

**CITY OF MAYFIELD HEIGHTS
THE LEGISLATIVE COMMITTEE**

February 16, 2021

The meeting was called to order at 8:00 a.m. by Legislative Committee Chair Donna Finney (Audio). Present were Legislative Committee Member Donald Manno (Audio), Councilmember Michael Ballistrea (Audio), Councilmember Robert DeJohn (Audio), Councilmember Susan Sabetta (Audio), Council President Diane Snider (Audio), Councilmember Gayle Teresi (Audio), Law Director Paul Murphy (Audio), Finance Director Karen Fegan, Deputy Clerk of Council Shanisha Lloyd.

Chair stated that the purpose of the meeting was to discuss: (1) Ordinance 2021-03; (2) Ordinance 2021-04; (3) Ordinance 2021-05; and (3) Ordinance 2021-09.

ORDINANCE 2021-03

Mr. Ballistrea further explained the meaning of each ordinance. Ordinance 2021-03 incorporates written language that is not presently in the City's Administrative Code. If during a Council Meeting, an official has the floor with regard to speaking, they may be asked to yield the floor. Mr. Ballistrea expressed that he believes that one of the responsibilities of a Council Member is to make a statement or pose an argument. The intent of this ordinance is to prevent a high volume of questions asked during a Council Meeting and allow for other members to speak. The second part of this ordinance addresses the minutes. In section 5, the ordinance states that; "*THE MINUTES ARE INTENDED TO CONTAIN A RECORD OF MATTERS CONSIDERED BY COUNCIL, AND THE ACTION TAKEN BY COUNCIL AS A RESULT OF THAT CONSIDERATION. TO THAT END, THE COUNCIL MEETING MINUTES SHALL INCLUDE THE MOTION AND SECOND, ALL QUESTIONS ASKED BY COUNCIL AND THE ANSWERS THERETO, AND THE VOTE ON THE MOTION. HOWEVER, a member of Council may request, through the Presiding Officer, the privilege of having his or her statement on any subject, whether or not under consideration by Council, entered VEBATIM INTO the minutes...*". Mr. Ballistrea expressed his preference in not receiving minutes that are voluminous in length before a Council Meeting. The suggested change does not prevent the request for statements to be added. The opportunity is present for such a request, however, the addition to the minutes would be at the discretion of the Council President or Presiding Officer.

Mrs. Teresi asked why Mr. Ballistrea is suggesting the change to this ordinance now. Mr. Ballistrea explain that at times the Council Meetings have lost order with regard to the number of questions that are asked between various people. He expressed the importance of being prepared as much as possible to reduce the amount of questions that need to be asked, especially at Council Meetings. In addition, Mr. Ballistrea stated that there needs to be a set limitation on how long an individual has the floor. If a Council Member were to use all of their allotted time on questions, it would not allow time for other members to speak.

Mrs. Teresi asked why Mr. Ballistrea didn't suggest this change earlier during his time as Council Member, or as Council President. Mr. Ballistrea replied by stating that the issue only has become relevant recently. This change would help to fine tune the ordinance, and enable Council Meetings to run more smoothly.

Mrs. Teresi then presented her statement. She expressed that if a sentence of what was stated were to be taken out of the Minutes, one could lose the context or the meaning of the conversation that was had, especially for residents that read the Meeting Minutes that are posted online.

Mrs. Finney then stated that according to Roberts Rule of Order, minutes are supposed to be paraphrased. She expressed that the City of Mayfield Heights' Minutes are much more detailed than surrounding municipalities.

Mr. Manno asked Mr. Ballistrea to clarify the disorder that he has observed during Council Meetings. Mr. Manno further added that with the onset of COVID-19 and changes made to the meetings due to the pandemic, such as the use of audio and wearing masks, it is difficult to keep a stringent form of order. Mr. Ballistrea responded by stating that he has noticed that members are over talking one another. This change would allow the Council President the authority to control the time for discussion and restore order.

Mr. Manno expressed that those types of scenarios are few and far in between, and each Council President has their own style of governing. He further expressed that the proposed changes are unnecessary.

Mrs. Teresi added that Council has kept decorum and Mrs. Snider has done a great job in maintaining control of the meetings. She doesn't think the change is necessary as well.

Mrs. Finney stated that the Council President already has the authority to stop a debate and call for a vote at any time during a meeting.

Mrs. Snider asked that since we follow Roberts Rule of Order, why can't the related portion appear verbatim in the City's ordinance. Mr. Murphy explained that Council has its own rules. Council can, for the most part, enact any rule of their preference with majority vote. Mr. Murphy has heard from Mr. Ballistrea that he believes that the proposed change would aid in the order of future Council Meetings. Secondly, Council's rules are the primary source for procedural matters. In the event Council's rules does not address a certain subject, then Robert's Rules of Order should be referenced. Robert's Rules should be the last resource that's consulted for matters pertaining to procedure.

Mr. Murphy also noted additional issues concerning this ordinance for Council to meditate over. He expressed that yielding the floor, as stated in the proposed change of the ordinance, provides a high degree of power for the Council President. Pertaining to the minutes, Robert's Rules does not have provisions for discussion.

Mrs. Sabetta presented her concerns. She worries about giving too much power to the Council President over Council's discussion during meetings. Also, she has been able to, in the past, after reviewing the minutes, request changes to the minutes and they were made without an issue. She questioned if this ordinance truly benefits Council.

Mr. Ballistrea responded by stating that this ordinance simply gives the opportunity to control and prevents members from overusing their allotted time. This ordinance is not creating restriction or taking away rights of Council Members. Mr. Ballistrea reference the State and Federal level using the method of yielding the floor, and shared that it would be a good idea to use this produce at the local level.

Mrs. Finney shared that she has observed that the Council Minutes have become extreme in detail which could potentially present a burden to the clerks that prepare them. She acknowledged that there are several avenues in which residents can access the minutes or remain informed regarding Council Meetings: through live streaming, video recording, audio, and etc.

Mrs. Teresi questioned that if several requests are made to adjust the minutes, would that become taxing to the Deputy Clerk of Council.

Mr. Ballistrea explained that the ordinance allows for the opportunity to request statements to be added verbatim to the minutes. The purpose of the minutes is not to record the discussion word for word. However, if there is a particular statement that is desired to be in the minutes, the request can be made. Yet, the Presiding Officer can ultimately decide if the statement will be truly added. This is currently the authority of every Presiding Officer no matter the level of government.

Mrs. Snider asked Mr. Ballistrea if he desired to change the ordinance when he was Council President and if so, why didn't he advocate for the change at that time. Mrs. Finney added that a few years ago, the minutes were not verbatim, but instead paraphrased. The volume of the minutes has become lengthier as of the past few years. Mr. Ballistrea shared his agreeance with Mrs. Finney's statement. He also added that there isn't anything in the Codified Ordinances presently to allow for statements to be inputted verbatim. The Codified Ordinances simply instructs that the minutes should be a synopsis of the meeting. This change will allow for the opportunity to add a statement verbatim if a Councilmember wishes to.

Mr. Manno expressed that there has always been a situation where a member could request for a statement to be entered verbatim, it has never been an issue.

Mrs. Finney replied by stating that she believes part of the issue is that the minutes have become increasingly lengthy which consequently requires more effort to generate. The Deputy Clerk of Council position was part-time to save the City money overall. However, the increase in needed paperwork from the position created a problem.

In support of Mrs. Finney's comment, Mr. Ballistrea stated that the minutes have become more involving. The minutes of recent have been extensively long in length which was not customary.

Mr. Manno explained that the meeting minutes are an administrative matter. It is not Council's responsibility to be considered with the details involved in completing the minutes.

Mrs. Teresi asked if the minutes are still given to the Finance Director for review, which may take time.

Finance Director Fegan answered yes. However, the reason is not for total content, but as a cursory review. It is to ensure that some of the terms and the gist of the meetings are properly translated into the minutes as the Deputy Clerk of Council is new. The process is extremely quick and doesn't require much time at all.

ORDINANCE 2021-04

Mr. Ballistrea gave a quick synopsis of this ordinance and the proposed changes. The changes would allow for the Council President to assign the chair of a joint committee meeting. Also, the Chairperson would have the opportunity to read the minutes and sign them before they are considered by Council.

Mrs. Finney stated that the changes are a good idea. From experience, she was involved in joint committee meetings and the deciding of which Chair should run the meeting was very unclear.

Mr. DeJohn questioned needing two committees to discuss a subject. Mrs. Finney answered that most of occurrences of joint meetings may largely pertain to the Legislation Committee. She reference the recent Joint Building and Legislative Committee Meeting. The subject of that meeting involved both committees and their inputs.

Mrs. Teresi asked if the decision could easily be decided between the two in Committee Chairs that are involved. There has never been an official rule specifically for this matter, so why is the consideration being made now.

Mr. Ballistrea explained that for future Council Members that are coming in it is important to have written guidelines.

Mr. DeJohn expressed that he doesn't think that dual or joint meetings are necessary. Mrs. Finney replied by stating that she disagrees. When she first joined Council there were several joint meetings that were scheduled.

Mr. DeJohn stated that the more important issue to have three Council Members on a committee because if the Chairperson and Committee Member are not in agreeance, who will break the tie, how will the issue be resolved. The majority of Council expressed that Mr. DeJohn's argument was well made. Mr. Ballistrea shared that there is presently nothing in the Administrative Code that addresses the issue.

Mr. Manno explained that he feels that none of these changes are necessary. There hasn't been an issue with procedure, to change the Codified Ordinance would be unnecessary.

Mrs. Sabetta asked Mr. Murphy if the Council President has the power already to state who is running a joint committee meeting. Mr. Murphy explained that it is not written in the Codified Ordinances that way, but generally speaking, yes.

Mrs. Snider asked Mr. Murphy to explain the memo that he submitted regarding this ordinance. Mr. Murphy answered that he no longer agreed with his suggestion, however, he explained the memo. He was suggesting that the matter(s) of a committee meeting would not be discussed by Council until the minutes were received and reviewed by the Committee Chair. He advised to ignore the memo for Ordinance 2021-04.

ORDINANCE 2021-05

Mr. Ballistrea briefly explained the intention this ordinance. Mr. Murphy explained to Mr. Ballistrea that theoretically, defeated legislation can be reintroduced at future Council Meetings indefinitely. However, provided that the ordinance is changed, if a voted item on the agenda is defeated, it cannot be reintroduced without the majority vote of the prevailing side. This has always been the practice of Council, but it is not reflected in the writing of the Codified Ordinances.

Mr. Manno questioned how often this situation has occurred previously, when legislation was defeated and brought back before Council at a future meeting. Mr. Ballistrea replied a few times during his tenure.

Mrs. Snider stated she thought that the same legislation could be introduced if it was slightly changed or modified. Mr. Ballistrea responded by stating that this ordinance would allow for the reintroduction of such legislation, since the slight change would make the legislation be considered as new.

Mrs. Snider asked Mr. Murphy to explain the memo that was issued in conjunction with the ordinance. Mr. Murphy responded by stating that in the event that there are new Council Members and there is no prevailing side that originally defeated the legislation, the legislation could not be reintroduced. Thus, he suggested limiting the stipulation to a Council term. Mr. DeJohn expressed that he is not in favor of this change at all.

Mrs. Teresi asked if Mr. Murphy had once stated that a Council Member could withdraw legislation and then bring it back. Mr. Murphy explained that he doesn't recall stating that. It has been his philosophy that once legislation is introduced then it should be dealt with by Council. However, there is a basis for the introducing party to withdraw legislation, or table the item. There is nothing presently that stops a Council Member from reintroducing legislation continuously, over, and over.

Mrs. Finney asked for Mr. Manno's thoughts regarding the proposed change. Mr. Manno expressed that he feels that it is a Council Member's right to reintroduce an item as many times as he, or she may deem necessary.

Mrs. Snider asked if this change were to be adopted, should the Council term be defined. Mr. Murphy explained, yes. He further stated that there are several places in the Codified Ordinances where simply stating "Council term" would be more sufficient if the Council term was defined, which leads to the proposal of Ordinance 2021-09.

ORDINANCE 2021-09

Mr. Murphy explained that this ordinance was introduced by the Mayor and himself. Basically, this ordinance is clarifying and defining the term of Council.

Mrs. Sabetta asked Mr. Murphy if the ordinance pertain to the elected Council term. Mr. Murphy responded by stating that Council term is defined by the election of new Councilmembers which occurs every two years. It is not defined by a Councilperson, but by Council as a whole.

Mrs. Finney asked if Mr. Manno would make any recommends to Council regarding ordinances. Mr. Manno expressed that he is not in favor of any of the changes and doesn't want to recommend them to Council. Chair Finney expressed that she was in favor and wanted to recommend the approval of the ordinances to Council.

Chair Finney asked Mr. Murphy what the procedure is when the Chairperson and Committee Member disagree. He explained that it is still up to Council to vote on the items.

With no further questions or business to discuss, the Meeting of the Legislative Committee was adjourned at 9:20 a.m.

Reviewed by:

/s/Donna Finney, Chair
Legislative Committee

Date:

February 22, 2021