

Minutes of the Centerville **City Council Special Meeting** held Saturday, August 7, 2021, at 11:00 a.m. with participants present at Centerville City Hall, 250 North Main Street, and electronically via Zoom.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members William Ince
Stephanie Ivie
George McEwan
Robyn Mecham

MEMBER ABSENT Tamilyn Fillmore

STAFF PRESENT Brant Hanson, City Manager
Lisa Romney, City Attorney
Jennifer Hansen, City Recorder
Jacob Smith, Administrative Services Director

VISITORS Interested Citizens

DISCUSSION OF ISSUES RAISED BY DAVID FLOWERS DURING OPEN SESSION
AUGUST 3, 2021

City Attorney Lisa Romney explained the Special Meeting was scheduled by the Council for discussion of issues raised by David Flowers during the Open Session of the August 3, 2021 Council meeting related to use of the Centerville Cares Facebook page to post Clark Wilkinson mayoral campaign material. She stated the expectation was for Council to discuss questions, but answers were not expected at that time. Ms. Romney and Mayor Wilkinson said they had not received a list of questions from Councilmember McEwan as discussed at the August 3, 2021 meeting.

Mayor Wilkinson commented that many citizens had benefited from the Centerville Cares nonprofit organization in the last few years. He stated the nonprofit organization did receive a donation from the Centerville Community Foundation, but was not part of the City. He clarified that Centerville Cares was a nonprofit organization that did not have 501(c)(3) tax exempt status.

The Mayor explained that he recently attended a cottage meeting as both a mayoral candidate and as Mayor of the City. A recording was made of the cottage meeting, and one of the members of the Centerville Cares Committee posted the recording on the Centerville Cares Facebook page, thinking they were posting the recording to their own personal Facebook page. The recording was removed when the mistake was realized. He stated he was not aware of the recording being on the Centerville Cares Facebook page until a day or so before it was removed. Mayor Wilkinson stated he does not believe any campaign rules were not violated, and expressed regret and apology that the mistake happened.

Councilmember McEwan stated the relationship between the City and external nonprofit organizations with which it interacted needed to be examined. He agreed that Centerville Cares had provided a benefit to citizens, but added that its relationship with the City had remained murky.

1 Councilmember Ivie said she appreciated the clarification that Centerville Cares was an
2 organization completely separate from the City. She said she was not sure how to make the
3 separate nature clearer. Councilmember Mecham said she believed Centerville Cares had helped
4 many citizens. She said she wanted the nonprofit organization to succeed, and she wanted to
5 protect the City. She acknowledged that Centerville Cares had taken steps to clarify that the
6 nonprofit organization was not part of Centerville City, which she believed was the best course of
7 action.

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9 Ms. Romney said discussions had already taken place regarding a clear separation of the
10 entities. As City Attorney, she expressed the opinion that "hybrid" entities such as Centerville
11 Community Foundation, the baseball program, and Centerville Cares could be problematic in that
12 the City retained less oversight and control. She said the Council could continue to discuss the
13 City's relationship with all nonprofit organizations and whether or not to continue letting the
14 nonprofit organizations use City Hall free of charge.

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16 City Manager Brant Hanson suggested the Council provide a timeline for when they would
17 like a complete separation between Centerville City and Centerville Cares. Ms. Romney advised
18 a clear separation between the two entities in address, email, resources, and logo. Responding
19 to a question from Councilmember McEwan, Ms. Romney said she believed the phrase "The
20 Mayor's Initiative on Wellness" was sufficiently generic to not imply a direct relationship with
21 Centerville City. Mayor Wilkinson said he believed all changes recommended could be
22 accomplished by the end of 2021.

23
24 Mayor Wilkinson asked about inclusion of nonprofit organization information in the City
25 newsletter. Councilmember Ince commented on the need to be consistent with all nonprofit
26 organizations. Ms. Romney suggested staff and the Council review City newsletter and City Hall
27 use policies over the next three or four months. Councilmember McEwan said he believed it
28 represented a conflict of interest for a City elected official to hold a position of directorship on the
29 board of a nonprofit organization receiving City funds or material support from the City. Ms.
30 Romney pointed out the City may have an elected official on the CenterPoint Theatre Board, and
31 added that elected officials were on the Centerville Community Foundation Board, as well as other
32 governmental entity boards and committees. She said she agreed with the idea of looking at the
33 issue more comprehensively.

34
35 Mayor Wilkinson commented on the need to avoid overregulation. He pointed out the
36 Centerville Cares Board did not receive compensation of any kind. Councilmember Ince
37 commented that nonprofit organizations throughout the country, 501(c)(3) or not, pursued leaders
38 to help build momentum of the organizations. He expressed the opinion that if the Council tried to
39 take the issue too far, they would compromise the ability of a nonprofit organization to be
40 successful in its efforts. He expressed a desire to not eliminate a person's ability to participate in
41 nonprofit organizations. Councilmember McEwan said he wanted to avoid the appearance of
42 conflict of interest in the best possible way.

43
44 Councilmember Mecham **moved** for Centerville Cares to be clearly separate from
45 Centerville City and that such separation shall include not using the City address, logo, and email.
46 Such separation shall occur within one month or as soon as possible. Staff is directed to conduct
47 further research and recommendations for City policies regarding nonprofit associations as
48 discussed. Councilmember Ivie seconded the motion, which passed by unanimous vote (4-0).

ADJOURNMENT

At 11:44 a.m., Councilmember McEwan **moved** to adjourn the meeting. Councilmember Ivie seconded the motion, which passed by unanimous vote (4-0).


Jennifer Hansen, City Recorder


Date Approved


Katie Rust, Recording Secretary

