

## **RULES & ORDINANCES COMMITTEE MINUTES**

**March 1, 2005**

The Rules & Ordinances Committee meeting was held on March 1, 2005, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:30 p.m.

**Present:** Committee Members: Chair Robin Zaccardelli, Denise Bobulsky, Donald Willey; Robert Stefanik, Vincent Gentile, Tom Koch, Lisa Uffman-Kirsch, Laura Haller, Paula Recker.

Mr. Willey moved to excuse Ms. Zaccardelli from voting to approve the minutes, seconded by Mrs. Bobulsky. 2 yeas/0 nays. Motion carried. Mr. Willey moved to approve the minutes from February 1, 2005, seconded by Mrs. Bobulsky. 2 yeas/0 nays. Motion carried.

### **NEW BUSINESS:**

- 1. Proposed Legislation - Amendment to Section 220.07 Settlement of Litigation Matters and Appeals**  
Mr. Willey said he felt that Council should be made aware of any settlement and any suit against the city and he asked why there is a figure suggested for settlement without the knowledge of Council. Mr. Gentile said that if Council is responsible for the funds how would this be set up. Would it be as a slush fund that could award such settlements? He felt that it would take responsibility away from Council in determining where the money goes. The Law Director usually will advise of these situations and Council usually acts accordingly. There are not many instances of law suits against our city that should prohibit notification to Council. From where would the money come if not in a special fund and how would it be awarded if Council would no longer be able to entertain a settlement. He felt that the current system is working ok. Mr. Koch asked why this legislation is needed.

Mrs. Uffman-Kirsch said that she discovered this Section currently conflicts with Section 1264.11 Appeals to Court, which sends appeals of BZA to Common Pleas Court. Section 220.07 refers appeals of BZA to Council. She spoke with Mrs. Vozar regarding this conflict. Mrs. Uffman-Kirsch asked Mr. O'Donnell for his recommendation. This proposed legislation is the recommendation of Mr. O'Donnell to correct the conflict. The history of the first amendment to 220.07 was to require the Law Department and the Administration to advise Council and obtain authority to settle. Mrs. Uffman-Kirsch said the dollar amount was added by Mr. O'Donnell and she has no opinion at this time regarding that. She is more concerned in clearing up the conflict in the codes. Discussion ensued regarding striking the dollar figure. Ms. Zaccardelli said that these are two different matters being discussed, litigation matters and appeals. Appeals should be going to the Court of Common Pleas but all litigation matters should go to Council.

The committee would like to hear from Mr. O'Donnell regarding why and how he arrived at the dollar amount and any further information he would offer before any changes are made by Council.

- 2. Proposed Ordinance 05-25 Amendment to Rule VII Committees, Paragraph (i) Committee Meeting Agendas**

Mr. Stefanik said he asked Mr. O'Donnell to prepare this legislation. Discussion occurred regarding how this would allow for action to be taken on items of need or with a deadline without having to wait another month to address the issue and passing by an opportunity. It requires an agenda where possible yet allows for needs of the residents to be acted upon when necessary.

Mrs. Uffman-Kirsch feels that it bypasses the public, the administration and other Council members. We say anything can be brought to a committee, added to the agenda, discussed, acted on and moved out. She would recommend that new business be added at the beginning of the meeting as resident issues often have residents present and historically committees will take residents first. The chair representative could place the item in the meeting where it is suitable. If something is added without being published on the agenda and the notification that comes with that then there should be no action taken on that item in committee. This will provide a checks and balances system. If something does come up at the last minute everyone would have the opportunity to become aware of it and able to discuss it the following month. She feels strongly about being diligent to allow the public and the administration to know what is before

Council. In the event that something is routine or is a housekeeping issue action would not be taken in committee, but on the floor of Council. The rules of Council can be suspended with six votes and action taken on the item.

Mrs. Haller asked how the legislation would get to the floor of Council if it is still in committee. If something is brought up the day of the committee meeting and our code says that no final action can be taken until the next committee meeting, and due to time constraints the next committee meeting is too late for final action, then there must be a mechanism to get the legislation to the floor of Council. Mrs. Haller suggested that the chair person should contact her office stating that the committee would like to introduce legislation in order to get it to the Council agenda knowing that it is still in committee and cannot wait until the next committee meeting, and also knowing that the rules will have to be suspended requiring that no action be taken until the next committee meeting.

Mr. Willey said that by requiring that an issue remain in committee for a month, yet allowing for it to be addressed on the floor of Council by way of suspension of the rules does not allow for a recognizable committee decision. Mrs. Uffman-Kirsch felt the vote for suspension of rules would show the consensus of the committee for approval. Mr. Willey asked what the objective is of delaying the issue for a month if rules would be suspended. Mrs. Uffman-Kirsch said that the objective is to make sure that there is public disclosure on items that are of widespread interest that are not an emergency. Mr. Willey said that the purpose of the committee meeting is for discussion.

Mrs. Uffman-Kirsch said she does not understand that if there is a process in place that we can act on things if it is necessary to act on them right away why this would be a problem. She does not feel that this would stop us from getting things done.

Ms. Zaccardelli moved to amend the last sentence to read "...added to the agenda at the beginning of the committee meeting." by changing the word end to beginning and deleting the remainder of the sentence "under miscellaneous and discussed at that time." Seconded by Mr. Willey. 3 yeas/0 nays. Motion carried. Ms. Zaccardelli moved to recommend adoption of this legislation as amended, seconded by Mr. Willey. 3 yeas/0 nays. Motion carried.

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