

**MINUTES
CITY OF BATAVIA
ORGANIZATIONAL MEETING**

JANUARY 4, 2016

The organizational meeting of the City Council was held Monday, January 4, 2016 at 7:00 P.M. at the City Council Board Room. City Clerk Heidi Parker did not need to conduct any swearing in ceremonies for Councilmembers as they had all been done prior to the start of the meeting. Present were Council President Hawley and Councilpersons Viele, Pacino, Canale, McGinnis, Briggs, Christian and Jankowski.

The meeting was called to order by Council President Hawley.

The invocation and the pledge of allegiance were led by Councilperson Canale.

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**#1-2016
RESOLUTION APPOINTING ADAM TABELSKI TO A
COUNCILPERSON-AT-LARGE POSITION**

Motion of Councilperson Canale

WHEREAS, due to the election of Councilperson-At-Large John Deleo to the Genesee County Legislature, a vacancy has occurred in the Councilperson-At-Large position effective December 31, 2015; and

WHEREAS, Section 3.3 of the City Charter provides that when a position of a Councilperson becomes vacant, pending the election and qualification of a Councilperson to fill the vacancy, the Council shall fill the vacancy temporarily by appointment of a qualified person, who shall be the same political affiliation as the Councilperson whose place has become vacant; and

WHEREAS, Adam Tabelski of 708 North Street, Batavia, New York 14020 fulfills the qualifications to temporarily fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that Adam Tabelski is hereby temporarily appointed as Councilperson-At-Large representing City of Batavia effective immediately, such appointment to remain in force until the election and qualification of Councilperson-At-Large to fill the vacancy in accordance with the Charter of the City of Batavia.

Seconded by Councilperson Pacino and on roll call approved 8-0.

Heidi Parker, Clerk-Treasurer, performed the swearing in of Mr. Tabelski.

Election of City Council President

Councilperson McGinnis nominated Councilperson Jankowski for Council President who accepted the nomination. Councilperson Canale nominated Council President Hawley who also accepted the nomination. The nominations were seconded by Councilperson Viele. On roll call, Councilperson Jankowski was elected Council President by a 5-4 vote. Councilpersons Jankowski, Viele, McGinnis, Briggs and Christian voted for Jankowski. Councilpersons Tabelski, Hawley, Canale and Pacino voted for Hawley. Council President Jankowski thanked former Council President Hawley for his dedication to the Council for the past two years.

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Election of President Pro Tempore

Councilperson Christian nominated Councilperson Viele for Council President Pro Tempore. The nomination was seconded by Councilperson Briggs. Councilperson Tabelski nominated Councilperson Canale and it was seconded by Councilperson Hawley. On roll call, Councilperson Viele was elected President Pro Tempore by a vote of 5-4. Councilpersons Jankowski, Viele, McGinnis, Briggs and Christian voted for Councilperson Viele. Councilpersons Tabelski, Hawley, Pacino and Canale voted for Councilperson Canale.

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#2-2016

RESOLUTION APPOINTING PARLIAMENTARIAN

Motion of Councilperson Briggs

WHEREAS, pursuant to the Batavia City Charter, Section 3.6, City Council shall, at its Organizational Meeting, appoint someone other than Council President as Parliamentarian;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Batavia that George Van Nest, City Attorney is hereby appointed as Parliamentarian for a period of two (2) years or when no longer employed by the City of Batavia, whichever comes first.

Seconded by Councilperson Hawley and on roll call approved 9-0.

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#3-2016

RESOLUTION TO ADOPT THE RULES GOVERNING COUNCIL BUSINESS MEETINGS, CONFERENCE MEETINGS AND COUNCIL MEMBER RULES

Motion of Councilperson Briggs

WHEREAS, the Batavia City Council, pursuant to the City Charter, shall adopt rules governing its procedure, the conduct of its meetings and the discipline of its members.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the Rules Governing Council Business and Conference Meetings shall be adopted as outlined in Attachment A of this resolution and the Council Member Rules shall be adopted as outlined in Attachment B of this resolution.

Seconded by Councilperson Viele and on roll call approved 9-0.

Attachment A

RULES GOVERNING BUSINESS MEETINGS

(Adopted 1/18/82, 1/4/10, 1/3/12)

(Amended 11/23/98, 02/25/02, 07/14/03, 01/14/08)

Section 1. The President of the Council shall conduct all meetings, shall preserve order, maintain dignity and appoint such committees as he may from time to time deem necessary.

Section 2. Any member of the Council desiring to speak or present any subject shall not proceed until recognized by the President.

Section 3. All resolutions shall be voted by roll call and each Councilperson shall answer by voice either yes or no unless excused from voting under the provisions of Section 3.9 of the Charter. Every member of the Council present at a meeting shall be required to vote as herein provided and if he does not so vote, the Clerk shall record the vote per Robert's Rules of Order. In the event a Councilperson cast his/her vote in error and the final vote has been announced but the meeting has not been concluded, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed. The Council President will at that time seek general consent from the Council present to grant the request and if there are no objections, so grant. If a Councilperson objects to the request, then a motion can be made and seconded by Council to grant the request. This motion is undebatable and the Council President will call for a vote on the motion.

Section 4. Order of Business (Regular Meeting)*

Call to Order, Invocation
Pledge of Allegiance

Approval of Minutes
Assignment of Agenda Items
Council President's Report
City Attorney's Report
City Manager's Report
Committee Reports
Public Comments
Council Response to Public Comments**
Unfinished Business
New Business
Adjournment

* Special meetings need not include all of these items.

** Responses shall be limited to the correction of factual errors made by public.

Section 5. All questions of procedure not provided for by the Charter or this ordinance shall be decided according to Roberts Rules of Order (revised). Public comments shall follow Roberts Rules of Order and shall be enforced by Council President.

Section 6. Any rules may be suspended by the unanimous consent of members present but such suspension shall apply only to those matters considered at the time of the suspension.

Section 7. An Agenda for Council Meetings shall be prepared by the City Manager prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Items placed on the Business agenda will be those that have been determined to move forward by a consensus of Council members at a prior Conference meeting. Petitions, resolutions or other business to be presented to the Council by Council members must be filed in writing with the Clerk not later than noon of the Tuesday preceding a regular meeting, except as hereinafter stated.

- a) From time to time matters of urgency may come to light that require Council's immediate attention. These items may be added to the Council meeting agenda without first being discussed at a Conference meeting only with the approval of the Council President, with the concurrence of two (2) other Council members.
- b) No petitions, resolutions or other business may be presented to Council by individual Council members unless action to do so was approved at a prior Conference meeting by a majority of the whole Council.
- c) No employee or staff time will be expended upon any matter unless directed by the City Manager or approved by a majority vote of the whole Council at a Council meeting or a Conference meeting.

Section 8. Any persons desiring to speak at any Council meeting or public hearing shall submit their name and address in writing to the Clerk prior to the meeting or public hearing and state the purpose of said person's talk. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair and, if related to

any item on the agenda, shall occur prior to Council action. Time shall not be transferable from one individual to another. The City Manager or his/ her designee shall time the individuals speaking and give a thirty second warning.

At all times, speakers shall direct their comments to the Chair and shall refrain from addressing individual Council persons.

Section 9. In the event of conduct which the Council President or other Council members find offensive, the following steps shall be taken to correct this behavior:

- (a) The Council President will formally address the concern with the individual Council member;
- (b) If the problem persists, the City Council will take a short recess;
- (c) If the problem continues, the Council member in question will forfeit their right to speak on the specific topic; and
- (d) If the problem continues, the Council President shall take corrective steps based upon procedures outlined in Roberts Rules of Order (revised).

Section 10. Special meeting called per §3.8(B) of the City Charter shall try to be scheduled to provide at least 48 hours between the calling of the meeting and the actual meeting time. This time allows for proper public notice to issued, contacting of all Council members, and development of necessary agenda materials. It is understood that there may be situations where overwhelming urgency requires that the meeting be scheduled strictly in compliance with §3.8(B) of the City Charter.

RULES FOR CONFERENCE MEETINGS

(Adopted 1/18/82, 1/4/10)

(Amended 11/09/98, 02/25/02, 01/14/08)

1. An agenda for conference meetings shall be prepared by the City Manager, the Council President and/or President Pro Tem prior to the meeting and distributed to the Council members, at least four (4) days before any such meeting. Individual Council members may add to the conference agenda by informing the Manager by 11:00 A.M. the Tuesday before the meeting. From time to time matters of urgency may come to light after the agenda deadline. These items may be added to the agenda only with the approval of the Council President.
2. The regular conference agenda* shall take the following form:
 - a. Call to Order
 - b. OLD BUSINESS - not completed at previous conference meetings
 - c. NEW BUSINESS
 - d. Items not included on the agenda (if time permits)
 - e. Public Comments

* Special conference meetings need not include all of these items.

3. Conference meetings shall be limited to two and one-half hours but in any event will not exceed beyond 10:00 P.M. During the initial review of any topic listed on the

Agenda, a limit of thirty (30) minutes will be given for discussion by the City Council. At the end of thirty minutes, Council may have this discussion continued at the conclusion of the regular Conference Agenda should time be available or have the item brought back at a future Conference session(s) for further discussions.

4. A quorum for a conference meeting shall consist of six members. All action taken at a conference meeting shall be by majority of the whole Council - 5 votes.
5. All motions to add agenda items to the business meeting shall be voted by roll call and each councilperson shall answer by voice vote either yes or no unless excused from voting under the provisions of Section 3.9 of the Charter. Every member of the Council present at a meeting shall be required to vote as herein provided and if he or she does not so vote, the Clerk shall record the vote per Robert's Rules of Order (revised). Votes during Conference meetings generally are informally used to determine whether an item should be forwarded on to the Business Agenda for formal action, to determine whether a consensus exists amongst Council members to proceed in a certain direction, or to commit staff time to further research a topic. Because of this, votes other than on formalized action, should not be construed as a final position of an individual Council member. In the event a Councilperson cast his/her vote in error before the next agenda item has been started, the Councilperson shall notify the Council President of the error in the vote and request that his/her vote be changed.
6. Any person desiring to speak at any conference meeting shall submit his name and address in writing to the Clerk before each meeting, and state the purpose of his talk. During the Public Comment section of the Agenda, the individual shall be allowed to address Council. The individual speaking shall not exceed five minutes with extensions granted at the discretion of the Chair. Time shall not be transferable from one individual to another. The City Manager or his/her designee shall time the individuals speaking and give a thirty second warning.
7. At all times, members shall direct their comments to the Chair and shall refrain from addressing each other.
8. A conference meeting may be called by the Council President, or by any three members who petition for a meeting. The Council President may cancel a conference meeting due to weather conditions or if, in his opinion, it will be impossible to obtain a quorum. The City Manager shall inform all Council members of canceled meeting as soon as possible by phone.
9. All matters not covered by Conference Rules shall be governed by Roberts Rules of Order. Public comments shall be governed by Roberts Rules of Order and shall be enforced by Council President.

Attachment B

COUNCIL MEMBER RULES

(Adopted 1/13/92, Adopted 9/8/08, 1/4/10)

(Amended 11/23/98, 02/25/02, 07/14/03)

- (a) Council members agree to act through the office of the City Manager and will not directly or indirectly give order or make request of department heads or City employees. It is important for Council members to recognize that the Manager works for the Council as a whole and not for any one or groups of Council persons.
- (b) Council members agree that the Manager or his designee will serve as negotiator with all City unions. Council members will not engage in bargaining with employees and will in all situations act through the Office of the City Manager.
- (c) Council members understand that the time of the professional staff is valuable and will limit discussions and phone conversation during business hours to reasonable amounts of time.
- (d) Council members agree that the Manager will do all negotiating with the representatives of other municipalities and Council members will act through the City Manager.
- (e) Council members shall not use their position to intimidate Staff to secure a request.
- (f) Questions of Staff are permitted, and encouraged, at the Department Head level and through the City Manager's Office. Council members are discouraged from approaching employees below Department Head levels.
- (g) Council members are not to give direction or to give orders to any Staff member. Directions should go directly through the City Manager, and only upon the recommendation of a majority of the full Council.
- (h) Specific technical questions can be asked of the Staff during normal business hours. Contact with Staff members, except in a case of emergency, is discouraged outside of business hours. Questions related to personnel or employee performance is allowed only through the City Manager. Council members are encouraged to follow the chain of command within the organization.

Discussion – Councilperson Christian wanted to make some changes to the rules and began by noting that in section 3, if a councilperson made an error in their vote, the rest of Council would have to vote to approve that vote to be changed. She would just like to be able to apologize and have it changed without the rest of Council having to vote to allow the change. She also noted that in section 8, public comments were supposed to be submitted in writing to the clerk as to what you wanted to speak about along with your name and address. She didn't feel that it needed to be submitted in writing and that signing up was sufficient. Councilperson Christian

also felt that if someone didn't want to vote that it was counted as a yes vote and she didn't like that. Mr. Van Nest suggested adopting the rules as they stood and bring back the rules with suggested changes at a future meeting for adoption once there had been time for discussion. Council agreed.

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**#4-2016
RESOLUTION SCHEDULING REGULAR COUNCIL MEETINGS THROUGH
DECEMBER 31, 2016**

Motion of Councilperson Hawley

WHEREAS, the Batavia City Council, pursuant to the City Charter, is required to schedule regular Council meetings through the standard resolution process; and

WHEREAS, City Council historically meets on the second and fourth Monday of each month except during the months of July, August and December where the Council meets only on the second Monday; and

WHEREAS, City Council must designate the specific location and time of meetings on an annual basis.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia hereby designates the Council Board Room located at City Hall, One Batavia City Centre, as the regular meeting place for the scheduled Council meetings through December 31, 2016; and

BE IT FURTHER RESOLVED, that the City Council shall meet at 7:00 p.m. at the City Council Board Room on the designated dates as outlined on Attachment "A" through December 31, 2016.

Seconded by Councilperson Viele and on roll call approved 9-0.

Attachment "A"

2016 CITY COUNCIL MEETING DATES

Meeting Date

January 4, 2016 (Organizational Meeting)

January 11, 2016

January 25, 2016

February 9, 2016 (Tuesday)

February 22, 2016

March 14, 2016
March 28, 2016

April 11, 2016
April 25, 2016

May 9, 2016
May 23, 2016

June 13, 2016
June 27, 2016

July 11, 2016

August 8, 2016

September 12, 2016
September 26, 2016

October 11, 2016 (Tuesday)
October 24, 2016

November 14, 2016
November 28, 2016

December 12, 2016

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Announcement of next City Council Business Meeting scheduled for Monday, January 11, 2016 at 7:00pm, to be held at the City Hall Council Board Room, 2nd Floor, City Centre.

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Meeting adjourned at 7:30.

Respectfully submitted,

**Heidi J. Parker
City Clerk-Treasurer**