

**SPECIAL REVIEW & OVERSIGHT COMMITTEE MINUTES**  
**JULY 16, 2019**

A Special Review & Oversight Committee meeting was held on July 16, 2019, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:10 p.m.

**PRESENT:** **Committee Members:** Chair Dan Kasaris, Vice Chair Paul Marnecheck, Dan Langshaw; **Council:** Larry Antoskiewicz, John Nickell, Gary Petrusky; **Administration:** Mayor Robert Stefanik, Law Director Thomas Kelly, Police Chief Ken Bilinovich, Finance Director Eric Dean; **Other:** Linda Barath, Jessica Fenos, Jeremy Dietrich, Mike Wos, Maia Echols, Emma Sanders, Joshua Economos, Connor Hain, Fabrizio Ramon.

**APPROVAL OF MINUTES**

Moved by Mr. Langshaw, seconded by Mr. Marnecheck to **approve the minutes of June 18, 2019 (Special Review & Oversight Committee minutes)**. Roll Call: Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Section 220.06 Rules of Council, Rule XI Voting**

Mr. Kasaris said that Mr. Kelly had provided new language for this section of the code and asked him to review it with the committee. Mr. Kelly said that the current rule provides for the ability of a member of Council to abstain only with the unanimous consent of the remaining members of Council. He said that this flies in the face of those circumstances where a member would have a conflict of interest and would be required as a matter of law to claim an abstention. He said that he researched this and is satisfied that in fact no member of Council can be forced to vote on a matter where he or she would be violating their oath of office in doing so. He said that our community is not the only one that had this rule. He said he is unaware of the origins of the current rule, but it seems to stem from an exaggerated view of the theoretical, practical, legal obligation of a member of Council to vote yea or nay when called upon to do so. That is your duty and responsibility; that is why you were elected. It is your duty to the constituents of the community to vote yea or nay. However, it is wrong and inappropriate to place any member in a position of being censured on one hand for doing what he is obligated to do as matter of law on the other. He said that he has redrafted this rule and has submitted it to the committee. The proposed language is as follows:

**It is the duty of every member of Council to vote upon the call of the yeas and nays. Failure or refusal to vote without cause is failure to do one's duty. To abstain from voting is required when a significant impediment exists, as in a conflict of interest. In the event of the determination of an impediment that requires an abstention the Council member shall, upon the call of the yeas and nays, state generally the reason for the abstention, e.g. "I abstain based upon a conflict of interest". No member shall be required to answer any further questions as to the nature of the conflict.**

Mr. Kelly said that you are the trustees of this community, you are elected for that purpose and unless there is some indication that someone is abstaining for reasons other than a compelling and significant reason, you should all grant each other that courtesy which as a matter of practice has been done in the past.

Mr. Langshaw said that this new language addresses the concerns of Council. He said that we are all ethical people and we have a process in place so this makes sense.

Mr. Nickell said that the language looks ok to him. He agrees that we are here to vote, even if it is a controversial issue. He said that we have had instances where we have had different opinions, but we all voted. He said some of the members have had instances where maybe they worked for a financial institution and we are doing business with them and therefore needed to abstain.

Mr. Antoskiewicz said in the 14 years here has been here, there have probably been less than 10 instances of abstention. To the credit of Council, we have always acknowledged someone's need to abstain, but he can see where the current rule could ultimately be handled the wrong way and give someone a hard time for abstaining. We have always had a mutual respect for each other and if you request to abstain, you have a good reason. He said that the current rule is archaic and needs to be updated and give everyone on Council the respect that they will vote when the time comes to vote.

Mr. Marnecheck said that he defers to the Law Department that this is better crafted language and fits our need. He said it ultimately comes down to respect and agrees that the language is archaic and needs to be updated.

Mr. Kasaris always felt that this was ridiculous and is an insult. He said that if the committee agrees, he will request that legislation be drafted for the first meeting in September sponsored by the committee.

### **ADJOURNMENT**

Moved by Mr. Langshaw, seconded by Mr. Marnecheck to **adjourn the July 16, 2019 Special Review and Oversight Committee meeting**. Yeas: 3. Nays: 0. **Motion carried.**

**Meeting adjourned at 6:17 p.m.**