

City Council Workshop

Wednesday, July 15, 2015 – 5:00 p.m.

Kyrouz Auditorium – City Hall

-Minutes-

Present: Council President Paul McGeary, Council Vice President Robert Whynott; Councilors Melissa Cox; Steven LeBlanc; Bob Stewart; Bill Fonvielle; Greg Verga; Paul Lundberg; and Joe Ciolino

Absent: None.

Also Present: City Clerk, Linda Lowe; CAO, Jim Destino; Joseph Orlando Jr.; Sean Nolan; and Amy-Beth Healey

The Workshop was opened at 5:00 p.m.

Councilor McGeary introduced the purpose of the workshop which was to update the City Council Rules of Procedure. To be considered this evening are nine topics or areas as listed on the Agenda:

1. Codifying procedures for remote participation
2. Adopting procedures to be used for electing persons to fill vacancies in the offices of Mayor, Ward Councilor and Council Vice President
3. Order of presiding when both the Council president and vice president are absent from a Council meeting
4. Rules and Requirements for Presentations to the Council
5. Procedures for Presentations of Commendations
6. Exceptions to the Rule that all business before the Council must first be referred to a standing Committee
7. Procedures Convening as a Committee of the Whole
8. Procedures for Council Workshops
9. Rules for passing of the annual city budget.

1. Remote participation procedures

The Council discussed the council guidelines which had been in use by the Council following the 2012 adoption of remote participation by the mayor on behalf of the City.

There was considerable discussion of the actual procedures to be used as listed in the draft document under #3 regarding whether there should be a written request to whoever is chairing the meeting in question. The majority of councilors did not agree that a written request should be required or that the approval of the person chairing a meeting should be required. In addition, the majority of Councilors agreed that under "Permissible Reasons" the phrase "Any determination by the person chairing the meeting to allow or not allow remote participation shall be final" should be deleted. Councilors also discussed the permissible reasons for remote participation as listed in the draft document, and the majority agreed that one of the reasons, "geographic distance (due to personal employment or business with a public body)", should be deleted. The majority of councilors agreed that a Councilor must notify the city clerk that they

want to participate remotely so that arrangements can be made in advance for the participation. It was also agreed that the City Clerk will keep a file on all instances of remote participation.

1. Remote Participation

RECOMMENDATION: On a motion by Councilor McGeary, duly seconded, it was voted 7-2 to recommend the adoption of the proposed procedural rule on remote participation as amended.

2. Procedures to be used for electing persons to fill vacancies in the office of a Ward Councilor; Office of the Mayor; and office of Council Vice-President.

The discussion focused on situations such as those that occurred over the past year where vacancies occur on the Council or in the office of the Mayor. It was understood that any procedural rules are intended to be consistent with and in addition to Charter sections 2-13 on Council vacancies and section 3-11 on Mayoral vacancies. Mr. Destino offered thoughts on whether such procedural rules were necessary and other Councilors agreed that the methods should be left to the Council at the time when the situation arises. Further it was suggested that the manner in which Council officers were elected at each inauguration was also appropriate for vacancy situations.

2. Procedures to be used for electing persons to fill vacancies

Recommendation: On a motion by Councilor McGeary, duly seconded, on a vote of 1 in favor and 8 opposed the proposed procedures were not recommended for adoption.

3. Procedures for Order of presiding when both the President and Vice President are unable to preside at a meeting

Councilor Whynott spoke at length about the calculation of "seniority" which is necessary when the presiding officer must be chosen to take the place of the absent President and Vice president.

Past precedent has been that a calculation of total years must include any interruptions in years of service and not just years most recently served. After discussion it was voted to amend the proposed rule by deleting from the last sentence the word "uninterrupted" and adding the phrase "total years of." In addition, an amendment to the proposed rule was approved to further amend the last sentence by deleting "and other questions where seniority is a consideration" and by adding "rule of procedure." Finally, it was voted to amend the third sentence by deleting "a Councilor at Large shall have precedence over a Ward Councilor in cases where two or more Councilors at Large or two or more ward councilors are equal in seniority."

3. Procedures for order of presiding when both the president and Vice President are unable to preside

Recommendation: On Motion by Councilor McGeary, duly seconded the proposed procedure as amended was recommended for adoption on a vote of 9-0.

Councilor Lundberg left the meeting at 6:10pm

4. Rules and Requirements for Electronic Presentations to the Council

After a brief discussion the proposed rule was adopted as presented

Recommendation: On a Motion by Councilor McGeary, duly seconded the proposed procedure was approved on a vote of 8-0, 1 absent.

5. Presentations and Commendations

After a brief discussion where it was agreed that as a matter of courtesy a Councilor who recommends a Commendation shall be the person who actually presents the commendation.

5. Presentations and Commendations

Recommendation: On Motion by Councilor McGeary, duly seconded, the proposed rule was not recommended for adoption.

6. Exceptions to the rule that all business before Council must first be referred to a standing committee.

After a lengthy discussion with points made by Councilor Whycott and Mr. Destino it was agreed that the referral procedure is already adequately dealt with by the Charter and by Roberts Rules therefore this rule is not needed.

6. Exceptions to the rule that all business before Council must first be referred to a standing committee.

Recommendation: On a Motion by Councilor McGeary, duly seconded, this rule was unanimously defeated and therefore not recommended for adoption.

7. Convening as a Committee of the Whole

After a brief discussion of how the process of Committee as a Whole might work the Council unanimously rejected the proposed rule on a Motion by Councilor McGeary, duly seconded.

Discussion continued on related matters of when and how councilors who are not committee members may speak at a committee meeting. Councilor Ciolino expressed his concerns and Mr. Destino said while it is always the discretion of the chair it is also a matter of courtesy to other councilors. Both Mr. Destino and the City Clerk emphasized that non-committee members may never "deliberate" at a meeting of a standing committee of which they are not members.

7. Convening as a Committee of the Whole

Recommendation: On a Motion by Councilor McGeary, duly seconded, the rule was unanimously defeated and therefore not recommended for adoption.

8. Rules for Council Workshops

After a brief discussion of the proposed rule it was agreed that the rule was not necessary although it was also generally agreed that “workshops” should still meet the minimum requirements of the state Open Meeting Law.

8. Rules for Council Workshops

Recommendation: On a motion by Councilor McGeary, duly seconded, the proposed rule was unanimously rejected and therefore not recommended for adoption.

9. Rules of procedure for voting the annual City budget

Councilor McGeary and Councilor Cox both explained that these rules represent the process used for the FY16 budget which worked well and therefore the process should be followed for adoption of city budgets moving forward. After a brief discussion it was agreed the rules should be adopted

9. Rules of procedure for voting the annual City budget

Recommendation: On Motion of Councilor McGeary, duly seconded, the rule was unanimously recommended for adoption by a vote of 8-0, 1 absent.

In closing remarks Mr. Destino commented on some issues of concern in the Council Rules of Procedure which were adopted in 2011 especially as regards the Public hearing process. The Council President said he would review the current rules in light of Mr. Destino’s suggestions and might propose some adjustment in the procedures for public hearings for Council consideration.

On Motion to Adjourn by Councilor McGeary, duly seconded the meeting was adjourned at 6:55 p.m.