

Rules Committee Minutes

Honorable City Council
City of Newark, Ohio
January 9, 2018

The Rules Committee met in Council Chambers on Monday, January 8, 2018 following the Finance Committee with these members present:

Jeremy Blake, Chair
Doug Marmie
Mark Fraizer

1. Discuss the selection of party leadership.

Mr. Blake- I believe that those positions should be selected by the respective members and the only time that our rules mention those two positions is in Rule 11 so I wanted to bring it forward to see what others thoughts were about those two positions as far as the selection. I would be in favor of putting something in our rules about having their respective members chose their party leadership. Doug Sassen isn't here to present anything but I wanted to have some general discussion about that.

Mr. Fraizer- if we put something in writing that is fine but my expectation would be that the majority and minority party would determine who is their majority or minority leader by party vote, if it is a tie the tie would be broken by seniority and if there is a tie with seniority it would go to full Council for a vote with the President being the tie breaker. Those are my thoughts.

Mr. Marmie- I believe that the party should try to form a select then only in the case of a tie come up with something. I feel that first and foremost it should always be the party's decision.

Mr. Blake- I have reservations about the other part choosing, I would be more in favor of a coin toss or a name draw type of situation whatever the case may be in this situation now I would be voting in the minority party so if the majority party wanted to choose our leader I have concerns about that but I am willing to go along with whatever the majority of Council wants to do.

Mr. Marmie- if there is a tie they will decide on their own and they will say we have done a coin toss or whatever, I don't think we need to get involved in that portion of it. Whatever the part wants to do if they have a tie they have the first opportunity to do something before Council would even get involved at all and I would hope that it could be taken care of ahead of time. The concern that the Law Director had was Rule 11 because we have to have the ability to do Rule 11 and we name the minority and majority leaders as representatives on one committee. They are listed as that not by name just like the Mayor is the Chairman of that committee. The positions dictate the

Budget Review Committee more than anything. There are two other Councilmembers on there but everybody else on that list for the committee is by type.

Mr. Blake- after the November election these things are usually decided before Christmas time but I think that we need some type of clarity in the rules. That makes sense selected members by respective parties and then if it gets to final organizing meeting then full Council decides.

Mr. Lang- there are some practical concerns with clarifying when there is a tie because you are generally talking about something that is voted on in private so in order to have a tie you'd have to have a final public vote on that. I think that if you are going to have a rule that says if there is no leader that emerges I don't think that you can say that the tie was between these two people or these three people I think that you have to consider everybody in the party that can't select a leader. So if the rule is going to be seniority then it is the most senior person from that party. If it is going to be picked at random then it is going to be picked at random from the whole pole unless you want to go through the process of having a formalized vote within that party to say here is what the vote actually is then have a procedure written out from there.

Mr. Cost- if I understood what Jonathan said if there is a tie or the decision has been made amongst the members of the party and there is a tie then that vote is going to have to be discussed and done out in public so we can actually know what the situation is and I am in agreement with what both of you have said that it should be seniority from that point. I would be totally against the idea of a coin toss or drawing names out of a hat. I think what we have here are 11 people who sit here every week and make decisions for this city. There are decisions that are difficult, there are decisions that we don't always agree upon but they are decisions we vote on, we make a decision and we go on. There are some votes we win and some votes we lose. I have the faith in the 11 people sitting here to make every other decision if that is one that they have to make if we couldn't settle it amongst ourselves to turn it over to first of seniority and second general Council and then if there is a tie the President breaks the tie just like every other issue.

Mr. Lang- a point that is just occurring to me, you have to figure out did the party not figure it out because they all couldn't agree? Is there one person dictating this, does it have to be unanimous?

Mr. Blake- what if we go with having Sassen draft up some language for those basic things that we seem to agree upon and bring that back in two weeks so we have some wording look at. It sounds like we are in the consensus of having something in the rules where the respective members of a party chose their leader then if there is a tie goes to Council.

Mr. Rath- I don't know that there needs to be news of a tie because that is not a vote it is a discussion among the party members. There is about two months prior to that first meeting for the party to figure that out, if the party can't come to a conclusion in that two month period of time then there is a problem but that is not necessarily a problem that we need to deal with in Council. It's not a Council problem it is a party problem. Either the members of Council of that party decides or the county chair of that party comes in and exhibits their leadership and decides who it is going to be.

2. Committee Meetings discussion

President Ellington- I have been asked to check out how Reynoldsburg does their meetings, they do their Committee meetings and Council meetings on the same night. That way we would be doing two Monday nights instead of four Monday nights. It would probably work but the two disadvantages that I came up with is one right now you go to committee and then the next week you have the first reading at Council, this way there'd be two weeks until the first reading at Council and then two more weeks before the second reading. It would be one week longer that is one disadvantage and the other disadvantage that I see is that Reynoldsburg starts their committee meetings at 5:30 and when they are done they move right into the Council meeting. So if you have somebody that has an issue that wants to come talk to Council you can't say be here at 7:00 because that is when Council starts. I would think that if we wanted to do that we should set a time for committees like 5:30 and set a time for Council like we are doing now for 7:00. If committees aren't done they would adjourn then finish up after Council and if they are done there would be a break until 7:00.

Comments from Council members:

Mr. Rath- asked about the public hearing and the fact that they state a time and date for that hearing so a time would have to be chosen for Council to start.

Mr. Fraizer- inquired about the use of Rule 11 if we switched to meeting this way.

President Ellington- explained rule 11 would be used the same as it is now, something that doesn't make agenda for finance meeting prior to the Council meeting can still be voted on that same night with Rule 11.

Mr. Lang- stated the Law Director in Reynoldsburg said they start committees at 6:00 and adjourn at 7:00 because you have to keep a time for Council. He suggested committee meetings to start at 6:00 since there are nights like tonight and there are only a few things to discuss, it's not 6:00 yet and there is plenty of time for discussion before Council. When I spoke to the Law Director he said that nothing went to committee that night and then directly to Council that night. In the example brought up it would just go to Council that night using Rule 11. He also felt it was more efficient to only have to open the building two nights a week.

Mr. Blake- asked about an increase in the use of waiving the two day reading rule unless administration got things to us in a timely manner.

Mr. Marmie- feels as though whatever rules we put out there the city abides by. He stated that there used to be committee meetings almost every night, they were short but almost each night there was a meeting. He stated it is about evolving and being more efficient. He thinks it is worth a try.

Mr. Cost- stated he was used to it the way that it is and didn't really see an upside to changing it.

Mr. Lang- suggested changing the committee time weekly based on the agenda or number of committees to meet.

Mr. Rath- thought that in the spirit of transparency that wouldn't be a good idea since it could be confusing to the public.

Mr. Fennell- thought that it would increase the number of attendees and agreed with Mr. Lang that it would allow an extra week for anyone who opposes an issue to prepare and attend the Council meeting.

Mayor Hall- stated he could see advantages and disadvantages but agreed with Mr. Rath that if we tried it for 6 months or a year and it didn't work we could just change it back. He also agreed that it could be more efficient.

Mr. Cost- commented that they may hear how they approved themselves a raise then approved themselves two less meetings a month. He just feels as though since the raise got twisted this could too.

Mr. Marmie- stated its two less days but not less time.

Mr. Lang- stated it should be clarified that we are moving the two meetings and opening the building two less times not eliminating two meetings.

Mr. Fraizer- discussed rule 10 which is the use of the emergency clause and stated he felt that an emergency clause should not get added to a piece of legislation unless it went to committee with the emergency clause. Rule 11 or waiving the two day reading rule would then have to be used.

Director Baum- stated that he could only have an officer there two Mondays a month now not four. They have made a commitment to have an officer there on Council nights because typically there are more civilians in attendance.

Mr. Cost- felt as though it would also be efficient to have a representative of the Law Director's office present for both meetings on Monday night if we did change the meetings.

Councilmembers present agreed there should be a specific time for Council to start and President Ellington will present legislation for the committee to consider in two weeks.

Jeremy Blake, Chair