

2020 Clerks Certification Institute

Agenda

October 19-23, 2020

Monday, October 19, 2020

Class Location: Zoom

9:00-10:30 **Changing Technology in the Clerk's Office**

Shannon H. Tufts, Associate Professor of Public Law and Government and Director, Center for Public Technology, UNC School of Government

Description: This session will focus on the emerging technologies impacting clerks' offices. There will be a strong focus on social media and its usage, legal and political considerations, and employee usage considerations.

Objectives:

1. Participants will be able to identify 2-3 emerging technology trends which may be applicable to their work environment.
2. Participants will be familiar with the common social media applications used by governments and able to determine the appropriateness of each application to their work environment.
3. Participants will have a basic understanding of the political and legal complexities associated with social media, particularly as related to public records laws and retention.
5. Participants will be able to identify specific employee conduct issues related to social media use and when the government can legally curtail employee behavior in online forums.

10:30-10:45 Break

10:45-12:15 **Changing Technology in the Clerk's Office (continued)**

12:15-1:00 Break

1:00-2:00 **Changing Technology in the Clerk's Office (continued)**

2:00-2:15 Break

2:15-3:45 **Managing Public Records**

Courtney Bailey, Records Management Analyst, NC Department of Natural and Cultural Resources

Josh Hager, Records Management Analyst, NC Department of Natural and Cultural Resources

Description: State law generally prohibits local governments from destroying public records without the consent of the Department of Natural and Cultural Resources. The Department has developed detailed retention schedules that specify how long different kinds of local government records must be kept. In addition to reviewing those retention schedules, this session will examine topics related to records retention, including the public records law, principles of records management, vital records and

disaster preparedness, confidential records, electronic records management, digital communication management, and scanning public records.

3:45-4:00 Break

4:00-5:30 **Managing Public Records (continued)**

Tuesday, October 20, 2020

Class Location: Zoom

8:30-9:45 **Think Fast! . . . Or Maybe Not**

Dona G. Lewandowski, Teaching Associate Professor of Public Law and Government, UNC School of Government

Description: Our incredible human brains are constantly switching from thinking fast to thinking slow. Both ways of thinking have incredible advantages – and disadvantages – depending on the circumstances. We can become more deliberate in our thinking and make better decisions by learning more about how these two ways of processing operate in our daily lives and how we can more consciously control that operation.

Objectives:

1. Be able to describe and illustrate with examples from daily life the benefits and drawbacks of fast and slow thinking.
2. List risk factors increasing the tendency to rely on fast thinking even when slow thinking is a better tool.
3. Explain the relationship between fast thinking and common cognitive distortions, including explicit and implicit bias.
4. Identify specific strategies for recognizing and responding to situations in which slow thinking is a more effective or appropriate response.

9:45-10:00 Break

10:00-11:15 **Economic Development**

C. Tyler Mulligan, Professor of Public Law and Government, UNC School of Government

Description: North Carolina statutes grant broad powers to local governments for the purpose of conducting economic development activities, including offering location and expansion incentives to businesses. In the case of incentives, where public funds are used for or granted to private entities, the law imposes additional requirements: special procedures for approval, public purpose considerations, and separate rules for public records and open meetings. Municipal clerks play an important role in the process, ranging from walking boards through the procedures to taking minutes in closed sessions. This session will explain the legal requirements about which clerks should be aware.

Reading Assignments: Read Chapter 14, “Financing and Public-Private Partnerships for Community Economic Development,” in Introduction to Local Government Finance (4th Edition). Also review previous sessions in the course on the topics of public purpose, open meetings, and public records.

Objectives:

1. Review statutory authority of local governments to conduct economic development activities
2. Apply rules for public records and open meetings
3. Explain public purpose considerations and special procedures for economic development incentives
4. Compare community development statutes with economic development statutes

11:15-11:30 Break

11:30-12:30 **Resilience**

Shannon W. Tufts, Associate Professor of Public Law and Government and Director, Center for Public Technology, UNC School of Government

Description: Workplace stress is at an all-time high. We are facing a pandemic of medical stress-related illnesses due to our toxic individual and organizational environments. This session will give you the tools to reduce your stress, focus and prioritize your energy, and hopefully transform you into a more productive, more positive contributor in all areas of your life.

Objectives: Clerks will:

1. Recognize the signs of information overload and burn-out;
2. Be able to identify personal areas of low performance related to the four dimensions of a healthy being;
3. Be able to identify tools and strategies to actively improve areas of low performance; and
4. Leave class with a tool to help assess their stress and energy sources on a continual basis.

12:30-1:15 Break

1:15-2:30 **Resilience (continued)**

2:30-2:45 Break

2:45-4:00 **Resilience (continued)**

4:00-4:15 Break

4:15-5:15 **Public Comment Periods**

Frayda Bluestein, David M. Lawrence Distinguished Professor of Public Law and Government, UNC School of Government

Description: This session will review summarize the rights of citizens to speak at meetings, with a focus on the public comment periods.

Objectives: Clerks will be able to describe:

1. The statutory requirement for public comment periods;
2. What are the legal limits on local policies governing public comment periods;
3. How public comment periods are different from regular meetings, public hearings, and quasi-judicial hearings; and
4. How free speech rights factor into public comment rules and practices.

Wednesday, October 21, 2020

Class Location: Zoom

8:30-10:30 **The Amazing Race: Open Meetings Edition**

Trey Allen

Description: In this exciting session, clerks will divide into teams and race through the provisions of the Open Meetings Law and related statutes in an effort to be the first team to complete a series of multiple choice and true/false problems. Participation in this session will expand and reinforce clerks' understanding of the public notice, public access, and minutes requirements that apply to the meetings of city and county boards.

Objectives: Clerks will be able to:

1. Identify the precise statutory provisions relevant to different open meetings questions and
2. Apply a basic understanding of open meetings law provisions to questions regarding official meetings of public bodies.

10:30-10:45 Break

10:45-12:00 **Drafting Ordinances – Writing What You Mean and Meaning What You Write**

Rebecca Badgett, Local Government Legal Educator, UNC School of Government

Description: Clerks often take the lead in drafting ordinances for their governing boards. In this session, clerks will learn the basic rules for drafting ordinances and practice applying those rules through group exercises.

12:00-12:45 Break

12:45-2:00 **Drafting Ordinances (continued)**

2:00-2:15 Break

2:15-4:15 **The Amazing Race: Public Notices Edition**

Trey Allen, Associate Professor of Public Law and Government, UNC School of Government

Description: In this exciting session, clerks will divide into teams and race through statutes and other resources in an effort to be the first team to complete a series of public notice problems. Participation in this session will expand and reinforce clerks' understanding of public notice requirements applicable to various local governing board actions.

Objectives: Clerks will be able to:

1. Identify the precise statutory provisions relevant to notice problems and
2. Use the provisions to identify the notice mandated in a given situation.

Thursday, October 22, 2020

Class Location: Zoom

9:00-10:30 **The Clerk's Role in Local Government**

Donna Warner, Adjunct Instructor, UNC School of Government

Description: The clerk is an important part of the city/county management team. This session will focus on giving clerks insight into themselves as leaders and examine their role vis-a-vis the city/county manager and the governing board.

Objectives:

1. Raise awareness of clerks' role in the city/county management team (understand that leadership is everyone's business)
2. Define and describe ways in which clerks contribute as public leaders
3. Review the various types of formal and informal power accessible to the clerk

10:30-10:45 Break

10:45-12:00 **The Clerk's Role in Local Government (continued)**

12:00-12:45 Break

12:45-2:45 **The Clerk's Role in Local Government (continued)**

2:45-3:00 Break

3:00-4:45 **Motivating Without Money**

Willow S. Jacobson, Professor of Public Administration and Government, and Director, LGFCU Fellows Program, UNC School of Government

Description: Times are tough. Many cities and counties are deferring annual salary and merit increases and still asking people to "do more with less". What can you do to maintain your staff's morale during these difficult times? How can you create a culture that encourages people and creates a positive working environment for all? This session will explore practical ideas you can use in your organization.

Objectives: Clerks will:

1. Be able to identify people's different motivational bases;
2. Be able to identify tools and strategies to improve morale; and
3. Leave class with a tool and techniques to help recognize and reward others.

Friday, October 23, 2020

Class Location: Zoom

8:00-9:45 **The Amazing Race: Public Records Edition**

Trey Allen

Description: In this exciting session, clerks will divide into teams and race through statutes and other resources in an effort to be the first team to complete a series of public records problems. Participation in this session will expand and reinforce clerks'

understanding of the public records law, including key features that clerks must be familiar with as the official records custodians for their respective municipalities.

Objectives: Clerks will be able to:

1. Identify the precise statutory provisions relevant to different public records questions and
2. Apply a basic understanding of public records law provisions to questions regarding the inspection or copying of public records.

9:45-10:00 Break

10:00-11:30 **Good Government**

A. Fleming Bell, II, Retired Professor of Public Law and Government, UNC School of Government

Description: This session will explore what it means for government to be “good.” The purposes of government will be discussed, and contrasting views about government’s role in our society will be examined. The session will also consider the ethical obligations of citizens and public officials and explore how the attitudes of North Carolina’s citizens and officials about their local governments have evolved.

Objectives:

1. Become familiar with the concept of “the good.”
2. Understand the concept of a telos, or ultimate goal, for our communities.
3. Learn to understand and empathize with those whose views about “good government” and the proper roles of government may differ from one’s own.
4. Examine the ethical responsibilities of citizens and public officials.
5. Construct a framework for “good government,” based on personal experiences and the concepts that we have discussed.

11:30-12:30 **Graduation/Reception via Zoom**

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Instructor Biographies**

Trey Allen is Associate Professor of Public Law and Government at the UNC School of Government, where he researches and writes about the general regulatory and enforcement powers of local governments, local government liability, and board procedures. Trey also teaches and advises extensively on those topics. Trey has authored books, book chapters, and articles on issues involving his subject areas, and he contributes to the School's blog *Coates' Canons: NC Local Government Law*. In 2019 Trey received the Margaret Taylor Writing Award for his book *Local Government Immunity to Lawsuits in North Carolina*.

On the programming side, Trey plays a major role in planning and coordinating the School's many educational offerings for clerks to municipal and county governing boards. Annually these programs include the Clerks Certification Institute, the New Clerks Institute, a three-day academy for experienced clerks, annual conferences for the NC Association of Municipal Clerks and NC Association of County Clerks, and several regional academies conducted around the State with the support of the NCAMC and NCACC.

Trey was previously an attorney at Tharrington Smith LLP in Raleigh, where he represented local school boards. Prior to that he served as a law clerk for Justice Paul M. Newby of the North Carolina Supreme Court and as a judge advocate in the United States Marine Corps. Trey earned a bachelor's degree from the University of North Carolina at Pembroke and a law degree from the University of North Carolina at Chapel Hill, where he was a published staff member of the *North Carolina Law Review*.

Fleming Bell joined the School of Government (then the Institute of Government) in 1982. Prior to that, he worked as a city-county planner in Rockingham and Richmond County, North Carolina. Bell is a member of the Continuing Legal Education Committee of the NC Bar Association, and he has served since 2005 as a gubernatorial appointee to the NC General Statutes Commission. His publications include *Ethics, Conflicts, and Offices: A Guide for Local Officials*; *County Government in North Carolina* (co-editor); *Construction Contracts with North Carolina Local Government*; procedure handbooks for city councils and small local government boards; and articles on citizen participation in board meetings and other topics. Bell earned a BA and JD from Duke University, where he was elected to Phi Beta Kappa and was first in his law school class. He also holds a master's degree in regional planning from the University of North Carolina at Chapel Hill.

Frayda Bluestein joined the School of Government (then the Institute of Government) in 1991. From 2006 to 2017 she served as the School's associate dean for faculty development. Prior to joining the School, she worked in private law practice, focusing primarily on municipal and land use law, and for one year in the Legislative Drafting Division of the North Carolina General Assembly. Her publications include books and articles about local government structure and authority, public contracting, conflicts of interest, and transparency laws. She is a frequent contributor to the School's *Coates' Canons: NC Local Government Law* blog, writing on topics including North Carolina local government authority, annexation, public records, open meetings, conflicts of interest, and First Amendment issues affecting local government. She was awarded the School of Government's two-year professorship for outstanding junior faculty achievement in 1998, the two-year professorship for teaching excellence in 2004, and the David M. Lawrence Distinguished Professorship in 2014. In 2016, Bluestein was honored

with the Grainger Barrett Award for Excellence from the Government and Public Sector Section of the North Carolina Bar Association and the Ernest H. Ball Award for Excellence in Municipal Law from the North Carolina Association of Municipal Attorneys. Bluestein earned a BA from the University of California at Berkeley and a JD from the University of California at Davis.

Willow Jacobson joined the School of Government faculty in 2003. Prior to that, she taught in the Master of Public Administration program at the University of Connecticut and worked on the Government Performance Project and the New Jersey Initiative at the Alan K. Campbell Institute at The Maxwell School of Citizenship and Public Affairs, Syracuse University. She has also assisted with strategic planning for community collaboratives in California and Oregon state government. Currently Jacobson teaches in the Master of Public Administration program and directs the LGFCU Fellows program, which she helped create in 2011. She was also involved in the 2005 inaugural session of the Public Executive Leadership Academy. Her research has appeared in *Public Administration Review* and *Public Personnel Management*. Jacobson earned a PhD from Syracuse University.

Dona Lewandowski joined the faculty of the Institute of Government in 1985 and spent the next five years writing, teaching, and consulting with district court judges in the area of family law. In 1990, following the birth of her son, she left the Institute to devote full time to her family. She rejoined the School of Government in 2006. Lewandowski earned a BS and an MA from Middle Tennessee State University and a JD with honors, Order of the Coif, from the University of North Carolina at Chapel Hill. After law school, she worked as a research assistant to Chief Judge R.A. Hedrick of the NC Court of Appeals.

Tyler Mulligan joined the School of Government in 2007, where he counsels state and local government officials and their partner organizations regarding development finance, community economic development, and revitalization efforts. Mulligan launched the School's Development Finance Initiative, which assists local governments with attracting private investment for transformative development projects, and now serves as faculty advisor for the initiative. Prior to joining the School of Government, he practiced law with Womble Carlyle Sandridge & Rice, PLLC, in Raleigh, where he represented investors and syndicators in structuring investments in real estate and related investment funds, and he represented corporations and local governments in site location and economic development incentive matters. Prior to private practice, Mulligan served as a Navy diver and JAG Corps officer. He is a member of the North Carolina State Bar. He earned a BA in public policy studies, summa cum laude, Phi Beta Kappa, from Duke University and a JD from Yale Law School, where he was awarded the Yale University Elm-Ivy Award.

Shannon Tufts designed and implemented the first local government Chief Information Officers Certification program in the nation and continues to run CIO certification programs for local and state government IT professionals. She created a National Certified Government Chief Information Officer program in 2007, in order to serve the growing needs of public sector IT professionals across the nation. Tufts has taught numerous courses on public sector information systems across the United States, including IT investment strategies, embracing technology, project management, and stakeholder engagement in technology-enabled government. She serves on several federal, state, and local government committees to promote the effective use of technology in the public sector. Her publications in the area of e-government and public sector information technology include *Humanizing IT: Advice from the Experts* with G. David Garson, numerous book chapters, and articles in *Social Sciences Computer Review* and *Popular Government*. She was named Albert and Gladys Coates Distinguished Term Assistant Professor for 2012–2014. Tufts earned a BA from UNC-Chapel Hill, an

MPA from UNC-Charlotte, and a PhD in public administration with a concentration in public sector information systems from North Carolina State University.

Donna Warner has worked for the last two decades at the School of Government creating and implementing education and training programs for North Carolina local governmental leaders. In conjunction with SOG faculty and others, Donna designs and delivers management and leadership programs for city and county managers, emerging local governmental leaders, chief district judges, MPA students and local elected officials. She helped create several of the School's leadership programs including the Local Elected Leaders Academy, the Public Executive Leadership Academy, the LGFCU Fellows, and the Chief District Court Judges Leadership Program.

Donna is also a certified facilitator with extensive experience working with boards and groups as well as a Master Trainer in The Leadership Challenge with a solid understanding of the behaviors and practices of exemplary leadership. She also conducts planning and board retreats for multiple North Carolina municipalities and counties, helping boards plan and work together to solve public problems. Donna brings expertise in budget and management analysis, strategic planning, human resource administration, and retreat facilitation.

Donna earned a B.A. from the University of Virginia and an M.P.A. from the University of North Carolina at Chapel Hill.