

Ordinance Review Committee – Meeting Notes 1/20/2021

COMMITTEE MEMBERS: CLLR. BARRY CONNELL, ATTY. JIM CONNELLY, CLLR. JARED EIGERMAN, MOLLY ETENBOROUGH, CITY CLERK RICHARD JONES, CLLR. AFROZ KHAN (CHAIR), CHIEF CHRIS LECLAIRE (ABSENT), GREGG OGDEN, ATTY. MARK REICH (CITY SOLICITOR), LT. RICHARD SIEMASKO (ABSENT), MIKE STRAUSS, RON THURLOW

Meeting Discussion

Cllr Khan started the meeting noting that all members present except for Chief LeClaire and Lt Siemasko. Mark Reich clarified new policy on our review of documents on the One Drive is that to avoid any open meeting law conflicts folks should download the file from the One Drive and work on their edits and rename with their initials. Then the comments and suggestions would be discussed in a meeting prior to posting on the city's website.

Clarification on Use of One Drive:

Atty Reich clarified that it is important that folks even those assigned to the same chapter should not deliberate since they can be perceived as a subcommittee which needs to abide by the open meeting laws. Chair Khan clarified that folks should download the document from One Drive, make their edits into that document and then rename with their initials. The Chapter will be sent to Chair Khan and deliberated on in our meeting. Atty Reich confirmed that the chair can consolidate comments into one document (collation). Once the Chapter has been discussed; it will be posted to the City's webpage for public access.

Chapter 1 & 2 Review and Outcomes

| Chapter/Section | Item/Issue | Discussion | Committee Outcome |
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| Definitions | Should Gender definition be deleted. Chair Khan suggested that we delete this since we are going through the ordinance being mindful of gender neutrality. | Cllr Eigerman found the current definition to be unusual with its reference to firms, partnerships and corporations being referred to in a masculine manner. Natural persons is used for the “they, their” but not for other entities. Ron Thurlow shared that often times when their, they is used; it also does refer to a firm or corporation. Gregg Ogden felt that corporations had the same rights as individuals so that is important to keep in mind. Cllr Eigerman clarified that corporations are referred to as ‘It’ which is noted under Person. Natural person is separate from the corporation entity as a Person. | Delete definition. |
| Sec. 1-15. | AK: Do we need to have if fines are defined in the ordinance for other matters? | According to City Clerk this is applied when fines not defined. | Yes, keep it. |
| Sec. 1-17. | AK: “Enforcing person” is defined but should we be more general. | JE: Makes sense to keep general but we should keep the Police. RJ: Designate works well as opposed to being specific. | Edit to state “police department and such other officials as such designated by ordinance” |
| Chapter 2 | JE: Reference to State Statute versus Charter | JE: If wereference statute, then that is what controls; however, if in Charter that should be the reference. (Eigerman) | Atty Reich will review and update accordingly. |
| Sec. 2-28. | AK: City council rules define regular meetings; can we just refer to the city council rules? | JE: Rules are waivable by the council and are for guidance. Substantively we can refer to these at our city council retreat since right now we are in conflict to the ordinance. | AK will flag issue for the general city council to take up if any councilor so chooses. |
| Sec. 2-44. | AK: Within three days of receiving an application the clerk notifies the existence of the filing. | RJ: Nancy London writes the grants and generates a list of grants sent and whether or not we got the grant. JE: She can just copy all the councillors in the process of when she applies for a grant. | AK will flag issue for the general city council to take up if any councilor so chooses. |
| Sec. 2-64. | AK: Ordinance states that all boards, | JE: Used to be that there was one city report that was | City Clerk will pursue |

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| | committees, commissions and authorities established by ordinance shall make an annual report to council but this is not happening. | bound and published but this is not being following. Difference is that there is the administration departments versus boards/committees that are appointed by the city council RJ: This used to be done by the Clerks office since 2000 and seems to be replaced by budget books. MR: Need to have something that is not filtered through the administration. | previous formatting and see if that can be adopted for use. |
| Sec. 2-84. | JE: Council on aging can appoint clerks and other employees as required. | JE: Need to clarify since this is assumed that any additional staff is subject to “appropriation” -- -being funded. | Subject to appropriation by the city council is to be added. |
| Sec. 2-129. | AK: Each department head shall make a report to the city council on or before September 30 th . | JE: This is in the budget book so should we change. Mayor makes them write a report for their budget and making them do it twice doesn’t make sense. We can add here that it can be done in the budget books. | AK will flag issue for the general city council to take up if any councilor so chooses. |
| Sec. 2-100. | AK: Assistant city clerk shall hold office at the pleasure of the city clerk. | JE: If someone serves at the “pleasure” it is at will appointment and you don’t have to give a reason to fire them. AK: Can we change to “at will”. MR: It’s old English and seen many places; RJ: “at pleasure” works well with the Unions. | No change. |
| Sec. 2-296. | JE: Is the ‘sealer of weights and measures’ appointed or civil service? | JE: Issue is that we need to know who this position belongs to and how are they hired. Needs to be pursued and answered. ME: It’s in the budget and can be identified by asking Health Director. | Molly will follow up with Health Director and clarify the status |
| Sec. 2-346. | AK: Do we need to give this specificity in defining the police department? | JE: Important from a historical perspective and union. GO: Is there a Reserve Officer? Are they civil service or appointed? RJ: Position is hired by the Marshal but interesting that we see Police but not Fire when appointed. JE: Need to understand the labor contracts. | AK will flag issue for the general city council to take up if any councilor so chooses. |
| Sec. 2-352. | JE: States here that ‘the city marshal shall render service to the various city departments whenever requested ... by the mayor or city | JE: This seems contradictory to our charter which separates powers between executive and legislative branch. Need to get guidance from Mark Reich. BC: Order may be that council first discusses and then brings in | AK will flag issue for the general city council to take up if any councilor so chooses. |

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| | council” | Mark Reich. | |
| Sec. 2-364. | JE: Seems to be confusing in terms of what rules are being referred to. | MR: This is a savings clause that prevents muting provisions. JE: Suggested that we bring this to the Union Representative. | AK will follow up with Matt Coogan. |
| Sec. 2-366. | JE: Director of Public Services does not have a term duration. | AK: Should we copy from another position? RJ: Home Rule petition passed to make the DPS director for life. It may be from that time. BC: DPS was reorganized and these provisions may not have been revised. | AK will research and see if this is consistent to the provisions we have today. |
| Sec. 2-373. | JE: Section seems dated and may not be needed anymore. | JE: Will be good for Ethan to weigh in on this one. It references things that are not referencing his responsibilities anymore. | AK will forward section and language to Finance Director |
| Sec. 2-391. | JE: Why does William Horton fund have its own section? | JE: Need to check with Ethan on this. | AK will forward section and language to Finance Director |
| Chapter 3 | Minor edits throughout the document. | | |

Follow Up and Next Steps

Clerk Jones brought up the costs associated with these changes and how that will impact the cost for making the ordinance changes. Cllr Connell said this is an important aspect to clarify since they are building the budget now. Clerk Jones will call Municode and they can give some idea and costs. May be a good time to negotiate based on the changes that are going to be done.

The group discussed the impact that “non-substantive” changes will have on the costs for the update, regardless of whether or not the change is “non-substantive” or “substantive”.

Cllr Khan asked the group if they are okay with meeting every two weeks to get through all the Chapters. The next meeting will be Wednesday, February 3rd from 6:30-8:30pm. Afroz shared the following timeline with the group and defined potential dates for the future meetings. The next meeting will focus on Chapter 6.5, 13 and 17.

| Chapter | Reviewer | Discussion Date* |
|---|---------------------------------------|-----------------------------|
| 1 – General Provisions | | January 20, 2021 |
| 2 – Administration (Article 1-1V) | Connell, Eigerman & Khan | January 20, 2021 |
| 2 – Administration (Article V) | Lt. Siemasko, Thurlow | January 20, 2021 |
| 3 – Animals | Eigerman | January 20, 2021 |
| 6.5 – Environment | Ettenborough, Strauss | February 3, 2021 |
| 13 – Traffic and Motor Vehicles | Clerk Jones, Lt. Siemasko, Thurlow | February 3, 2021 |
| 17 – Stormwater Management | Khan, Strauss | February 3, 2021 |
| 4 – Boats, Docks & Waterways | Lt. Siemasko, Thurlow | February 17, 2020 |
| 6 – Civil Defense & Disaster Relief | Chief LeClaire, Lt. Siemasko, Thurlow | February 17, 2021 |
| 7 – Fire Prevention & Protection | Chief LeClaire, Lt. Siemasko, Thurlow | February 17, 2021 |
| 5 – Buildings & Building Regulations | Connell, Eigerman | March 3, 2021 |
| 11 – Parks & Recreation | Connell, Khan | March 3, 2021 |
| 12 – Streets, Sidewalks and Other Public Spaces | Connell, Khan | March 3, 2021 |
| 16 – Local Historic District | Eigerman | March 3, 2021 |
| 8 – Health & Sanitation | Ettenborough, Strauss | March 17, 2021 |
| 14 – Utilities | Strauss, Ettenborough | March 17, 2021 |
| 9 – Licenses, Permits & Business Regulations | Connolly, Ogden | March 31, 2021 |
| 10 – Miscellaneous Offenses | M. Reich | March 31, 2021 |
| 15 – Vehicles for Hire | Connolly, Ogden | March 31, 2021 |

Group adjourned by roll call vote at 8:27pm.