



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: Mayor Jordan
City Council

CC: Susan Norton, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: August 11, 2020

RE: New Resolution To Accept \$250,000 Grant

The City Council amended the initial Resolution which not only accepted a \$250,000 grant, but attempted to require persons seeking employment as police officers to be licensed counselors, social workers, etc. After initially passing, Council Member Marsh moved to reconsider her vote. The motion to reconsider passed and the amended resolution was then voted down as Council Member Marsh changed her previous yes vote to a no vote. Another motion to reconsider the amended resolution cannot now be made without unanimous consent D.4. Reconsideration of the *Rules of Order and Procedure of the Fayetteville City Council*.

However, the motion to reconsider the vote on the amended resolution does not prevent City Council's consideration of a different resolution to accept the \$250,000 grant without the amendment. Indeed, our procedure has often allowed the City Council to approve a new Resolution that amends or repeals a previous Resolution which could not be procedurally reconsidered. This occurred at least three times in 2018 (copies attached) and six times in the last four years.

Although the newly proposed Resolution would approve the \$250,000 grant rejected by five Council Members along with the requirement of new minimum standards for hiring police officers at the last meeting, the Resolution proposed by Council Member Turk clearly presents a different question since it does not have a section attempting to impose minimum employment standards for police officer applicants. There never was a vote to approve or deny only the acceptance of the \$250,000 grant by itself at the last City Council meeting. The new Resolution will present this precise question to the City Council. Therefore, this is not the identical question and a proper Resolution for the City Council to consider.