

## MINUTES OF AN ORANIZATION MEETING

### BROOKLYN CITY COUNCIL

January 3, 2017

7:00 p.m.

Present: Mary Balbier  
Kevin Tanski  
Barb Paulitzky  
Ron Van Kirk  
Tony DeMarco  
Debbie Tomusko  
Kathy Pucci

Absent: None

Pledge of Allegiance.

Int. Pres. Van Kirk said this evening's agenda is to nominate and elect Council President, President Pro-Tem, and then the President will make standing committee assignments, and then vote on committee assignments Council will serve on for 2017. The floor was opened for nominations for Council President.

**MOTION** by Tanski, second by Paulitzky for Ron Van Kirk for Council President.

**MOTION** by Tomusko, second by Balbier to nominate Kathy Pucci for Council President.

Nominations were called for three more times.

For Ron Van Kirk for Council President: **VOTE RESULTED:** Yes: Tanski, Paulitzky. Abstain: Van Kirk. No: Balbier, DeMarco, Tomusko, Pucci.

For Kathy Pucci for Council President: **VOTE RESULTED:** Yes: Balbier, DeMarco, Tomusko. Abstain: Pucci. No: Tanski, Paulitzky, Van Kirk.

Int. Pres. Van Kirk said we're in the same situation as last year. There's been back and forth with the Law Director on this issue, and he provided a clarification e-mail today. He doesn't see going anywhere other than continue as we are. The floor was opened to comments.

Councilwoman Balbier said it would be respectful to allow the person with the most votes. She thinks Kathy would do a fabulous job. She asked to give someone else a chance. She had further comments.

Councilwoman Tomusko thought that Councilman Van Kirk wouldn't want it because of how it happened last year, and would give someone else a chance. She said bring fresh perspective and leadership in, and added it would be helpful for someone with more experience. She had further comments. She disagrees with Dir. Butler's e-mail that it's a done deal; and suggests we hold off voting until he can come back with final opinion. She suggests another meeting Monday after the regular meeting, so Dir. Butler can be here and provide any additional information and input into the discussion.

Councilman Tanski said in all his experience (union and non) he hasn't heard of anyone cutting their pay to move into a position. Other Councilmembers indicated they have, along with lateral moves or moves down for experience. There were additional comments made.

Councilwoman Pucci said she agrees the Law Director is needed here; and he is still researching an issue, so she'd like to defer this. Monday evening everyone is here, along with Dir. Butler.

Councilman DeMarco thinks everyone is overlooking, and the Law Director brought it to attention last year – the Charter states what the duties are of the elected officials, and that is to elect a Council President, not by deferral or other means. If it takes 15 minutes or 15 days or however long, it's required to do that, and what they are elected to do. It's shirking the responsibility of what the Charter requires.

Councilman Van Kirk clarified about what was said about the legitimacy of his taking over the position. The two page e-mail was sent last year, providing clarification, sent to all Council, from Dir. Butler. This weekend he sent a somewhat contradictory e-mail from last year's; but today he sent another e-mail, clarifying it again. He quoted, in part, his response to the basic question of, can a Councilperson vote for themselves for Council President. Last year's answer was no, but it changed with an e-mail; then a clarification came today where he said, he would "advise you to refrain from deliberating over your own nomination for the Council President." He agreed it would be fantastic if we could elect a Council President; however, with three meetings last year, it came up with the exact same conclusion. He said he won't have meeting after meeting, where people are free to change their opinion. He contacted every Councilperson last week to speak about this, but four did not call back, which is fine; but he's trying to come to a solution. As for it being time to have someone else as President, both Tony and Kathy (several times) have been President, and he voted for both. The Charter reads there has to be four that votes for this. So nothing has changed. Councilwoman Balbier said then nothing will change each year, that he'll keep getting the same votes. She added she didn't returned his call because she understands it's improper to solicit votes on the phone, and she didn't want to be part of that. Councilman Van Kirk, responded that in his six years on Council he has been called and asked to support someone for President. Councilwoman Tomusko said that's why she didn't call back either, it would be a violation of ethics. Conversation went back and forth on what was said or not. He responded that he additionally wanted to know what committees people were interested in. Councilwoman Pucci said she had no indication from Dir. Butler this morning that his e-mail was final, adding that he said he was contacting the Ethics Comm. and the Auditor. She suggested if it doesn't come to fruition that it be deferred, and he thought that was reasonable. We always have a Law Dir. at the organizational mtg., but it didn't work out this year; Dir. Butler had to be at the regular Lakewood mtg. She agrees to schedule another meeting after Monday's Council meeting. **MOTION** by Pucci to defer the organizational mtg. business and schedule it after the regular Council meeting on Mon., Jan. 9. Councilman Van Kirk said he also spoke to Dir. Butler one hour 15 minutes ago and asked if they should continue as they are now, and he answered that would be appropriate. Councilwoman Balbier said she wants to hear that from him. **SECOND** of motion by DeMarco. **VOTE RESULTED: To defer the mtg.** Yes: Balbier, DeMarco, Tomusko, Pucci. No: Tanski, Paulitzky, Van Kirk. **(DEFERRED to Jan. 9)**

Councilman Tanski commented about being solicited on the telephone, adding he's been solicited multiple times while on Council, once by Councilwoman Pucci, and he voted for her. If you're home and not at the meeting you can do what you want to do; you're campaigning for a job that's elected by this body, not residents. Council President is elected by the majority and they get \$1,500 more. Does the ordinance, that we're attempting to violate, say you can cut your pay and vote for yourself? Councilman Van Kirk said no, the 2017-21 ordinance reads "Shall receive."

Councilwoman Pucci said in answer to the question on solicitation on support, it was brought to Council's attention last year in the Ethics opinion that was issued in the opinion Mary-Jo requested. When she reads it, it sounds far out; because how would you make it known that you are interested. But on previous years, this was the first it was brought to our attention (*Ethics Opinion*-Nov. 25, 2015); though Council received it at some point after, *as they had not seen it before*. It was the first time we were made aware of that. Councilman Van Kirk said when he called people he was not soliciting a vote, but asking for support. He said he disagrees with this motion, and just delaying the same thing; but if we want to give Dir. Butler a few more days to look things up that's fine. He's asking Council that whatever his decision is, that we have this Organizational meeting and we do what we're supposed to do and drag it out. Councilwoman Balbier asked why he wants this position, and why he thinks he does a better job than Kathy or Tony or Debbie. Councilman Van Kirk said he thinks it's what best for the City of Brooklyn. He asked her what she feels he's done inappropriately that he can't serve. She said she never said that, and he's a fine man. She thinks last year there was commotion, arguing and fighting. He said any Councilmember is free to change their vote anytime. She said let someone else have it one more time. Let Kathy have it, or Tony, or Debbie. It's not right. He repeated, anytime any Councilmember can change their vote. Councilman Tanski said it sounds like we're in the parking lot fighting. Councilwoman Balbier said he starts a lot of it. The conversation went back and forth with who the problem is.

**MOTION** by Pucci to adjourn. Councilman Van Kirk said to Council they can change their vote or not; but for people to accuse certain people of not changing their votes and yet another not willing to change their vote is the same thing. Councilwoman Tomusko said, in the new year, we don't work well together as a team, discuss things in meetings. It's people making statements. She doesn't appreciate when asking questions

people rolling their eyes and making faces. Even if there's conflict and not all *are* for the same thing, we have to start putting Brooklyn ahead of our egos and people being scared about getting re-elected. She keeps hearing that. We have to start serving the citizens and not ourselves, or alliances, or IOU. We're in a critical year. Monday is reasonable to assume we'll come to some conclusion, or *not* unreasonable to wait until Dir. Butler is here. Whoever ends up Council President we need to take a look in the mirror and decide if we're helpful or hurtful to this organization. Councilman Van Kirk asked that whatever the decision is that we move forward with that decision, based upon current laws and ordinances on the book today. He **MOTIONED** to adjourn. Councilman DeMarco added the caveat, if the Law Director has a conclusive answer by Monday's meeting, because he may not; some questions might not be responded to. Councilman Van Kirk said the answers are still the same as last year. Councilman DeMarco indicated there are other issues that are unanswered at this point. **SECOND** to adjourn by Councilwoman Tomusko. **VOTE RESULTED: To adjourn.** Yes: Balbier, Van Kirk, DeMarco, Tomusko, Pucci. No: Tanski, Paulitzky. **(ADJOURNED)**

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Clerk of Council

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President of Council