

RULES & ORDINANCES COMMITTEE MINUTES
January 4, 2005

The Rules & Ordinances committee meeting was held on January 4, 2005, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:32 p.m.

Present: Committee Members: Chair Robin Zaccardelli, Denise Bobulsky, Donald Willey; Council Members: President of Council Robert Stefanik, Vincent Gentile, Tomas Koch, Lisa Uffman-Kirsch; Director of Legislative Services Laura Haller, Director of Finance Karen Fegan.

Mrs. Bobulsky moved to approve the minutes from November 3, 2004, seconded by Ms. Zaccardelli. 3 yeas/0 nays. Motion carried.

UNFINISHED BUSINESS:

1. 04-73 Parkland Acquisition Fund

Mrs. Uffman-Kirsch requested that this item be moved to the Finance Committee. Mr. Willey said he thought everyone was in favor of creating a line item and did not see an advantage to moving it into the Finance Committee. Mrs. Uffman-Kirsch said that she has had a subsequent conversation with the Finance Director and would like to discuss this there. Mr. Willey agreed to take it into Finance Committee.

Ms. Zaccardelli moved to refer the proposed Ordinance 04-73 Parkland Acquisition Fund to the Finance Committee, seconded by Ms. Bobulsky. 3 yeas/0 nays. Motion carried.

NEW BUSINESS:

1. Bid process

Ms. Zaccardelli noted that there were documents distributed earlier today for Council to look at regarding what the County does regarding the bid process as an FYI. Mr. O'Donnell has a sample piece of legislation that he will be sharing. Ms. Zaccardelli said she wants to look over the information and legislation in order to solidify some type of bid process.

Mr. Gentile said one vendor brought up a concern regarding a bid submitted to the Service Center. The bids were then brought up to City Hall and opened with a 30 minute time lapse from the time it was due to the time it was opened. This vendor said it is a concern because his bid at that point is unsecured from the time of delivery to the department to the time of the opening here at City Hall. Mrs. Fegan said we have a purchasing policy in the city. She said sealed bids are all opened at whatever time is specified in the request for bids and the documents indicating where and when the bids will be opened. Normally it occurs in Council Chambers because of the convenience of the meeting place. Mr. Gentile said other cities use a lock box where the bid is time stamped and placed in the locked box. The bids are secured and unlocked at the time and date of the opening. Mrs. Fegan asked if his bid was submitted in a sealed envelope as is normally requested, if he was present for the bid opening, and was his envelope still unopened? If he saw that the envelope was already opened there would be a concern. Mr. Gentile is not certain if the vendor was able to view the envelope at the time it was opened. He said that the person is not accusing anyone of tampering with it. It is just the thought of a bid being unsecured. Mr. Gentile said he was looking at one central place such as the Mayor's office to have bids received and opened. Mrs. Fegan said the current procedure is in place to not burden one department with all bids for the city. The department seeking the bids handles them.

Mr. Willey said he thinks there are too many people involved with the process from an internal control standpoint. Mrs. Fegan said that the bids are received in a sealed envelope and the sealed bids are opened at the bid opening. There has been no problem with bids opened beforehand. We are not as big as the county and do not take as many bids.

Mrs. Uffman-Kirsch said she did not think that putting the bids in a lock box would make the bids secure as there are keys to the box. Mr. Koch said that the vendor has been dealing with the city for years and knows the process. As long as all envelopes were sealed there is no need to make changes because one person was unhappy.

Mr. Stefanik said that Mr. O'Donnell looked at the way we receive bids and suggested that we do something similar to what other cities do using a bid commission or a specific group of people who would review the bids and make a recommendation based on specific guide lines. This would take liability from the city. Mr. Stefanik said Mr. O'Donnell gave him information on how Cleveland handles bids. Mr. Stefanik would like Mr. O'Donnell to come to this committee to discuss this.

Mr. Willey said that in Cuyahoga County bids are issued from the Department of Purchasing. Mrs. Fegan said we do not have a Purchasing Department. Each department is in charge of their purchases. Our current budget is not able to fund a Purchasing Department. Mr. Willey asked who has control of purchases. Mrs. Fegan said we have an established process which each department must follow for approval by the Finance Director and the Mayor but that she is not purchasing on behalf of the departments.

It was asked if our policy was typical of other communities. Mrs. Fegan said she can only speak for us and communities she has worked. Mr. Gentile said that the bids could be opened at the department receiving them. It may not be necessary to transport them to be opened.

Ms. Zaccardelli said that she has concerns about the process because we do not live in an honest world. She would like to curb the possibility of someone not being honest and making no room for error. Using a lock box would be a way to secure the process.

2. Committee Meeting Agendas.

Mrs. Haller asked if she could discuss problems that have arisen regarding legislation recently passed that says "no later than the close of business on Wednesday the week prior to the committee meeting agendas are to be received and will be distributed no later than Thursday." It further says that "any item that needs to be included on a committee meeting agenda after it is distributed will be added at the beginning of the meeting." There is no deviation that is allowed from this. Amendments and requests to add things to the agendas have been received after the distribution date. Mrs. Uffman-Kirsch said that Council Rules allow the committee chair to preside over their meetings. Her previously proposed legislation allowed for additions by a certain deadline before the publication of the agenda so all could be prepared for discussion before coming to a meeting. Mrs. Haller suggested that Council needs to communicate with the Chair prior to the publication in order to have the items placed on committee agendas prior to the distribution. Mrs. Haller said a request was made by a committee chair to change the agenda after publication and the rule will not allow for the change. Mrs. Uffman-Kirsch said that she does not support that rule because it does not provide for the ability to make changes. Mrs. Haller said she must follow the rules established and passed by Council. Mrs. Uffman-Kirsch said that a request was received by her to add something to the agenda and that she was trying to honor the request. The intent of putting out another agenda was to let all know what was added in order that everyone could be prepared.

Mrs. Haller asked that the Council member wanting to add an item speak to the chair of the committee to discuss this addition. If an item is added that requires more people be involved a memo could be sent. If it only would require a small number of people to contact, then a phone call might be the best way to communicate this.

Mr. Stefanik said that if additions are going to be requested for a committee meeting that the person asking to have an item added should contact the department heads that would be involved to ask them to attend.

Mr. Willey moved to adjourn the meeting, seconded by Ms. Zaccardelli. 3 yeas/0 nays. Meeting adjourned at 7:15 p.m.