

Cuyahoga Falls City Council
Minutes of the Ad Hoc Committee Meeting
on Revising Council Rules
April 5, 2010

Members: Diana Colavecchio, Chair
Kathy Hummel
Carol Klinger

Mrs. Colavecchio called the meeting to order at 5:12 p.m. All members were present.

The minutes from the February 22, 2010 and March 1, 2010 committee meetings were approved as submitted.

Officers

Mrs. Hummel suggested deleting “majority of the members” in Section 2.4. In Section 2.6, she changed “he” to “the President.” Under Duties of the Clerk on page 2 with the paragraph starting “the Clerk of Council shall contact the Director of Law...”, it was decided to leave the paragraph there for now until Hope has a chance to review it and offer her opinion. She added “Newly Revised” after “Roberts Rule of Order,” and it was decided to move the “Duty to Keep Notices” language under Section 3.0 to Clerk’s Duties.

Meetings

Mrs. Colavecchio made the changes discussed. The section is o.k. and ready for Ms. Jones to review.

Order of Business

It was decided to make “Voting” a separate section.

Voting

This section is o.k. and ready for Ms. Jones to review.

Committees

Mrs. Klinger still wants to talk to Ms. Jones about a couple of things. Mrs. Colavecchio commented about the 70 days mentioned in Section 7.9. She asked if there was a specific reason why this number was picked. Mrs. Klinger wasn’t sure and couldn’t remember if it was mentioned in the Charter. Mrs. Hummel thought there was an issue in the past. She stated if someone feels strongly about something and wants to vote on it but the majority of the committee does not wish to bring the legislation out, this gives the individual the authority to bring it out for a vote. Mrs. Klinger stated that four committee meetings is 60 days and one more Council meeting would be about 70. She remembered John Schmidt using this once. Mrs. Hummel stated that any member of Council is held hostage by the committee chair and vice chair so if they do not choose to bring it out, it stays there. She never understood why Council lets things sit for a year. It is not a big deal but she would like to get it out of the way. Mrs. Colavecchio stated her only other thought on this section is maybe it should be in the “Legislation” section that Ms. Jones is working on. A notation was made to later decide whether this section should be moved.

Mrs. Colavecchio stated that the rules refer to themselves as “this ordinance.” She changed that language to “these rules may be amended.” But she now wonders if perhaps the rules are later put into an ordinance so it may not be inappropriate to refer to them as an ordinance. Mrs. Hummel recommended checking with Ms. Jones. Back to the 70 days, she did not have an issue if someone wanted to shorten this timeframe. She suggested 60. Mrs. Colavecchio felt there must be a reason it says 70 and felt they should check with Ms. Jones.

In the last sentence in Section 7.10, she wondered if “introduction **in** City Council” should be “introduction **to** City Council.” She wondered if ordinances were introduced “to” Council or “in” a meeting. Mrs. Hummel suggested just deleting “in City Council” and put a period after “introduction.” She was curious about the language regarding an extension. That situation has never occurred. Mrs. Klinger suggested using six months instead of one year. Mrs. Colavecchio stated there should be a clean-up at certain intervals where Council reviews legislation that has been languishing. Mrs. Klinger stated to really clean it up, the legislation should be brought out for a vote without a second. It cannot be withdrawn after it is already introduced. Mrs. Hummel did not see a need for the extension language. Perhaps something could be considered in the “Committee” section about the committee chair reviewing legislation that is still pending quarterly or every six months. If Administration says it isn’t needed, then it should be brought out and voted down. Or perhaps the President of Council could review the legislation instead of the committee chair. She felt that section should be deleted. There has never been a need for it. Mrs. Klinger wanted to get Ms. Jones’ thoughts to see if she sees something they have not thought about.

Mrs. Klinger stated that Section 7.7 was changed from a negative to a positive. In Section 7.14, she added a “d” to the word “announce” and an “s” to the word “meetings.”

Membership

The Committee had reviewed through Section 9.4. Mrs. Colavecchio stated when she was doing “miscellaneous,” it referred to several of these sections. Mrs. Hummel referred to the Charter for language about qualifications and resignation. There was discussion in Section 9.2 about deleting language regarding Council’s acceptance. Mrs. Colavecchio stated that Council must present a certificate to the Clerk who will then forward to H.R. The same with the resignation.

Section 9.5 is a rewrite of old Section 9.4. It starts out with what will happen but it says “shall” instead of “may.” Mrs. Colavecchio stated there was a similar section that was not included that related to disorderly conduct by a member of Council. They could vote on that as being a violation of Rules of Conduct. Mrs. Hummel stated she made a note that Section 9.3 addresses disorderly conduct that the committee may want to put elsewhere. Mrs. Colavecchio stated that Ms. Jones was revising “Conduct of Business.” “Miscellaneous” talks about rules and she added a section on ethics and confidential information. Mrs. Hummel didn’t feel it belonged here. She would like to see rules pertaining to Council and others for the public. There should be a standard for everyone in the room. Mrs. Colavecchio stated Ms. Jones’ Section 5.4 speaks to use of language being forbidden, overall proper decorum, being disruptive. Disorderly conduct is a criminal term punishable by a penalty. She felt this needed to be addressed under “Miscellaneous.” Mrs. Klinger stated that the individual would be expelled for that meeting only. Mrs. Hummel agreed. Council cannot override the voters and say they expel a member for longer. Mrs. Klinger felt if someone is acting inappropriately, Council needs to have the authority to remove them from the meeting. It was decided this section should be moved to “Miscellaneous.” Mrs. Colavecchio drafted that section and said she would add it. Mrs. Hummel

suggested using the term “disruptive” instead of “disorderly conduct” and to make sure it was clear that the individual was expelled for just the one meeting.

Section 9.6 states that a written notice is required in Section 9.5 for someone who has missed three meetings of unexcused absences. This requires notice to all members of Council, including the offending member.

Miscellaneous

Mrs. Colavecchio drafted this section. She deleted old Section 10.1 because that is already addressed in “Meetings.” In Section 10.3, she changed “altered” to “amended.” In Section 10.4, she added “Newly Revised” at the end after “Roberts Rules of Order” and changed “hereby in reference” to “herein by reference.” In Section 10.6, she changed “this ordinance” to “these rules,” and in Section 10.7 she used the term “actual office holder” instead of “incumbent.” Mrs. Hummel didn’t see a problem with either term although it is the incumbent who is holding the office. Mrs. Colavecchio stated she added some things to clean Section 10.8 up a bit and made a minor change in Section 10.9. Sections 10.10 and 10.11 regarding ethics and confidential information are new. Mrs. Klinger stated there is an ordinance on ethics for Council members. It is in the Code. Mrs. Colavecchio suggested putting that ordinance in the handbook that Ms. Jones is putting together. She added that she took the language under Section 10.11 regarding confidential information from the Upper Arlington rules which attaches a penalty to it. She wasn’t sure whether that should be done here. Mrs. Klinger stated that often times Council is pulled into executive session and told things that did not need to be discussed in executive session. If Administration was good about pulling Council in and talking about only what needs to be discussed, she would not have an issue. Council is told the information is confidential but then it is made public. Mrs. Colavecchio stated she would change the word “shall” to “may” where it says “Confidential information [may] include any information whether obtained....” Mrs. Klinger said there’s another “shall” in the second line. Mrs. Hummel stated that just says you cannot use the information. Mrs. Colavecchio stated she would continue to mull it over. Mrs. Klinger stated she would still like to see language regarding e-mail correspondence on legislation. Mrs. Colavecchio stated language should address any e-mails generated between Council and Administration and how they get added to the Clerk’s minutes.

Mrs. Colavecchio stated that “Legislation” and “Conduct of Business” still need to be discussed.

The meeting was adjourned at 6:15 p.m.