru and I told her that's something we won't entertain at all, and you know, it was really at first to get her to understand that. I think maybe going forward, Mr. Mayor, I think there should be some language and the expected things we look for in the uab members. So that kind of thought process won't even enter into for the people who represent us on the uab. But I assured her, I said I know that infinity sells natural gas all over the place because it would be a conflict of interest to try to sell it to you.

Would you have people who have those conspiracy theories so I think some language in the upcoming seats that we're going to have to fill on the uab, we can clarify and crystallize that won't happen but in order to represent the uab, this he have to have utility background, it's mandatory.

>> yeah.

>> so I wanted to bring that to your attention.

>> yeah, it's something that I think a lot of us have been hearing input about and I think that's something we would want to ask our attorney to maybe look at and give us some -- a little high level analysis what is the standard of conflict of interest, how could we as a body sort of create a definition and a process to -- that would be a litmus test that's either it is or it isn't, and we don't have to assume. Madam Attorney, did you want to --

>> yeah, I can address briefly. Certain parts of the state law already covers advisory boards so for instance, if there's a member with a conflict on an advisory board discussing something, they have to disclose that and follow certain procedures. They're not the same ones that the elected officials do, but the conflict still comes to light. So in other words, the conflicts are covered by state law. Now, I think the question that you all are wrestling with is should you put them on the board to begin with if you they have sort of a, I'm going to say not a specific conflict under state law, but an ongoing -- are there interests really aligned with being a member of an advisory board when they're running

another business that competes or whatever, that is completely up to you all. You can consider whatever you like other than discriminatory reasons for not placing somebody on a board so that would not require further action by you all.

>> okay, thank you. Commissioner hayes-santos.

>> thank you Mr. Mayor.

I'm not sure if I get what you were first saying. Were you saying if you were saying delaney is that what you were asking for, to see what other -- the other -- the current five who are specific areas that they might fit into other areas as well?

>> no, no, no. I was just saying that so you've got three terms that are about to expire and two of those are open qualifications seats and to me, it makes more sense to have one of those open qualifications seats moved into the where the four-year terms are. In other words, every two years, one seat opens that has no specific qualifications, you know, the way it is, you have two, then the one other that is a pay juror business owner. That means in two years, we have to find all these people with areas of expertise, that's more difficult, but also as to why we rotate at-large elections in the city because it gives more people opportunity.

>> I think it's a good idea, but also reading the ordinance, we didn't pick specific people for specific positions. We just have to have five people who have those, who have those, so one person, like we can move -- darren cook has a 25-person employee, you could then become the 25-person major business person, mary alford has managerial experience in utilities, she could move to that, then we could have an engineer for this. I think we need to fine out from the utility, in other words, which they go through and check the box which May fit orion if we all ready have that information and when we know what we can put out, there it's not just the 25-person, we could be looking for engineer or things like that to have the people that we could bring on to the board. Also to commissioner goston's suggestion, I think we should -- I think this board has been pretty powerful and are apart of a very large decisions for our utility, so I do think that who we're putting on there in part of this process I think we should have a financial disclosure and conflict of interest disclosure. I think we have to build out that program because they're not like a state thing so we would have to have our own financial disclosure or use what we use. this board as a lot of power and a lot of voice and I think it's important under similar knee as well, definitely when the board is asking for more power finance we go down that path to give them more, I think it's very important that we know kind of what are the disclosures that May be need to be made. Thank you Mr. Mayor.

>> I'd say that's a good thing to think about for our quasi-judicial boards. You know -- [Speaker off mic]

>> if we define our own.

The state's, the minimum, what's required is required, but if we wanted to do something a little more robust that gave our residents a higher degree of confidence in the decisions being made for, you know, no purpose but to the duties and interests, I think we would want to extend it to the quasi-judicial boards as well.

>> yeah, I agree.

>> commissioner ward.

>> thank you, Mr. Mayor. Off a question about the owner of a major business with who is a commercial utility customer. Just to be clear, as long as the business is within the service area, it doesn't have to be within the city limits, just the service area.

>> correct.

>> and the representative of that business does not have to be personally within the service area, just the business.

>> right. I don't believe they need to be the principal either, they just need to work there.

>> I think that opens up to a broad group there. Following on commissioner goston's comments, I have also heard a lot of chatter recently about this conflict of interest issue and I want to be careful that we protect Mr. Sylvester and Mr. Cook who are putting a tremendous amount of time into this and I think some requirements up front, some additional reporting on their part would help keep their names clear. I think it would be a very positive thing for them because are naturally going to have these discussions.

You know, as we all know that once something is out there and swirling, it doesn't just stop on its own, it needs to keep their names clear, I think it would be very helpful for us to offer that opportunity for them

to stand up and say, yes, I absolutely do not have a conflict of interest here and here's all of the information that you could possibly want in that regard. I think that would be good for the community and good for them as well.

>> thank you. Commissioner budd.

>> yes. Since I worked on this once before, let me point out two things that are important. Where it says two-year terms, that was the initial appointment. The idea was four-year terms, so I wanted to clarify that we wanted to stagger them. I agree with commissioner hayes-santos about moving things around so that we can adjust it and maybe we can move things, depending on how things fallout

to d.-I didn't realize we had-stuck two of the open general-seats in the two-year business -the other thing, we'll work on -the ordinance that created this,-that's what the two harveys are-going to work on after the first-of the year and I think the-relevancy that what we write in -that

ordinance as conflicts of interest is very important, and I think we'll have an opportunity to cure a lot of those fears by clearly stating what we expect and it's a real issue for anybody serving any board or serving any public capacity as to you draw the line. You know, everybody owns a certain amount of real estate, so everything has an impact on everything, and so it's a very delicate situation, as a commissioner and as a sit if we want them to participate in our democracy. As far as what we should do -- people on the board probably already satisfy many of those qualifications to avoid the problem where we have to find three or four people for very specific qualifications would be difficult, so I'd also like to hear sort of their perspective on this, so I -- that's something that if they could look at, I would like to hear their thoughts on, you know, because they're the ones who are sort of working with one another and so what is their thinking in terms of how frequent those replacements were, appointments need to occur, what they're thinking on that.

>> okay. Commissioner Hayes-Santos.

>> Mr. Mayor, on the 25 employees large commercial one, I think when the Harveys get together with UAB, that's that's one of the ones to look at because when you look at the others.

[Unintelligible]

Investment banking experience, licensed attorney experience, those are experience-based and we only like have one large customer commercial, we don't have a large residential or small residential or small business and I don't know that's fair that we only have one utility customer being represented. The rest are all experience-based which I think is good to have experience-based, so that's another one when you all are looking at it. Should we only have just one utility customer being represented, should it just be experience-based. Thank you, Mr. Mayor.

>> okay. I don't know where we are. I think we had some requests that we send to the UAB for them

to consider, you know, one is the different qualifications, another is how we have staggered the seats and putting both the sort of the open ended qualifications on the same cycle, you know, we do have an

immediate need of filling the vacancy that Mr. Walpole is leaving. How we define that vacancy I think is up to us, you know, and then whether we advertise for 3 openings or just one, at this point needs to be decided as well, so anybody want to put a motion on the floor that covers those four areas, then appreciate it.

Commissioner Warren.

>> I would like to initiate the motion to include consideration of three positions to be considered, how did you word it that the type of background that they have be flexible or --

>> I think we need to ask the UAB to discuss the recommendation on the criteria for the different members of the UAB.

>> which would include the four points that you were asking about?

>> that's one of the points.

>> let me see if my colleague has a better grasp. I just wanted to make sure that we included the consideration of asking for the three positions to be open.

>> commissioner hayes-santos.

>> thank you, Mr. Mayor. The ordinance is what it says. It doesn't say -- we can ask the uab on their thoughts. The ordinance says we need those people on there no matter what they are. So I think by following the law, that's kind of what we need to do. We could have put one out there and just say we're looking for somebody on the uab and you can fit any of these. You do have the other seats

coming up and we could move it around. We could turn to darren cook to the at large, whatever it May be to give us more leeway. I don't have a clear motion, but is that -- I so I guess --

>> I've the good a clear motion.

>> commissioner budd.

>> two things. I have two motions. The first motion is to advertise for people for the utility advisory board that are willing, considering to serve, and putting no criteria in there, and hope we fully we will find from pool of candidates what we're looking for so make it open to everybody and looking to fill up

to three vacancies, up to three vacancies. The second part of that is I think we need to ask, we need

advice from the uab as to how they see us doing that and filling those seats. One is to get the population to do it, the other is to get their advice on how to fill and would ready that correctly. We have those on the existing order mans.

>> you want to refer to the uab as well a discussion and recommendation back to the commission on how we -- how we assess conflict of interest and financial disclosure?

>> yes, that would be great, add that to it.

>> second.

>> a motion and a second to advertise three position, to refer to the uab a discussion and recommendation back to the commission for the different classifications for members of the uab, as well as suggestion about a conflict of interest and financial disclosure.

Any members of the public wish to speak to that motion? Back to the commission. All in favor of the motion say aye. All opposed. Motion passes unanimously.