



City Council Minutes

The City of Cortland

January 26, 2010

Work Session
January 26, 2010
City Hall
7:00 PM

Present: Mayor Feiszli, Aldermen Hayes, Dye, Tobin, Quail, Leonard, Ferguson and Michales

Absent: Alderman Craig

Others Present: Director of Administration and Finance Bryan Gazda, Corporation Counsel Ronald Walsh and City Clerk Carol Tytler. Steven Anderson, PRP

Mayor Feiszli called the meeting to order at 7:00 PM.

AGENDA:

1. Presentation by Steven Anderson, PRP on how to hold efficient and effective meetings.

Mr. Anderson clarified that the status of work sessions under open meetings law is considered the same as regular meetings. The law requires a brief summary of the decisions made and those minutes must be published. He further indicated that record should publish as little as necessary to be a reasonable summary of the decisions made and the votes taken.

Alderman Quail felt there should be a balance between discussions leading to the decision versus just publishing the decision.

Mr. Anderson indicated that from the minutes, a reader should be able to reconstruct where a particular ordinance originated and understand how something came to be. The reasoning process does not belong in the minutes. People outside the Council do not need to be privy to that information.

Mr. Anderson stated that most of Robert's Rules were not needed by the Common Council and recommended the brief version only. Since the Mayor's position and Council membership are determined through the election process, even fewer rules are needed. The presiding officer is placed in the chair by the voters. He further stated that a group of nine doesn't need a lot of rules and those rules can be adhered to more

strictly during contentious issues. The rules should allow the organization to operate as efficiently as possible, not waste time and make the organization accountable for the decisions it makes.

Mr. Anderson stated that the Mayor and eight (8) members need to agree on the limits. When the Mayor sees that the rules need to be used or articulated, she does so since they agreed to those limits. He further stated that they must assist the Mayor to follow the rules and enforce the limits. Mr. Anderson also stated that it was not necessary for the common to take a formal vote on the minutes or for the adjournment of the meeting.

He cautioned that informality can drift into carelessness and some members may need or prefer more structure to the meeting process. It is the responsibility of the presiding officer to make certain everyone knows what is being discussed and that they have the correct documents in front of them. The Mayor should clearly state the next item of business on the agenda. If agenda items are ambiguous, the Mayor needs to explain more to make the differentiation known. Mr. Anderson further explained the specific steps for voting on a resolution.

Alderman Michaels asked if resolutions with multiple components, such as the community development grants, would be better if broken into separate resolutions. Mr. Anderson indicated that they could make that determination based on what was easiest for the group.

It was generally agreed that public comments during the meeting are limited to three minutes per speaker though this rule is not currently in writing. Mr. Anderson recommended that speaking limits for the public and members be agreed upon in January in writing so they were in a position to enforce the rule(s).

Mr. Anderson provided feedback based on his observation of the last Common Council meeting. He emphasized that an actual motion must be made before they discuss an issue. Informal discussions can occur before the meeting, but the issue should come to them as a proposed action.

Noting the number of "discussion" items on the agenda, he commented that discussions often fail to lead to an action and recommended that these agenda items be presented as resolutions for them to act upon. After discussing the merits of the resolution, the Council has an opportunity to act upon it by:

- 1) Adopting the resolution
- 2) Rejecting the resolution
- 3) Sending it to committee for additional work, or to an individual such as the Corporation Counsel to obtain more information
- 4) Postponing a decision so they can get more information, with a date for the resolution to be placed on the agenda again for further discussion and a decision

Alderman Quail asked for clarification about the process for issues that they are not ready to make a decision about. Mr. Anderson stated that one alderman will need to

take a position of pro or con to make a motion so they can discuss the issue. However, at the end of the discussion, they need to make a decision by taking some action (from the list of four). He further added that they could postpone indefinitely by voting to take no action.

Alderman Ferguson felt that the decision process for the blue bag issue had gone well at the previous meeting. Mr. Anderson outlined the process of how they might have made the blue bag issue a formal resolution on the agenda; obtained the information they needed and made a formal decision. By having a solid starting point and using the four possible actions, they can reach the intended outcome.

Mr. Anderson stated that each newly elected Common Council should adopt rules. The rules can be drafted outside their meeting and passed to the Council members for review, but ultimately a formal vote needs to occur during a Common Council meeting. Adopting a formal set of rules can be particularly beneficial for individuals serving their first term on the Council.

He further stated that the rules need to allow you to stop an unpleasant thing that may be happening during a meeting. Members asked for clarification on punishment for disorderly conduct or violation of the rules. Mr. Anderson indicated that it would be the members as a group who made that determination.

Having found no written information about the procedure for adding items to the agenda, Mr. Anderson led a discussion of that process. He stated that there needs to be twenty-four (24) hour notice of items on the regular meeting agenda. Members generally agreed that twenty-four (24) hours was not enough time and appreciated having their packet several days in advance of the meeting. Packets are currently mailed on the Thursday preceding the meeting.

Agendas are currently prepared by the Mayor's office. The Mayor, Common Council members, the Director of Administration and Finance, the Corporation Counsel and department heads contribute items for the agenda. Common Council members can add items to the agenda at the time of the meeting with general consent of the other members of the Council.

Mayor Feiszli asked for clarification regarding executive sessions and who may be invited to participate. Mr. Anderson stated that the body that is meeting can invite anyone into an executive session as long as they all agree on it.

Regarding sponsorship of a resolution, Mr. Anderson stated that it is an advantage to know who is sponsoring the resolution and that individual would generally speak first. He indicated that Robert's Rules do not require a "second" for a group of this size however they may choose to have a rule that requires a second for each resolution. Alderman Dye indicated that in the past, if there was no second, the resolution was put to rest. Mr. Anderson recommended that they articulate these customs among their rules so all members understand the procedure.

Regarding the published minutes, Mr. Walsh stated that debate of a local law may require more detailed minutes to be taken. If there are questions raised about the intent of the law, the courts can look at the minutes to determine legislative intent to make a ruling. It could be helpful to have the debate about a local law included in the minutes.

Mr. Anderson stated that they can keep the minutes brief but attach appendices to the minutes for additional information or clarification. Ultimately, the Common Council decides what they want to do, but the procedure should be in writing so everyone knows the process.

Regarding roll call voting, Mr. Anderson stated that the Mayor determines the order to call the vote. Mr. Walsh stated that Council members would need permission from the entire board to abstain from a vote when there is a stated situation with a conflict of interest. Council members and Mr. Walsh further stated that six (6) members must be present for a quorum, an abstention counts as a no vote, and resolutions require at least a majority vote of the body to pass, not the members present. Thus if six (6) members were in attendance, five votes would be needed to pass a resolution. In the minutes, members not listed as a nay vote are presumed to have voted aye.

Council members further discussed rules for public speaking and speaking by members. Alderman Quail stated that they had previously passed a resolution limiting public comment to three minutes. The merits of time limits for members were discussed along with limiting the number of times a Council member might speak on an issue. Council members generally agreed that members could speak for three to five minutes on an issue. Once all members have had an opportunity to speak on an issue, a member could have an additional opportunity to speak. Mr. Anderson clarified that they could agree on a procedure during the work session, but could not vote on it until the formal meeting. Any decision on the rule(s) should come before the Common Council as a formal resolution and be voted on.

Mayor Feiszli asked for information on the form and detail for the meeting minutes. Mr. Anderson recommended that minutes get cut back, thus reducing the work load on the City Clerk's office. Mr. Walsh restated the need for more detail in the minutes during discussions and votes on local laws.

Mr. Gazda agreed that the minutes are often used as a resource during court cases and did not recommend that they become too condensed. He further stated that the written version becomes the official document and the audio tapes are only retained for four (4) months. Alderman Dye recalled an instance where the minutes for a resolution passed in 1973 allowed them to see details of the decision making a difference in how it was interpreted many years later.

Alderman Quail asked if a member of the Council can request that something be added to the minutes. Alderman Ferguson felt that if a Council member felt strongly that something should be added to the minutes, that it should be included or if something was coming up legally with the minutes.

Members further discussed the timing for receiving their packet of materials before each meeting. Alderman Ferguson expressed concern that members of the public would not be able to speak to the agenda if limited to 24 hours notice. Mr. Anderson indicated that notice only applies to the Common Council and they need to decide how much notice they want. Letting constituents know about the agenda items is a different issue and they could determine which issues should be published. It was noted that there was an opportunity for public comment at each meeting. Council members reviewed the current procedures for public notice of meetings and agendas. Mr. Gazda stated that the legislation to require 72 hours notice to the public and make documents available did NOT pass in the State Legislature.

Mr. Gazda stated that mailing the packets on Friday instead of Thursday would provide one (1) extra day to include items in the packet that would otherwise be placed on the desks of the members for review prior to the meeting. He indicated that several times each month, additional materials come in on Friday and are unable to be included in the packet. Council members generally agreed that mailing the packet on Fridays was acceptable. Electronic versions of the agenda could still be sent on Wednesday with additional materials emailed as necessary.

Mayor Feiszli asked for clarification on a policy for emergency votes. Alderman Dye stated that some things may need approval before a scheduled Council meeting and they may need to act sooner. Mr. Anderson stated that special meetings are for these situations. Council members expressed concern about having enough time to review materials and talk with constituents in these situations.

Council members returned to a discussion of the agenda process. Members agreed that agenda items should be submitted to the Mayor's office. Mayor Feiszli expressed a preference to have a sponsor for an agenda item listed, so that others could contact that individual if they had questions or wanted more information. Alderman Michales indicated that he also copies in all Council members and Mr. Gazda. Alderman Hayes stated a preference for having two (2) sponsors for an agenda item. Alderman Leonard expressed concern about obtaining a second sponsor for an agenda item. Council members discussed options for sharing information with each other and generally agreed that email communication could be effective to inform other members and obtain support for an agenda item. They generally agreed that a single member could add an item to the agenda, but a second would be required for the motion to move forward to a vote.

Mr. Gazda asked about a process for contracts. Mr. Anderson stated that they need to have a rule for routine items like contracts and how they need to be distributed.

Council members discussed a protocol for debates on an agenda topic and ward reports. Council members generally agreed that members should be limited in their time to speak on a topic and provide opportunity for other members to speak as well. Council members generally agreed that some items previously included in ward reports should be put on the agenda as formal resolutions while other items remained appropriate to the ward report. Ward reports are not mandatory.

The Mayor clarified that the minutes of boards and commissions will be emailed to the Council members, not distributed in the packets. This approach saves money on postage. Some members of the Council have experienced difficulty opening attachments to their email. Mayor Feiszli provided an option for receiving them in PDF format or MS Word format to facilitate opening the documents.

Council members reviewed the procedures for suspending the rules. Mr. Anderson stated that a two thirds (2/3) vote of the Councilors attending the meeting is needed to suspend the rules. Council members who are absent do not count.

For adding items to the agenda during the course of the meeting, Mr. Anderson stated that you need at least the majority of the Council members and general consent. The Mayor can ask if there are any objections to adding the agenda item. The item could also be added to a future agenda.

Council members asked for clarification about recognizing people in the audience during discussion of a topic. Alderman Dye commented that people often have knowledge that adds to the discussion. Mr. Anderson stated that non-members have to be allowed to speak by permission of the body. The Mayor can ask if there are objections to hearing from "Mr. Smith" for three minutes on this topic. Mayor Feiszli asked if they could limit the public comment. Mr. Anderson stated that they couldn't stop people from speaking who had signed up for public comment, but urged them to limit speakers to the allotted time.

Mr. Gazda asked about review of bills. Although he reviews all the bills from all departments, the Council only reviews a small portion of them. Alderman Quail suggested setting a dollar threshold over which they should be presented with the bill for review. Mayor Feiszli raised the issue of overtime and when those expenses go over budget. Mr. Gazda added that by the time he sees the expense in his office, the money has already been spent for the overtime. The Mayor stated that additional monitoring and review of the overtime situation is needed. It was noted that a department head should notify the Council or Director of Administration and Finance, when they are nearing their budgeted overtime amount before exceeding it. It was decided that they would eliminate the presentation of the bills and they would approve an abstract of the bills. Mr. Gazda can approve the appropriations rather than having the Council do the approval. Mr. Gazda will then bring to the Council the budget transfers that are necessary as a line item is exceeded.

Alderman Michales requested that information about overtime costs be provided to them sooner, not late in December during budget discussions.

Mayor Feiszli asked if there was any other new business. Hearing none, the meeting was adjourned at 9:15pm.

CAROL TYTLER – CITY CLERK

SUSAN FEISZLI - MAYOR