Committee of the Whole Meeting

January 10, 2022

6:00 PM

Present: President King, Mayor Hazel, Director Moore, Council Members: Lochtefeld, Buxton, Sovinski, Baltzell, Fleck, and Scott. Also present: Bill Kincaid (Daily Standard),

At 6:00 President King called the meeting to order.

Discussion on proposed changes to Council Rules was initiated. CM Scott believes we just need to change some terminology. CM Baltzell stated the point of 3 readings is so things are not just sprung on the community without discussion. It was also agreed that it’s important that the people know how each of us stands on the issues at the time. CM Fleck asked what can we do vs. what does the ORC allow?

If a vote fails to have majority support in first reading what happens then? Past practice has always been that the legislation moves to 2nd and 3rd reading anyway to comply with the ORC requirement of 3 readings, unless there is a suspension of that rule. CM Sovinski suggested we sue the term “a motion in affirmation in support of this ordinance/ resolution.” CM Baltzell noted that the ORC demands 3 readings unless suspending the rules. In essence Council felt like a “straw poll” vote in the first 2 readings is still necessary. CM Sovinski suggested that a lack of affirmative votes would leave opportunity for other motions to be entertained still.

CP King stated that according to past practice and previous precedent, when a motion to pass to 2nd or 3rd reading was made, seconded, then voted on, it then “ended the question/ debate” at that time. If Council wishes to change this in the case of a lack of affirmative votes then that can be done, but it needs to be clearly stated in our Rules. We do have to say where the legislation is going at the end of a vote and CP King needs to be able to state that.

CM Sovinski stated that it is not necessary to vote on legislation in the first two readings. A vote in affirmation does not address the question of passing it on (to the next reading). That’s a separate issue.

Emergency clauses added in would need a separate vote to be accepted. Emergency measures already incorporated in the ordinance/ resolution are accepted with the read document already. To add an Emergency Clause, need to be voted on separately (Page 11 in Council Rules). Dir. Moore plans to add verbiage to clarify this point to avoid any confusion in the future. CP King added that we have to think beyond ourselves understanding what we are discussing about the rules and instead think about posterity and future City Councils and whether they will clearly understand what we are trying to say in the Rules.

CP King stated that he needs to know which motion takes precedent to end all discussion and debate. An up/ down vote of affirmation does not necessarily do that. Does a reading that has majority of affirmative votes automatically pass the legislation to the next reading? If so, that should clearly be stated in the Rules. A reading that does not receive a majority of affirmative votes would then require other action to be taken. A motion to End Debate or other such motion (Postpone Indefinitely, Table, Send to Committee). Dir. Moore added that there needs to be some finality to that pending motion/ pending issue.

Director Moore will work on the language of what happens when an ordinance fails to get the majority vote in affirmation. It will still be open for further debate and motions. He suggested that he clarifies the questions of J1 in the Council Rules to whatever Council decides.

CP King brought up another concern with section D1 of the Rules. The word “approved” may need changed for better clarification. Maybe “reviewed” would be better to use. CM Sovinski suggested “reviewed as to form” and that maybe we should look into that. He stated that the Law Director is not a part of this Body (Council) but rather our legal representative. He reviews our ordinances as to the legal aspects or form. We need to make that more clear. Dir. Moore will also work on the wording of this.

President King adjourned the meeting at 7:02 PM.

*Submitted by Jason King*