

MINUTES OF AN ORGANIZATIONAL MEETING (CONTINUED)

BROOKLYN CITY COUNCIL

January 9, 2017

7:50 p.m.

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

Absent: None

Pres. Van Kirk opened the floor for nominations for Council President.

Councilwoman Pucci asked for an update from Dir. Butler on outstanding questions. Dir Butler said as he wasn't at the last meeting and to make sure he's aware of the actual questions, he'd answer any questions that he can now.

Pres. Van Kirk asked if it would be appropriate for him to continue operating as Council President moving forward at present time. Dir Butler said last Jan. 28th he made a written opinion on efficacy on actions taken by Council Pres. Pro-Tem in absence of elected Pres. His opinion does not change as of today – that if Council doesn't elect a Pres. from its members, the Pres. Pro-Tem (Van Kirk) would continue to serve in the role of acting Pres. What would change is if Council elects a Pres.

Councilwoman Pucci said outstanding questions were: if a member is able to vote for them self if additional compensation is rejected. An answer was given, but another issue came up that needed to be investigated further. Dir. Butler updated that if a Councilperson signals intent to reject the salary increase that comes with the position, (he initially thought they could) but now it is if you can reject or refuse the salary that is ordained by ordinance to that position; that is what remains in issue in his research. He is still exploring answers and in contact with Ohio Ethics Comm. and Ohio Auditor's office for that. Council provides an ordinance for a salary for the office, and the Pres. shall be paid that sum of money. He spoke of further researching on this open issue. When asked, he said he hopes to issue an opinion after his research and advise is concluded. Councilwoman Pucci feels it's not in Council's best interest to continue without electing a Pres. and Pres. Pro-Tem. She'd like to bring it to conclusion by allowing Dir Butler the time needed to resolve this. **MOTION** by Pucci to defer organization business to a later date, as Dir Butler can let Council know. Dir. Butler thinks it would be useful if he could answer other questions he can answer while everyone is here tonight. Pres. Van Kirk asked if in Dir Butler's opinion anything's changed from last year (from Jan. 28, 2016). Dir. Butler said the facts known then haven't changed (with respect to positions of Pres. and Pro-Tem), the occupants of those positions have not changed. Pres. Van Kirk said if the organization mtg. is postponed again, he is not required to assign committees in this mtg, he will do it by letter. Councilwoman Pucci said this was talked about and was anticipated to have resolved (and thought it was resolved) prior to the organizational mtg. Dir. Butler said a factual wrinkle is that, could any Councilmember come to City Hall after election and ask not to be paid the full amount of the salary – that is at issue. There was further discussion back and forth relating to this, but he added that he does not know that answer tonight. –Councilman DeMarco asked for technical or legal answer of our Charter's requirement that Council 'shall' elect a Council President. Dir. Butler replied that what happened in 2016 can continue to happen in 2017, where the Pres. Pro-Tem could simply continue to serve in the role of acting Council Pres. In that context 'shall' means there is an obligation to do it, but it's not a legal obligation that extends beyond what you're trying to do right now. The Charter wants you to try. Councilman DeMarco seconded the motion.

To repeat, **MOTION** by Pucci, second by DeMarco to defer organization business to a later date/time when informed by Law Dir. he has sufficient information to guide on the outstanding questions. **VOTE RESULTED:** *To defer Organizational mtg.:* Yes: Albier, DeMarco, Tomusko, Pucci. No: Tanski, Paulitzky, Van Kirk. **(APPROVED TO DEFER MTG.)**

Interim Pres. Van Kirk repeated he'll be sending a letter to Council informing of the committees he's chosen, and will continue acting as Interim Council Pres. until the Organizational mtg. is held again. The committees required for confirmation by Council are: Planning Comm., Rec Bd., Domestic Violence, Economic Develop. – and will continue as they currently stand. His letter will be for his appointments for Council positions in the committees for 2017.

Councilwoman Tomusko asked if the ones requiring a Council approval, is he just going to appoint them. Interim Pres. Van Kirk replied he said they will stand as they currently are until the next Organizational mtg. She asked if there is a time on appointing the committees, or why not wait until we resolve the Council Pres. issue prior to locking in who's on what committees. Interim Pres. Van Kirk replied that based upon Dir. Butler's answer that things haven't changed from last year, he won't continue holding off from last year, but rather continue moving forward for this year. Councilwoman Paulitzky asked if continuing this to another time becomes three or four months, and we need to have people in place during that timeframe, how long could it be before he has an answer? Dir. Butler said the Charter contemplates that Council's internal appointees to committees would continue to serve in those roles until their replacements are elected by Council. Interim Pres. Van Kirk asked Council if they could vote on those appointments tonight. Council indicated no problem.

MOTION by Pucci, second by Balbier for Councilman DeMarco as Planning Comm. representative. **MOTION** by Tanski second by Van Kirk for Councilman Van Kirk as Planning Comm. representative. **VOTE RESULTED: For Councilman DeMarco:** Yes: Balbier, DeMarco, Tomusko, Pucci. Abstain: DeMarco. No: Tanski, Paulitzky, Van Kirk. (3-1-3) **VOTE RESULTED: For Councilman Van Kirk:** Yes: Tanski, Paulitzky, Van Kirk. No: Balbier, DeMarco, Tomusko, Pucci. (3-4) Councilwoman Pucci asked if there's a requirement or advice to not support yourself for a committee; Dir Butler said there should be no concern, ethically. **(NO CONFIRMATION)**

MOTION by Van Kirk, second by Paulitzky for Councilman Tanski for Recreation Bd. **MOTION** by Pucci, second by Tomusko for Mary Balbier for Recreation Bd. **VOTE RESULTED: For Councilman Tanski:** Yes: Tanski, Paulitzky, Van Kirk. No: Balbier, DeMarco, Tomusko, Pucci. (3-4) **VOTE RESULTED: For Councilwoman Balbier:** Yes: Balbier, DeMarco, Tomusko, Pucci. Abstain: DeMarco. No: Tanski, Paulitzky, Van Kirk. (3-4) **(CONFIRMED BALBIER)**

MOTION by Van Kirk, second by Tanski for Councilwoman Paulitzky for Domestic Violence Comm. **VOTE RESULTED: For Councilwoman Paulitzky:** Yes: Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: Balbier. **(CONFIRMED PULITZKY)**

MOTION by Tomusko, second by Balbier for Councilwoman Pucci for Economic Development Comm. **VOTE RESULTED: For Councilwoman Pucci:** Yes: Balbier, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: Tanski. **(CONFIRMED PUCCI)**

MOTION by Van Kirk, second by Pucci for Councilman DeMarco for Planning Comm. **VOTE RESULTED: For Councilman DeMarco:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, Tomusko, Pucci. Abstain: DeMarco. No: None. **(CONFIRMED DeMARCO)**

There being no further business, **MOTION** by Tanski, second by Tomusko to adjourn. **VOTE RESULTED: To Adjourn:** Yes: Balbier, Tanski, Paulitzky, Van Kirk, DeMarco, Tomusko, Pucci. No: None. **(ADJOURNED)**

Clerk of Council

President of Council