

POLICE/FIRE/LEGISLATIVE COMMITTEE
December 8, 2025

Chairperson: Mr. Dimacchia called the meeting to order at 5:33pm.

Present: Dimacchia*, Henley*, Kempton*, Spellacy*, Springowski, Carter (*arrived 5:33pm*), Nutt, Moon (*arrived 5:42pm*), Spellacy.

Absent: Arroyo*, Thornsberry, Arredondo.

*Denotes members of committee

- a. **Discussion regarding the Rules of Council and the City Council Agenda.**
 - b. **Discussion regarding a proposed ordinance amending Ord. 266-74 which establishes Chapter 509.12 – Curfew – of Chapter 509 of the Lorain Codified Ordinances.**
-
- b. ***Discussion regarding a proposed ordinance amending Ord. 266-74 which establishes Chapter 509.12 – Curfew – of Chapter 509 of the Lorain Codified Ordinances.***

CHAIRPERSON DIMACCHIA: We are here to discuss two items and just so you know, we will be reversing them. I know on your agenda, item a is a discussion of rules and agenda, but we will first discuss the curfew ordinance that we currently have on the books, that again, needs to have a couple of amendments that were omitted the first time this legislation was passed. I think, for the most part, it was an oversight. Those amendments, we are here to discuss and again, of course if there is anybody on the Police, Fire and Legislative Committee, or anybody that has some suggestions for that legislation, or some ideas, certainly this is a forum to discuss those in. With all of that being said, I first want to defer to Mr. Zaleski to talk about the ordinance as it exists currently, and a few of the amendments that we are looking at making to this legislation. I will say that I know Councilman Arroyo is not here, but he was pushing a few of these items because of some of the issues that we have been dealing with but now I will turn it over to Mr. Zaleski.

ASST. LAW DIRECTOR DON ZALESKI: It looks right now, the current ordinance, what we amended, we did exclude Fridays by mistake, basically the current ordinance right now calls for anybody under 17 not to be out between the hours of 11:00pm-6:00am Sunday to Thursday, and on the weekends they get 12:30am-6:00am on Saturday and Sunday. We do not mention Friday in there, so we would have to add that. When I spoke to Mr. Arroyo today, he sent me an email saying that he would like the curfew to be 10:30pm-6:00am every day of the week, unless with a parent or guardian, and he also wanted an exception in there, unless they are working or at school events up until 11:00pm. I think the state just passed a law where the children can't work past 11:00pm anyway, so I don't know if that is going to... and I think our governor, didn't he veto that? I can't remember what happened on it, but I think he vetoed that.

MAYOR BRADLEY: My understanding is the governor vetoed allowing children to work on school nights. That is what he vetoed, because they wanted the kids to be out... the governor thought it was better that they be home, doing homework and not being working.

MR. ZALESKI: From this body, I need guidance, what do you want your ordinance to read? Angel wants 10:30pm-6:00am every day, unless with a parent or guardian, is that good with... I will write it up however you want, now I passed out a copy of the City of Avon's curfew, and you all should have that in front of you there. They go into a lot of detail, I could copy it off of that, you could change the numbers on it, it

looks like Avon has the hours of 11pm-5am, and then on the weekends it is midnight to 5am, I guess. You tell me what you want in the ordinance, we'll put it in there and we will have it for you for next Monday.

CHAIRPERSON DIMACCHIA: There was also some language in there that just needed to be changed because it was just so vague and...

MR. ZALESKI: We forgot Friday in the old ordinance, we didn't have Friday referenced in there. We will put that in there.

COUNCILMEMBER NUTT: I do appreciate that, is this... you said this is Avon's current ordinance, is that correct? I am a little more in line with Avon's. I think that I like 5am, I think any kid that age, up at 5am is probably a fantastic, diligent student doing something they are supposed to be doing, and just in case I would go with the 5am. I don't know if there is a big difference in crimes or issues between 10:30pm and/or 11:00pm, but I would just be more inline with 11:00pm-5:00am across the board. It is not a huge difference, 10:30pm to 11:00pm, but that is kind of where I am at right now.

COUNCILMEMBER SPRINGOWSKI: I would agree with that. I also like where they define who the minor can be accompanied by, because if we are just saying an adult, you can get a 16- or 17-year-old kid running around with somebody who is 18 or 19, and doing God knows what, and they are technically considered an adult. I do like this where the minor is accompanied by natural or adoptive parent/legal guardian or the responsible person and duly authorized to have custody of the minor/by the minor's parent or legal guardian. It just gives more responsibility to knowing where these kids are at.

COUNCILMEMBER DUVALL: I am looking at the introductory paragraph, A, and it specifies Sunday through Thursday, inclusive, at times when Avon Local Schools are in session; will that eliminate the curfew for the summer since the schools are not in session?

CHAIRPERSON DIMACCHIA: If we were to, in fact, if that is the wish of this body to adopt that language, remember that language is Avon's, we already have a piece of legislation on the books that governs the City of Lorain and identifies what that curfew legislation looks like. That is just an example that you can pull and say, hey that is a good idea. That does not exist currently in our legislation.

COUNCILMEMBER DUVALL: We don't have that issue with summer being a free for all.

CHAIRPERSON DIMACCHIA: You should have a copy of our ordinance.

MR. ZALESKI: Your current ordinance is 11pm-6am, 11 at night until 6 in the morning, and Mary to your... our ordinance does say unless accompanied by a person of mature years, ___ said person must be the parent, guardian or person having legal custody or control of said child. That is in our ordinance now, also.

CHAIRPERSON DIMACCHIA: I, personally, take issue with the language of a person of mature age. What does that mean? That just leaves way too much to try to determine the definition of what a mature person of age would be. That is one of the issues I have with the piece of legislation.

COUNCILMEMBER DUVALL: We have a lot of children who are under the auspices of their grandparents. If the grandparent had another son or daughter, like the aunt or uncle of that child, if the grandparent gave them permission or had asked them to do this, that would be considered...

CHAIRPERSON DIMACCHIA: That is a legal guardian.

COUNCILMEMBER DUVALL: No, permission of the legal guardian to have this child.

COUNCILMEMBER CARTER: I think we should be in line with the other cities, or neighboring cities, the 11pm-5am. My question is, do we know why Angel was asking for 10:30pm until 6:00am, was there any... recently behind it?

MR. ZALESKI: I... you would have to ask Angel, I don't know.

COUNCILMEMBER CARTER: Well, I would prefer us be in line with the other neighboring cities, because coming from one city to the next city, can kind of get confused. I also have an issue with the summer hours, because that is when a lot of drama is happening in the summer. I think we need to probably put something in there for the summer.

MR. ZALESKI: Would you want to extend the hours in the summer, or keep them the same, 11pm-5am?

COUNCILMEMBER CARTER: I think we keep them the same.

COUNCILMEMBER HENLEY: I like the 11pm, but I think 6am is better, and I will tell you why. For any of us that have insomnia or have been a part of block watch, you will see, especially in the summertime, these kids roaming the streets, generally between the hours of 3-6am and I don't know if we can get some information, maybe from LPD, but that is when I see these kids roaming and what they are doing is... the parents are asleep or whatever and then they are out of the house and up to no good. That is not all kids, I understand some kids are going to work or whatever, but I would like to see some information on that, and I think 6am, I don't know, I raised three kids and there were none of them getting up at 5:00am to go anywhere. Whether it was sports, work or anything. I am just saying, if they did... the one, the time he was up at 5am, he got in trouble.

COUNCILMEMBER SPELLACY: I would agree with Mrs. Carter, I think 11pm-5am all year not like we'll do 11:00 in the summer and 10:30 in the winter, it should just be a standard, and everybody knows what it is and that is what I would suggest is that the 10:30-6:00 to 8:00-2:00, or whatever.

COUNCILMEMBER KEMPTON: I would agree with Ms. Spellacy, I think 11:00-5:00 across the board, winter, summer, everybody knows what it is. It becomes the standard, we are not making the police look at the watch or something like that. I do have a question, if a child were to be with an 18-year-old sibling, would that change this?

MR. ZALESKI: It depends on the circumstances, is the sibling... the sibling could be considered the legal guardian, but based the way the Avon ordinance is, if you copy that, no, that would not be a legal guardian, the sibling would not be a legal guardian.

COUNCILMEMBER KEMPTON: I think brothers and sisters get in trouble a lot together, I know I did, I think that is probably best.

CHAIRPERSON DIMACCHIA: I will say to that point, that Mr. Arroyo did say that he would like to have the age of an adult in that language to identify the age of at least 21 years or older, as opposed to 18, which I understand his point, and I don't disagree. Just keep that in mind as well.

MR. ZALESKI: Look at Avon's, look at C1, I suppose C1 could fit an 18-year-old brother or sister would have control of the child and would be okay to be out with them, if you look at C1 in the Avon ordinance. We don't have to copy that, you could define it how you want.

COUNCILMEMBER SPRINGOWSKI: With further discussion, I do agree with the age of the adult being at least over 21. We are not trying to be punitive, but we are trying to get, what is a serious issue, under control. We all recognize that we have a problem, when we look at what happened on Amherst Avenue and the shootout, those were young teenagers. The youngest person that was in that house was 9 years old, we had a wide range of kids there and everything, there were no adults that were supervising this. We are just trying to make parents more responsible for their kids during hours that they don't need to be out and about, and that is all we are doing. I do like having the consistency of, these are the hours, and it is set, year round, so nobody can say, 'well my school got out at this time, I am not in school at this time and that, so I should get different hours,' no, these are the hours and it doesn't vary.

COUNCILMEMBER DUVALL: It has been a while since I have been a teenager, so I haven't kept up with what the state is saying about teenagers driving at night. I am looking at number 5, for some reason I had thought the state said that kids couldn't drive after a certain time or... and I don't know, I am asking. Is this going to be okay with what the state already has on its book?

CHAIRPERSON DIMACCHIA: Again, you are referencing, just for clarity, you are referencing the Avon, City of Avon curfew ordinance, which is not ours.

COUNCILMEMBER DUVALL: I understand that.

CHAIRPERSON DIMACCHIA: We don't have that language in our ordinance currently.

COUNCILMEMBER DUVALL: You are probably saying we are not going to put that section in?

CHAIRPERSON DIMACCHIA: Not unless somebody suggests it, recommends it, and legal thinks it is okay, and doesn't create a bigger liability for the city. Not to speak for legal. That is just a template of a neighboring city, maybe there are some good ideas in their legislation, maybe there's not. Maybe there is something that somebody wants to adopt. The whole idea behind this discussion is to make sure that whatever changes we make to the existing legislation, is what we all think is in the best interest of the city and keeping our kids safe.

COUNCILMEMBER DUVALL: I am asking, for D and E, define whoever, is that the youth that was caught, or is that the adult that was in violation of this?

MR. ZALESKI: That is for the juvenile.

COUNCILMEMBER DUVALL: What about E?

MR. ZALESKI: Unfortunately... that would be the adult.

CHAIRPERSON DIMACCHIA: Are you good Ms. DuVall? I know you are always good, but just want to ask.

COUNCILMEMBER DUVALL: Yes, I am fine. I appreciate you taking my questions because I know sometimes it is hard.

COUNCILMEMBER MOON: What about homeless? We had a young man that was homeless and he was living behind a building. He had nowhere to go because his parents had put him out. He would be over curfew, so how would that be handled? I know they pick them up and maybe take them somewhere but what if he kind of like jumps around, and jumps around, this person?

CHAIRPERSON DIMACCHIA: That is a really good question. I don't know how it has been handled in the past. What I will say is that our Police Department is heavily trained and prepared for situations like that and I would hope that they would err on the side of discretion in how to handle a situation like that. The whole idea here is not just to penalize folks, or put people in jail, or cite them, but again, if they are out doing bad things in our cities and they are putting other residents at risk, then that's why we have these ordinances in place. That is a really good question I don't have an answer for, but that is certainly something that we can ask the Police Department on how they would handle a situation like that? Unless Mr. Zaleski has an idea?

MR. ZALESKI: Well, they would have to take that juvenile-to-juvenile court and juvenile program in the situation, we don't have jurisdiction in Muni-court here over juveniles that would go to juvenile court and they would have to handle it there. What they would do, I do not practice juvenile law, so I don't know what they do.

COUNCILMEMBER CARTER: I think we also need to look at exemptions for kids that are working. I guess you guys may have said this, I don't know, but I can't... exemptions for kids that are working, because I think they can work until like 10:45pm, and then also the school events. Some of our school events go past 10:30pm, don't they? Some of the basketball games and things like that?

CHAIRPERSON DIMACCHIA: Oh, no, I hope not.

COUNCILMEMBER CARTER: Or travel? They are traveling.

CHAIRPERSON DIMACCHIA: If they travel, those kids are coming back, but I think the real issue there is, once they get back and they get off that bus, where are they going then? I don't think police are going to be snatching up kids and giving citations when they are on school property getting off a bus, but your point is well taken. Yes, sometimes if they are in new conference, there is an hour or more trip back from a 7:00pm game, that they could potentially come back at 11:00-11:30pm. Again, hopefully discretion would prevail, and common sense would prevail, with some of those kids that are coming from a basketball game or an event like that. I will say this, that again, just thinking out loud, I think that is the premise behind Mr. Arroyo's changing the time to 11:00pm, for the simple fact that you had talked about kids working. What is that legal time that they are allowed to work until...

COUNCILMEMBER CARTER: I think it is 10:45pm or something like that?

CHAIRPERSON DIMACCHIA: Good point. Mr. Zaleski, if you look at C4 from Avon, that might be something that we would think about adopting a portion of that language, or that language, because that covers exactly what you are referencing.

COUNCILMEMBER CARTER: Also, I wanted to ask a question about an 18-year-old, who may be emancipated and taking care of their sibling for whatever reason, the parent dies or whatever, and this is a mature 18-year-old who is emancipated, how is that handled? I am thinking they would just fall into the adult area, and they legally have custody of their siblings.

CHAIRPERSON DIMACCHIA: If they're made legal guardian, again, I would defer to Mr. Zaleski...

COUNCILMEMBER CARTER: That would fall under legal guardian, right?

CHAIRPERSON DIMACCHIA: ...legal guardian of that particular minor.

MR. ZALESKI: They could be, yes. There is a lot of that out there, I am sure. Like I said, Avon, that is why they used the words, or other responsible person who is 18 or more years of age and duly authorized to have custody of that minor child. If that is a brother or sister who is 18, and they are the only ones there, then they are duly authorized to have custody of that child. Unless children's services get involved and places them somewhere else, which that doesn't always happen either.

COUNCILMEMBER CARTER: Okay. I just want to make sure I understand clearly.

PATRICK HORN, 1015 Highland Park Blvd.: I am all for the new ___ changes, but the question I ask is, number one, is LPD ___ to do these things and secondly, what will the repercussions ___ people to have really regarding that person, an emancipated adult, caretaker, whatever, if these kids go out and do something stupid, at those time frames, and they get picked up by LPD, SRO, whoever, what is going to ___ legal guardian, that parent, because in this day and age, ___ what is going on, but these kids, they do what they want, they have no responsible authority, and when they get these tickets, these citations, or whatever is going to happen, consider the fact that we have a person who is responsible for that child, that has ___ penalized as well because they are responsible for that child, and as long as the child is being penalized for what they are doing wrong because otherwise they are going to go back out and do it a second time and keep on doing what they are doing.

CHAIRPERSON DIMACCHIA: Any other questions, comments or concerns? Seeing none, I will go back to City Council. Again, as we work through this discussion, if you do have recommendations or suggestions, this is the time to voice those so that we can make sure we make whatever amendments we need to make, the idea is to bring this back to council, as amended, with any changes that we feel are necessary.

COUNCILMEMBER MOON: I have a child, and this child is acting up, I keep getting tickets, tickets... so how many tickets am I allowed? Being out there, like the gentleman said, it is pretty rough out there with kids not listening anymore. When you have the drug problems within the community, with parents, and kids are out at night going to the store, having their _____, walk from Walmart to his house on Toledo Avenue because he didn't have a ride, so that meant he was out and about, so how many tickets would I get if my child acts up, and I am constantly punishing him, disciplining him, telling him right from wrong. But you know, a hard head makes a 'you know what', so what do we do when it comes to that because a lot of people are asking me that. How many tickets? Will I go to jail for 5, 6... maybe we can answer that for me, if you can, if not, I thank you.

CHAIRPERSON DIMACCHIA: I think that is a question for the courts and judges to be honest with you. I don't know.

MAYOR BRADLEY: Right now, the ordinance makes it a minor misdemeanor, and the new ordinance makes it a minor misdemeanor, so the most you can get is \$150 fine. Right now, if you get cited a million times, the most you can get is \$150 fine. I think council may want to look at it and say, hey, how many times do we want to allow a parent to get cited for curfew violation before we have some kind of meat on the bone, so to speak. In another words, do we say a third time results in it being elevated to a fourth-degree misdemeanor? Maybe then, it can carry up to 30 days in jail and a \$250 fine. The person, of course, gets to go to court and explain why their child has violated curfew, I would say within a year. In other words, we're doing these ordinances, and the Law Department is proposing these ordinances because we are trying to address young people committing crimes of violence, gun crimes, in our community. This is a purpose, we are not trying to punish young people who are out on a date, we are not trying to punish

young people that are out there going to the basketball game and coming home, what we are trying to do is put the light on, your child is out there, for no good reason, possibly carrying a firearm or a weapon, or out there looking for trouble, and the parents are just saying, I can't control my kid. Well... I don't know... in the schools, if you can't control your child, the school's kind of have to assume that responsibility. Well, I think we, as a city, if parents can't control their children, we have to do something to make sure that there is some control. I am asking council to look at possibly making it a third offense, or a fifth offense, whatever it is... if you get cited for having your child violating curfew three times in the same year, maybe you need to have a little extra hanging over your head. I am not saying that the judge has to put you in jail, but maybe the judge will say, hey, this is your third time you have been in court this year for violation of curfew, we are going to suspend ten days in jail, now if you come back the next time, well, then the judge can impose that jail and also impose jail on the fourth offense. This is all to try to do what our citizens have been complaining about, and that is crime within our community, many young people committing crime. The other thing I wanted to bring up, since I am standing here with the microphone, is, if you are going to give somebody permission to be in charge of your child after curfew, I think the parents should have to put it in writing. I think it should read, or some adult, duly authorized. I think it should say duly authorized in writing, by said parent, by said guardian, to have control of said child. Because I know what happens, the child gets cited for curfew, then the person who is with the ___ or whoever, is with the child, says well, the parent gave me permission and the parent goes, well, yeah, I gave them permission. Have it in writing, pre, that way it is in writing that I have got permission, I have it here in my pocket, the parents gave me permission to have control of this child. I am 21, they are 17, I got permission. Have it in writing, that way the police aren't harassing anyone, it is all... the parents gave ____.

Think about those two things, that's my suggestions. I am not trying to offend anybody, I am not trying to get the wrath of God to come down on me because I have made a suggestion, we are just talking, we haven't passed anything. We are just trying to talk. I think debate, as we have said, debate is good. Hate is not good. I don't want any council members to ever feel intimidated because somebody writes them a nasty email or a letter about something that they are considering for the good of this community. You were duly elected by the citizens of Lorain, to do the things that you are doing. It is not an easy job, but you shouldn't have to feel fear or intimidation from somebody who is supposedly exercising their first amendment rights. You have a right to give your ideas and your thoughts, but I don't want anybody to ever think that they have the right to make you fear or be intimidated, because that is where your freedom of speech ends. We are not going to be intimidated, we are not going to be put in fear, we are going to do what we do in this chamber, which is to speak our minds, and have a good conversation, which I think we have had. Thoughtful conversation, but we are not going to be intimidated, and we are not going to be placed in fear because we are trying to do the right thing for our community.

CHAIRPERSON DIMACCHIA: I will say this, based on those comments, I would hope that the accountability legislation that we put in place would eventually assume the role of those multiple issues that you have with curfew, with parents, that is one of the reasons why we drafted that and pushed that legislation that, hopefully, if it is repeat offenders and they become a nuisance to our community that then, keep in mind, that parent accountability legislation should be in play at that point in time. I don't know how, legally, we can take this up to be a fourth-degree misdemeanor, I don't know, that is something that...

MR. ZALESKI: As the mayor said, if it is a third offense in a year, you could maybe bump it up to a M4, but I am going to put my two cents in, we can legislate all we want, this is a problem of society, we have laws on the book now that says you shall not drive drunk, people still drive drunk. We have laws that say you

shall not steal, people still steal. We can put this in the law, but it is a society problem, I am not going to say this is going to cure it, it is something you can try, but it is not going to cure it.

COUNCILMEMBER DUVALL: I just wanted to remind people about the conversation of the 18-year-old, versus the 21-year-old, someone had suggested putting 21 years in, and if you have an older sibling, as someone mentioned, that is 18, that would change what they are able to do. I just wanted to remind you of that.

COUNCILMEMBER SPRINGOWSKI: I received a text message from Mr. Arroyo, I have screenshotted, I have sent it to the clerk to be entered into the record so that we are all above board and we have the sunshine laws in place and what it says is, I'm watching online. I'm still at the airport. And I'd also like to have an adult not to be 18 but the age of 21 and older. I support 21 and over, no siblings 21 and over unless they are legal guardians at the age of 18, 19 or 20. And I'm fine with 11pm too, to be honest that was a normal time but I went with 10:30 so we could get the discussion going. (at 5:56pm, Mrs. Springowski did email the screenshot of the text thread to the clerk's office.) That was coming from Mr. Arroyo, he does regret not being able to make the meeting, but his flight was delayed. Things like this happen. I also wanted to thank the mayor for what he just said, because he is absolutely right and I know from my perspective with what I have gone through here, on my tenure on council, I appreciate the support more than you can know, so thank you from the bottom of my heart.

COUNCILMEMBER CARTER: I also, want to thank the mayor for his comments regarding this is a conversation and that we should not be intimidated. We have the right to speak and share our ideals. That is appreciated, especially with what has been happening within the last few years, with some of my colleagues. When you read things, it does kind of... it kind of keeps you from speaking and sharing your thoughts. I appreciate that. The next thing is, I want to say, we talk about the consequences. In school, truancy, we have... there are consequences for being truant. I think that maybe we should, could, look at some of the truancy consequences, because I think they only have up to 30 or more consecutive hours of truancy before intervention steps in. Really, that's what I think these parents need out here, I think they need intervention. That is probably something that would happen on the court side of things, but we are dealing with young parents who are not parenting and so I think consequences, the first one, like you said, is a minor misdemeanor, but as they continue on, I think that some kind of intervention would be helpful to the parents, and for those parents that are having some difficulties with their children. I am not exactly sure how we can set this up, maybe we can look at the truancy laws and then kind of come up with our own kind of, late curfew, because I think when they are out, they call the parents anyway. We are dealing with a big... with a huge drug problem out here, and there are many parents on drugs and they don't even know where their kids are at. I don't want to penalize a child and he carries that on his record until he is 21, I would like to see that we tried to do some kind of interventions for them, and for the families first.

CHAIRPERSON DIMACCHIA: I don't want to speak out of turn, but to your point, I do know that there have been discussions with the administration, Lorain Police Department and Lorain City Schools to discuss truancy laws in an effort to try to get control of it at a local level. I will say this, the school district does do a great job with intervention programs, working with parents, trying to get them the support and help, and resources they need, but truancy is an issue. The bigger issue is, we have no control over what happens when it becomes an issue because we are dependent upon the county to handle that situation. The discussions, and again, I don't want to speak out of turn, but the discussions are around how do we localize it and how do we put it in our local municipal court to handle our truancy issues here in

collaboration with the school district and the Police Department. To be determined later, and I am pretty sure it is coming. I appreciate that, thank you.

COUNCILMEMBER DUVALL: I am wondering, with the grass issue, there was a concern between civil or criminal citations, or tickets or whatever, is this a criminal act?

MR. ZALESKI: Yes.

COUNCILMEMBER DUVALL: People would, if they are found guilty of the misdemeanor, there is an actual record, they go to court and do the whole thing?

MR. ZALESKI: Yes, but if it is a minor misdemeanor, minor misdemeanors are not criminal per se. If it is a third offense within a year and you make it a M4, that would become a crime on the record, yes.

COUNCILMEMBER DUVALL: Okay, thank you.

COUNCILMEMBER MOON: I think this is all wonderful, but sometimes we forget about the students, I think we should get together with the students and listen to them to see what is really going on. Being in the school system, I hear so much and I hear a lot of, "Ms. Moon, Ms. Moon, social media, there was someone on the phone last night, they are going to fight today." So sometimes maybe we should get the students together and say, this is a law that is going to be coming out, you need to get ready to get yourself together and respect whoever is taking care of you, so this parent or whoever is, won't be going... fined and all that. Sometimes they need to hear what is going on. It would be nice if we could get a group, and say hey, these are the new laws that are coming up for parents, you need to get it together, if you have some issues, this is where you need to go, but we need to listen to them. We, as adults, know what is going on, we know about the shooting, but being in that school, listening to the children, it is really something that goes on. If you could only spend a day at Lorain High School, where they are in the office, crying, or a problem, or somebody didn't show up, or the child is getting the sisters and brothers ready, that are 5 and 6 years old, for school. Let's try and get the kids together to see what is really going on out here as far as the guns, the drugs, the why are you late coming to school... that's just my suggestion.

CHAIRPERSON DIMACCHIA: I think we have a good foundation for some of the changes that have been suggested here. The plan is for Mr. Zaleski, and our Law Department, to draft those amended changes to the current, existing legislation. I would say though, from my part, I would like to see some kind of language from C4, from the Avon ordinance, I am not sure I like the back half of that, article 4, because I don't know how you are going to govern that, or police it, but I do like the beginning language in C4.

MR. ZALESKI: Let me sum this up, and correct me if I am wrong, if what I am getting from council, our time is going to be 11pm-5am. You want a responsible person to be 21 or older, unless they are a sibling who has legal custody. You want duly authorized in writing, as the mayor had said. Do we want to enhance it, for the adults, if there is a third offense for their child within a year to make it a M4?

CHAIRPERSON DIMACCHIA: Yes.

MR. ZALESKI: Okay, and Tony said the C4 language, I will look at and figure that out. I will have something in writing and have it down to you by Thursday and then it will be on the agenda for Monday.

CHAIRPERSON DIMACCHIA: It's hard because we don't have the drafted legislation in front of us, but if all of you are comfortable with our Law Department to draft up the changes, we will have to send this to council.

MR. ZALESKI: For the curfew one?

CHAIRPERSON DIMACCHIA: Yes. So, I would need a motion to send the drafted, revised version back to Council for consideration.

Moved by Mrs. Henley, supported by Ms. Kempton, to refer the matter back to council for consideration. Motion carried unanimously.

a. Discussion regarding the Rules of Council and the City Council Agenda.

CHAIRPERSON DIMACCHIA: There have been discussions amongst council folks about our Council Rules, I will reference a few of them because some of them have come through here. Part of the discussion is identifying media credentials within our chamber, just like the State of Ohio does, and adopting what the state does for credentialed media folks. Another part of the discussion, and I guess it might be even easier to go through the rules individually, we could rapid fire this, Rule 1, I have not received any recommendations, and if you have anything that you would like to see changed. Rule 2, nothing. Rule 3, nothing. Rule 4, 5 and 6, nothing, no amended changes on any of those. The section where officers and employees of council, there is a question of do we need a sergeant at arms in this chamber, and comments on that?

COUNCILMEMBER SPRINGOWSKI: I wouldn't say that we need a sergeant at arms as much as we need somebody designated as a parliamentarian. They would be the ones that would advise as to the correct procedures under Robert's Rules of Order, and they can be utilized somewhat in a defacto sergeant at arms in keeping order. You would hope that the Council President would be maintaining that order, under Robert's Rules of Order, but I don't know that we need the sergeant at arms as much because what powers would they have? We already have the police in attendance, we have the Ohio Revised Code, so like I said, parliamentarian versus sergeant at arms.

CHAIRPERSON DIMACCHIA: This might be a stupid question, but I was going to say the same thing, don't we already have that with our Council President? And then, if there is a legal issue, we certainly have our law here every meeting to advise. I hear what you are saying, but playing devils advocate, don't we already have...

COUNCILMEMBER SPRINGOWSKI: I understand that, but I think that people are not as familiar with Robert's Rules as I would hope that they would be, in that, what is the purpose of the Council President in this. It isn't to give an opinion, or it is to cast a tie vote, it isn't to have commentary, it is to facilitate the meeting. When you facilitate a meeting, you are not actively a participant in it, you are guiding it. I think that we often lose sight of what that is in this case, under Robert's Rules of Order and Parliamentary Procedure.

CHAIRPERSON DIMACCHIA: I understand, I get it. You would like to see a broader definition of the presiding officer, i.e. the Council President and what the specific role actually is, and define it a little clearer than what we currently have in our rules?

COUNCILMEMBER SPRINGOWSKI: I think it would alleviate any confusion, and it would facilitate the process going forward in keeping us purely within the guidelines of Robert's Rules of Order and proper Parliamentary Procedure. That is just my suggestion on this.

CHAIRPERSON DIMACCHIA: Fair enough. I will, as far as the legality of defining what that role is of an elected official, I would defer to legal on that.

MAYOR BRADLEY: A lot of times people don't understand this, but actually the President of Council is an administrative officer, he is not, or she is not, a member of City Council. That is a statutory position, it is defined as part of the administration. Now, he is an elected official, so I don't have any control over him, but he is not a member of City Council. The other thing is, I wanted to point out in Rule 6, it says he shall preserve the order and decorum at all times. Now, to me, once I walk into this chamber, all times, means once I walk into this chamber, if the council president tells me to sit down, I sit down. If the Council President tells me to be quiet, I am going to be quiet. He is like the judge in the courtroom as far as I am concerned. I say this, once you walk into that door, and the Council President is sitting at his seat, whether you are in session, or not in session, or you are in recess, or you are not in recess... I think your rule is very clear. At all times, does not say, just when the meeting is in order. Now, if I am wrong, I will be corrected by the Law Department, but it seems that we have people giving opinions as to what at all times means, but to me, I think we just take a commonsense approach and say at all times means at all times. If he tells me something, even though I am an elected official, even though you are elected officials, if the person who is in your rules is running this meeting at all times, I am going to listen to them and I hope that you would listen to him. I would hope that the people that come to our meetings would listen to him, because that is what makes a meeting a good meeting. That is what we have in a democracy, right? Rules are the rules. We like rules. We like decorum. That is why this council has been so effective because we listen to the rules. You have passed some good ordinances, we have debated these ordinances, you have been thoughtful about these ordinances. I think that is what makes a democracy so strong and vibrant is that you invite people to come up there and give their opinion, whether it is at a council meeting, or at a committee meeting. You don't cut them off unless they get off the topic, or they are doing something that is impugning somebody else's integrity, your rule says that you are not supposed to do that. I like this rule that the Council President, at all times, makes sure that decorum is followed in this chamber. As far as I am concerned, I consider this chamber to be as sacred as a courtroom. I spent 43 years of my life in a courtroom, and believe me, if I didn't respect the judge who was elected, even if I didn't think the judge, he was right, or she was right, I had to respect it. Councilwoman Spellacy, she worked in the court system as a bailiff, believe me, she knows that if the judge tells you something you better listen. You are not going to get into a debate, you are not going to say you work for me, you are going to say, yes, your honor. Well, I think it should be the same way in this chamber. This is a sacred place, you guys are making the laws that control the citizens of our city, but you are also protecting the citizens of our community, and we need to emphasize these things. We need to be proud of what we are attempting to do, and we do our best, every single day. I am proud of all of you, I am proud of all those elected officials in this city that are trying to do their best, and we can take the criticism, believe me, because under our constitution in Ohio and in the United States, we are subject to criticism, and we certainly take it in. Again, there are limits, and I want you to know that I do appreciate what you do for the citizens of the City of Lorain every day.

COUNCILMEMBER DUVALL: On Rule 9...

CHAIRPERSON DIMACCHIA: We are still on Rule 7.

COUNCILMEMBER DUVALL: Someone mentioned a sergeant at arms, so we are on 7?

CHAIRPERSON DIMACCHIA: We are on 7, presiding officer.

COUNCILMEMBER DUVALL: Thank you, I will wait.

COUNCILMEMBER CARTER: I agree with the mayor, I don't see anything wrong with Rule 7, the seat, respect the seat, as the Council President, I was always taught that is the judge, you listen to what he has to say, it is a seat. You respect the seat, and that is what we will continue to do is respect the seat. I do have a question regarding the parliamentarian and what that looks like, is that an appointed person? What is the legal... or is that... or are our Law Directors, are they our parliamentarian? I know at one time our Safety/Service Director, he was acting as our parliamentarian, so what does that look like? I guess that probably is a question to Council-at-Large Mary Springowski, what did she... explain to me what that looks like?

COUNCILMEMBER SPRINGOWSKI: It would just be somebody who is keeping track through Robert's Rules of Order to keep the meeting on track, which is basically... a sergeant at arms in a meeting is somebody that is keeping order and I don't know how we would, in the terms of a sergeant at arms, I don't know how we would be able to have somebody appointed as a sergeant at arms. They're certainly not going to be able... if somebody is being disorderly in the audience, they are certainly not going to be able to remove them, that is why we have the police presence. There was a question with the meeting that we took a recess, and the question came up as a recess versus an adjournment, at that point a parliamentarian would say, the meeting is merely in recess, it is not adjourned, so therefor the Council President is still in charge of the chamber. And just clarification on Robert's Rules of Order, which is what governs City Council meetings. I am not the one that brought up sergeant at arms, or that, but I don't think that we can use the sergeant at arms in this avenue here. I suggest that if you really wanted somebody to do something, we would be more as a parliamentarian in keeping the order and that, but it doesn't matter to me one way or the other. I am not doing it. I am just putting it out there right now.

CHAIRPERSON DIMACCHIA: I am not sure how that would exist with the current Council President. Again, I trust in our Law Department, and any legal opinion I need as far as Robert's Rules of Order, or anything that we do within a meeting, that is why these guys are sitting here. Their job is to make sure legally we aren't going out of bounds on any of the discussions that we have. Again, I just simply brought it up, it was a suggestion by somebody, again, I don't know how that would even make sense for us, since again, we have a Law Department that is here every meeting, and we have a Council President who's role is to facilitate and make sure that we are... his job is to preside over the meeting and keep us on track and keep us focused. Parliamentarian or sergeant at arms, I personally don't see how that would even exist in our current structure.

COUNCILMEMBER CARTER: I want to say also that all these years, up until recently, Rule 7 has worked. I don't know if the devil just dropped out of the sky or what, but it has worked all these years, up until recently.

CHAIRPERSON DIMACCHIA: If we don't feel we need to change, then we don't need to change, but...

COUNCILMEMBER CARTER: I am good with what it is right now, and I am good with our Law Department, as long as we have someone from the Law Department in their seat at our meetings.

LAW DIRECTOR RILEY: I would just say to council that in the 15 years I have been here, there has never been a finding of any violation of your Council Rules. The need for a sergeant at arms, I find, in my personal opinion, as a citizen here, that to be unnecessary. You have the police, and you have a President of Council. As to a parliamentarian, you have Rules of Council, Robert's Rules of Order only supplement your rules, they are not precedent over your Council Rules. It is your Council Rules first, Robert's Rules of Order,

wherever it is that your Council Rules are absent. As I said a moment ago, in the 15 years I have been here, I can at least say in my recollection, there has never been any finding by any authority; the State of Ohio, a court, or otherwise, that you ever violated your rules, or not applied them properly in this atmosphere that we live in today, where political rhetoric has escalated beyond what I think to be proper. Certainly, these issues become more paramount, and yes they have worked, and we have, as you know, dealt with conduct in the chamber that might otherwise not be appropriate, we have provided for you as a Law Department, a protocol by which you are to proceed in the event you find yourself in that circumstance, and I would say to you, that protocol is one which I drafted and created based upon input I received from the Law Director of the City of Cleveland. It is not something that just came out of my imagination. They faced much more difficult circumstances there involving disruptions in their Council Chamber, particularly at the onset of the Israeli/Gaza War, when both the Jewish community and the Palestinian community were demanding action by City Council, and essentially took over council meetings. That matter proceeded to a courtroom, eventually the City of Cleveland was found to be vindicated, not having violated its rules in its attempt to control, but they developed a protocol ____ began to experience here, circumstances that are unfortunate as regarded political rhetoric and heightened attitudes expressed through the mic and otherwise. I contacted the Law Director's Office in Cleveland and asked him how they handle their situations, he provided me a roadmap and I drafted it and tailored it to our circumstance here in the City of Lorain and all of you who are chairman of a committee and/or sit in the chairman's chair here, the presidents chair, I ___ what that protocol is, I feel comfortable that we are in the proper place, we have attempted on more than one occasion to train our committee chairs in the present on the use of that protocol, I think ___ it to be appropriate. Councilperson Springowski has properly identified the difference between a recess and an adjournment, and we recently experienced that here in our chamber, which was unfortunate frankly. I feel comfortable with where we are at with this particular rule, and would suggest that if you are inclined to change it, that we have a ____ debate about it.

COUNCILMEMBER NUTT: I don't necessarily see any need for a sergeant at arms or a parliamentarian at this point in time, as stated, but I did want to get back to the point that the mayor was making, which I do agree with, that the President or Pro-Tem, should have control of the chamber at all times. My only question with that is, what is the mechanism to then enforce the conduct, let's say, in chambers when we are not in session. I believe Rule 47's language only discusses when the meeting has been started, so if that is a thing that the President of Council controls the chamber at all times, that may then have to be looked at for that for him or her to have the ability to have some recourse if that is... because you can't adjourn the meeting if it is pre-meeting and there is a disruption. Just as an informational thing if that is a route that is taken.

COUNCILMEMBER HENLEY: Over the years, and this may not be the appropriate time, but in referring to Council President, I have had people ask me, and I don't really have an answer for them, so I wonder if it should be part of the rules, on occasion, if I am understanding correctly, Council President's position is to facilitate the meeting, and essentially break any tie votes that come up, and maintain some decorum while in chambers. Now, on occasion, he has offered his opinion on something that is coming up to vote and that is where the questions have come from a couple of my residents. Should he be commenting on this, does that need to be in the rules, or is that a... does it matter type of thing?

CHAIRPERSON DIMACCHIA: That is a really good question, it is really the role of the president and again, I will defer to the language of the president's job is to do in our meetings, but it is not to engage and influence in a voting process, where that's the rest of our jobs. If that is something that you would like to see language in that particular rule, again, I will, as I always do, defer to our Law Department and if they feel that is appropriate, they'll draw some language up and place it in there. Moving onto Rule 9.

COUNCILMEMBER DUVALL: I was just getting ready to comment on Rule 7. I would hate to see us redraft something that is already perfectly clear because of one person's behavior. Maybe a conversation with that person, because we are going to have to live with this, the rest of the time, for everybody else. I got a little confused because you told me we weren't talking about sergeant at arms, and then everybody started talking about sergeants at arms, I don't think that is necessary, I think Bre does a great job of keeping us on track with rules and regulations from Robert's Rules of Order, I was particularly impressed with her last meeting, where she did advise the President that something that had been voted down, could only be reconsidered by someone who voted on the opposing side, and that is a very, very... that is good. She knows her stuff and so, I think that a sergeant at arms, if you wanted somebody to do that, you would expose them to civil and criminal charges, if somebody says they did something or whatever, so I don't think that is necessary. I would like to see Lorain continue to be as vote friendly as it is, without us having... I know there is sometimes when you need exact rules and regulations, but I don't think it is always necessary to start listing what a person can do, and he can't do, in part of your document.

COUNCILMEMBER KEMPTON: I would just like to say that I think that Rule 7 should stand as is. I don't see that... I don't think that it's as big of a problem as maybe other people do, it has been working for a very long time. I don't see any reason to change it.

CHAIRPERSON DIMACCHIA: Rule 10. I will say that the one suggestion I got from Rule 10 is standing committees, the recommendation is upon the chairperson vacancy, where the chairperson is absent or cannot attend that meeting, the vice-chair will be asked first, then order of committee members before opening up to other council members to chair said meeting. I, personally, don't have a problem with that, I think that is the way it should be and I think that's been the precedent from Bre, as she navigates through this type of issue at times, but I think she has done a pretty good job of making sure that the vice-chair is the first call to facilitate that particular committee meeting in the absence of the chair. That is my two cents.

COUNCILMEMBER SPRINGOWSKI: I think what she may have been referring to on that was a permanent vacancy on the committee, where... like when...

CHAIRPERSON DIMACCHIA: Are you talking about appointment...

COUNCILMEMBER SPRINGOWSKI: Yes, I think that that was what that was in reference to.

CHAIRPERSON DIMACCHIA: Again, I have no issue with going immediately to the vice-chair of that committee, that is why that vice-chair position is there. Any objections to that type of language?

LAW DIRECTOR RILEY: I am unclear about what it is that has just been discussed and you are talking about the actions of a chair and who might fill in in the absence of a chairperson, or how it is that these chairs get filled to begin with.

CHAIRPERSON DIMACCHIA: Permanent vacancy, so in the event that the standing committees have been selected, you have a chairman of that committee, that chairman is permanently vacant, it could go to the request to chair that committee moving forward should go to the vice-chair, and then down to the other committee members if the vice-chair is not interested in doing so, until/before we reach out to other council members. Rule 11, committee meetings. I have a note here that suggests that... which committee meetings are a public meeting anyway, and are designed to be those meetings that public comment on, particularly legislations, no different than today. It's a bulk of this meeting is giving the community an

opportunity. The suggestion is during public comment, should we require name and address, and we already talked about the address issue in regular meetings, and then should we put a cap in committee meetings, two minutes or three minutes, just like we do in regular committee meetings, I say that we adopt what we currently have in regular committee meetings, excuse me, in regular council meetings, I think that has worked out fairly well.

COUNCILMEMBER SPRINGOWSKI: I think the length of time that people speak and how those committee meetings are governed should be up to the chairperson of that committee. I know that when I chaired Building and Lands, I didn't put a time limit on, and I didn't put a limit as to how many times people could come up and speak. The meetings didn't get out of hand... I think that they were relatively well run, and it continued to work, but I do think that it should be the option of whomever the chairperson of that committee is, that is their committee, they are the chair, they should decide the rules as to how long somebody can speak and how many times.

COUNCILMEMBER DUVALL: I agree that citizens should be allowed to come and speak, I am a little confused about, suppose the Building and Lands committee has two minutes, and then the Federal Programs and State Programs has four minutes... I think it should be uniform. I, personally, don't think there should be a time limit put on it. I think a person should be able to speak, and unless it gets unruly, or exceedingly long, and they should be able to speak as many times as they please. That is a public hearing.

CHAIRPERSON DIMACCHIA: I don't disagree, but I will just caution you that, when I was on the Board of Ed, we put two hearings of the public on our agenda to allow for folks to speak because we do want to hear them, but I will caution you, if you don't put limitations on it, what you will have is, you will have one individual dominating that committee meeting while others... what happens is, and I know it, if you have a group of people here that want to speak, they get exhausted by listening to one person sit up there and talk for a half hour, and dominate the room, and then they don't get their opportunity to come up and speak, then you have people leaving before they can come up and address their concerns because we are just letting certain folks dominate that particular part of the meeting. I would caution you on just opening it up, we haven't had any issues, to date, I don't recall having to cut anybody off. I don't... just like today, not many people get up and speak, which is great, but in the event you have a hot topic in committee, you can't allow a few folks to dominate the conversation, in the room, and take away from others in that space, that have some legitimate concerns. I just want to say that.

COUNCILMEMBER DUVALL: I understand that. If there is a time limit put on it, I think it should be sufficient for a person who really has a big concern, or plan, and then it should be across the board for all the committees. I don't want to have to memorize which committee I have two minutes, which committee I have five minutes.

CHAIRPERSON DIMACCHIA: I agree with your consistency, but again, it goes back to the individual running the meeting as well. If I want to let somebody talk for ten minutes because I have nobody else coming up... I mean, if you run the meeting, and you run it efficiently, you don't have those issues. I do agree, consistency should be at least noted somewhere in our rules.

COUNCILMEMBER CARTER: I agree that we have done well with our committee meetings and the... having the community speak, however, I am thinking, and this is just a thought, anything over ten minutes probably... should probably be put in writing. Then it becomes a conversation. You have a lot to say if you are up there for more than ten minutes, then to me, it requires a meeting, a meeting with the

administration, something, because that is a lot of information to sit up and listen to someone for twenty minutes. We also have the hijacking of the meeting. Not that it has happened, but to put some parameters in there, and some consistency for every meeting. I don't know, whatever our body agrees with, ten minutes, fifteen minutes, but anything beyond that, I think it's... I would say it is probably time for a sit down.

CHAIRPERSON DIMACCHIA: Again, my suggestion would...

COUNCILMEMBER CARTER: That's just a suggestion.

CHAIRPERSON DIMACCHIA: I do agree that we need to have some uniformity with our meetings and that is why I suggested earlier that we adopt what we do in Regular Council Meetings. Again, I think you just leave it to the discretion of the chair of that meeting to allow someone to speak for ten minutes, but I certainly don't want to put in writing that you get ten minutes because then...

COUNCILMEMBER CARTER: We will be violating people's rights to speak...

CHAIRPERSON DIMACCHIA: I think you just adopt what we do in regular council meetings, again, just my opinion.

COUNCILMEMBER CARTER: Is there a disclaimer that we can put in there that if it becomes...

CHAIRPERSON DIMACCHIA: We _____ our rules, so disclaimer, rule, I mean, if we want it to be a rule, let's define it as the rule and... do you know what I am saying? We are the body, this is our meeting, we govern our meetings based on these rules. If there is something we want in here, let's talk about putting it in there. I don't think we need to put disclaimers, I don't... just my opinion. This is our meeting.

COUNCILMEMBER CARTER: I don't want to violate anybody's right to speak, I'm just... I want to know legally, what can we do? I want to respect the person that is up there speaking and I want to hear what they have to say, but if it is longer than fifteen minutes, there's got to be something more to it. There needs to be a conversation, and it probably doesn't need to happen here. It needs to probably go to the administration to find out what the real problem is.

COUNCILMEMBER KEMPTON: Since our council meeting is two minutes to allow people to speak, my thought is, if we doubled it and allowed people to speak for four minutes, and the chairperson would then have the ability to extend that per what was going on. If you have a room full of people where everyone wants to speak, then it's four minutes. If you have one person that shows up to a committee and they want to speak longer, and it is not an issue with the committee or with the chairperson, and they extend it, I think that is their purview, but I think saying four minutes in the rules, is a good sort of medium ground, so to speak.

CHAIRPERSON DIMACCHIA: Fair enough. I will say as I go onto the next individual, just keep in mind that we don't need to offer a hearing of the public in our regular meeting, and that is what committee meetings have been designed for, that truly is the hearing of the public and gives them an opportunity to speak. I am not suggesting anything other than, but just keep in mind, we didn't need to put that on our agenda, our regular agenda, but that is what committee meetings are for.

COUNCILMEMBER NUTT: I understand the need for possibly setting time limits on this, when I run the meetings, I have no time limits because I want people to get out the full thoughts and breadth of whatever they are trying to say. Obviously, consistency has to be key, so in my opinion, I wouldn't set a timeframe on there, I would leave it up to the chair, that way it is... if two people want to talk, great, if fifteen people want to talk, the chair is running the meeting, it is up to them, because I think if we set that time limit in there and if any chair deviates from that, then you have that issue of, well, this wasn't fair, I didn't get to speak, they got to speak more... from committee, to committee, to committee. I think that might create a problem. To your point too, the committee meetings are essentially like the working meetings. The general meetings are where we are supposed to do our business and pass ordinances, legislation and what not. As a side note too to this, the Amherst Council meetings, I don't know if anybody has ever attended those, I have attended quite a few before but just one recently as well, the way they do their meetings I find quite unique. They are very speedy and they just get their work done. Their meetings are about four to five minutes. The reason for that though is because their subcommittee is when everything is introduced. Like here, everything comes onto general council for whatever item, the ordinance needs to be passed, well all of theirs shuffle through the corresponding subcommittee to where then all questions, comments and concerns are all answered and when it comes to the official work of council, passing these ordinances, it is yes, no, yes, no, yes, no and they are just moving right along. Obviously, we have an issue with the timeframe on our regular committee meetings. Now, that is something that is more... that is a full change of the structure on the back end in a way, but it is just a thought to put out there because the point of the subcommittee meetings is the back and forth, the dialog, the question and the answer, that is why to me, I think not having a time limit is best, leave it up to the chairperson, but also the way they run their meetings allows for when council is in session, they get their work done and then they are done, vote, gone. Just as a point of reference.

CHAIRPERSON DIMACCHIA: I am not advocating for time limits on folks in committee meetings, don't get me wrong, I just suggest it simply for a foundation that if somebody does go rogue and they are dominating the room, you at least have that rule in place. You can say hey, you have surpassed your four minutes, I have allowed you fifteen additional minutes, I am going to need you to wrap up so I can let other folks talk. It creates a foundation for you. Playing devil's advocate, I think we have a lot more work here than Amherst does. I would caution us on putting everything in subcommittee as opposed to council floor, but I love your point.

COUNCILMEMBER DUVALL: There was an incident here where one of our citizens got up to speak, the two-minute bell rang, and someone moved to allow her more time. That is the way it was handled. I think that is a perfectly good thing, you put a limit on... if you don't put a limit on it, and a committee chairperson tries to shut someone off, all hell is going to break loose. That chairperson should have the authority to stop someone, if after five, or whatever minutes, because the committee chairperson needs to have the backing of these rules. That is the way I feel about it. If someone wants to move that they hear more from them, so be it.

COUNCILMEMBER SPRINGOWSKI: I do like adding in the name and the address that must be stated, otherwise I think that the rule should stand as it is. I am very pleased to see that four of our new council members are here. I would be interested in hearing their viewpoint on it. I agree with Mr. Nutt, we didn't ever have time limits, and we didn't have a problem in ruling somebody out of order, or saying that when you come to a committee meeting, you are only allowed to talk about what is the topic on the agenda for that meeting. It has to be germane to the conversation. Many of us have sat in that chair, we don't have a problem in keeping that. That is part of our job as chair of the committee, is keeping the order of the meeting. It may take a little effort, but we know who our bad actors are, and we can't hold the rest of the

city hostage because somebody is trying to hijack a meeting. Somebody may have some very salient points that they need to get out there and I don't like putting in a time limit because you know that these people are going to hold everybody to it. I say we let it stand as it is, let it be at the discretion of the committee chairperson, we know it has to be whatever is on the agenda, they can't be going off ad hoc on this, and just stipulating that they have to have their name and their address stated in this at the beginning for the records. I think we would be good to go there. That is just my opinion on it.

CHAIRPERSON DIMACCHIA: Anything on Rule 12?

MAYOR BRADLEY: I am going to skip around a little bit but, first of all, we do have the right to control the time, place and manner of somebody speaking to you. That is not infringing upon anybody's first amendment right, by controlling time, place and manner of their speech. You have put limits on your own speech, if you look at Rule 22, speaking, when called upon by the chair, no member shall be allowed to speak for a period of longer than three minutes at any time, unless permission is granted by the presiding officer. If you are going to put limits on yourself, I think it is a good idea to put some limits on the public. If you put a three-minute limit on yourself, then it says the discretion of the person running the meeting can extend that if the person is making some cogent arguments or some cogent points that you think need a little bit more time. I agree that if you put limits on yourself, why not put a limit on the public, give the chair the right to extend that at the chair's discretion.

CHAIRPERSON DIMACCHIA: Rule 13. 14... Rule 15, a quorum, not much you can do about that. Rule 16, I do have a few folks that have reached out with some recommendations and I will say this that based on, again, Mr. Nutt's point earlier about a neighboring city council, as well as I know Bre has done extensive work with the Law Department looking at other cities surrounding us and what their agenda looks like and I do... I will go off of the recommendations that I currently have for our order of business, if there are any thoughts, questions, concerns, or ideas of how it should be changed or not changed, I will go by your lights. Order of business: number one, Pledge of Allegiance. Two, Roll Call. Number three, minutes of previous meetings. Number four would be combined five and six, Correspondence and Reports from Directors/Boards and Governmental Agencies. Eight, would then be number five, public comment. Nine, Committee Reports. Ten, Ordinances; First, Second and Third Readings. Eleven, Committee Calls. And then, thirteen, adjournment. That has been the suggestion to condense our meeting down so that we can get through the business that we need to get through. Thoughts, questions or concerns?

COUNCILMEMBER SPRINGOWSKI: I absolutely agree with this. A lot of times it just segues from one into the other anyway, and this lets us get to the business at hand, which is running the city for the residents of Lorain. I am in agreement with this.

AUDIENCE MEMBER: (inaudible)

CHAIRPERSON DIMACCHIA: Not at this point in time. We will get to you all here. On page 6 of our rules, still, under Rule 16, Public Comment Guidelines, there is item d, speakers must provide their name, address, and topic they wish to comment on, on sign in sheet. We have a suggestion to add that on, just sign in sheet, we are not asking them to announce it, their name yes, we will know their topic based on the sign in sheet. Bre usually handles that fairly well, we are just asking to add on, sign in sheet, to item d at the end of that sentence.

COUNCILMEMBER SPRINGOWSKI: I agree with that. I think it is important and also with the sign in sheet, you probably haven't gotten to it yet though, I think people should only be able to sign up once to speak.

COUNCILMEMBER CARTER: I agree with Councilwoman Springowski, one time.

COUNCILMEMBER KEMPTON: I would also agree.

CHAIRPERSON DIMACCHIA: I also have on here, item f, to add in, speakers will state their address at the beginning of their comments, engage in civil discussion through the chair, and refrain from personal attacks. Violations will result in removal from the chamber. The addition there, after speakers will, state their address at the beginning of their comments. Thoughts?

COUNCILMEMBER SPRINGOWSKI: I think this is important. They need to make sure that we know where we can contact them at. If there... a lot of times when they come up here it is because they have a problem, and if they want us to address it, we need to know how to get ahold of them. Stating their address, it helps us figure out where they are at, and where to go from there, and we need to have it stated in the rule because we get people that come up and want to be contrarian, and don't want to give us the information that is necessary in order for us to address their issues. At that point it just becomes a complaint session, and sometimes that is all people are interested in, but the majority of us here on council, we actually do want to resolve these issues.

LAW DIRECTOR RILEY: Just for information's sake, I came in a little bit later because I had other things I was required to do today, but I think House Bill 609 currently being considered by the General Assembly has been discussed?

CHAIRPERSON DIMACCHIA: Has not yet.

LAW DIRECTOR RILEY: Council is aware of House Bill 609 currently being considered by the General Assembly, where they are discussing the possibility of mandating for local governments, how it is that they shall conduct their meetings. Is everyone generally aware of that initiative in Columbus? If not, I would suggest you take a look at House Bill 609. In House Bill 609, which has not been passed, but is being debated and considered, one of the provisions in House Bill 609, that is, at this point in time in the dictate of the House Bill says as follows: Every public body, by rule, and this is designed to address local governments, such as ___ corporations, which Lorain is. Every public body, by rule, shall do all of the following, and I am going to segue down to item 3, which says as follows: allow for public commentary and testimony before taking formal action on any item, that may provide reasonable restrictions on the length and nature of the public commentary and testimony. Rule shall not require an individual to register or obtain approval to comment before commencement of the public meeting, the rule may require that an individual provide the individuals name and contact information before being granted permission to speak. Here, the identification of this person so that he or she may be followed up on, is phrased as contact information, not necessarily address. There is a distinction there, just for informational purposes, the way by which a person who makes public comment now, be considered under House Bill 609, is by way of his contact information, not necessarily his address.

CHAIRPERSON DIMACCHIA: I, personally, have no problem with somebody not announcing their address. I know it has been a conversation in the past.

COUNCILMEMBER DUVALL: It was in that... that was what I was going to bring to your attention, the way our society is now, there may be some repercussions from people and things they say, and if they have to state their address, that leaves them open to all sorts of things. Contact information, can that... I don't

remember what the slip looks like, is there a phone number on that sign in? That should be sufficient. If they have an issue, that should be sufficient. I think putting your address out on the internet, it could be dangerous to some women, or it could be dangerous in different ways.

COUNCILMEMBER NUTT: For clarity, when they sign up, they are going to be required to put their name and contact information, which could be phone number, email, or proper, possibly, address if they want to, but when they speak, it will just be their name? Is that correct? That is what we are looking at? Okay.

CHAIRPERSON DIMACCHIA: Seeing no other lights, moving on. Anything on 17? 18, absences, pay schedule... Voting by Roll Call, Rule number 19. There is a note here that says, can we address minutes here or in Rule 41, which I was trying to get ahead of it. Anything on 20? 21? 22? 23? 24, 25 or 26? Rule 27, attendance required. I believe in discussions, we cannot require Auditor or Treasurer to attend, so that needs to be amended there because it states the Mayor, Safety/Service Director, Law Director, Auditor and Treasurer, just so you know.

COUNCILMEMBER NUTT: I had a question about this earlier. My memory could be a little cloudy on this, I thought the Law Department issued an opinion on that regarding the Treasurer and Auditor?

LAW DIRECTOR RILEY: I am not in the position to say what I may have issued an opinion on in the past, and so I am going to have to go back to our legal opinions, we keep them back as far as I have been here and before I have been here, but just as an observation, I don't see how the legislative branch can command that anyone in a different branch of government do anything, frankly. Whether it just be the Auditor or Treasurer, or any executive officer, or someone from the court system, be mandated from the legislative branch to be present. I will have to relook at this a bit and ask for council to give me some time to reexamine the issue here, but it doesn't pass the smell test that one branch of government can command another branch of government, in theory, to do anything particularly, do you follow?

COUNCILMEMBER NUTT: Yes, I do, thank you. That is what I thought the original opinion had stated so I didn't know if the verbiage had changed because the mayor can't then be forced, so on and so forth...

CHAIRPERSON DIMACCHIA: Based on the information we get back from the Law Department; Rule 27 may be removed. 28? 29, measures to be in writing.

COUNCILMEMBER SPRINGOWSKI: Personally, I don't think it is necessary. I think it is redundant.

CHAIRPERSON DIMACCHIA: I agree. I recommend removing 29, if there are no objections, just for the notes. Rule number 30? Rule 31? The only revision I have in that is the middle of the paragraph where it says a charge of \$0.05 per copy, I suggest we do \$0.05 per page, a copy could be 1,000 pages, it would certainly help manage that. That would be my recommendation, any objections? Moving on... Rule 32, audio/video recordings of council meetings.

COUNCILMEMBER SPRINGOWSKI: I am concerned about the cost associated with this, given the budget going forward and the fact that we get so many complaints that the video isn't good or the audio isn't good, or it is cutting out, buffering or what have you. Unless there is a legal requirement for this going forward, I don't think that we should be doing it. We are not in a position to get new equipment at this time and it is going to continue to be very frustrating for everybody and it just seemed to have caused a lot of problems with... they can't hear, they can't understand, and we need to focus until such time as we can get the proper equipment and proper transcription equipment that will allow for the ADA compliance,

we don't need to open ourselves up to not being in compliance by offering something that we can't deal with right now. That is just my thoughts on it.

CHAIRPERSON DIMACCHIA: I don't disagree and I don't have a problem supporting that. I will say this, the live streaming was never taken, that portion of what we do for our meetings, was never... there was no action ever taken on that. That was just something that former clerk, Nancy Greer, implemented on her own. I think that was the result of Covid, to be honest with you, in trying to be accommodating through a very challenging time, so technically that is not in our rules, it is not a requirement, and this body doesn't have to necessarily take action on that, just for the record.

COUNCILMEMBER DUVALL: Explain to me what you are saying.

CHAIRPERSON DIMACCHIA: We livestream our meetings, on the internet.

COUNCILMEMBER DUVALL: No, about the...

CHAIRPERSON DIMACCHIA: I don't want to get into that.

COUNCILMEMBER DUVALL: Audio and video recordings housed on city owned equipment. Are you saying that we don't need to keep that?

CHAIRPERSON DIMACCHIA: No. I think there is a difference here. Audio recordings are required. That is our record, that is where we get... well, not we, unless Maggie has a mouse in her pocket, that is where Maggie gets her minutes and records them off of those audio recordings, those are required, and we will continue to do that. The... what is in question is the livestream, which is separate of that. Actual live video that we feed onto the internet for folks that are here.

COUNCILMEMBER DUVALL: Yes, Mr. Dimacchia, I know what livestreaming is. So you are saying no more livestream?

CHAIRPERSON DIMACCHIA: Yes.

COUNCILMEMBER DUVALL: And the justification for that is that the audio is bad, it cuts out, it buffers, etc.?

CHAIRPERSON DIMACCHIA: No. We have no legal requirement to livestream anything, and this body never took action to livestream in the first place. It does cost the city money to livestream every one of our meetings.

COUNCILMEMBER DUVALL: Give me an example of how much it costs the city?

CHAIRPERSON DIMACCHIA: I don't know what the membership or the fee is to do that every month.

COUNCILMEMBER DUVALL: But the livestreaming does permit citizens to see what's going on at the... what do they call it when you are right there?

CHAIRPERSON DIMACCHIA: It is kind of...

COUNCILMEMBER DUVALL: They see what's going on at that time, in real time, that is what I am looking for. That is the service that we provide to the citizens now, even though council did not authorize it.

CHAIRPERSON DIMACCHIA: That's what we do, but there are a lot of issues with it because people can't hear. If you can't hear, there is no sense in watching because most of what we do in here is... you need to hear what we are talking about and what the discussion is. If they can't do that on our current platform, then it defeats the purpose of even doing it at all. It is great that they can look at a video of us sitting here

having conversations, but if you can't follow along because we don't have the proper technology in place, then it kind of defeats the purpose of doing a livestream.

COUNCILMEMBER CARTER: I agree that if legally we don't need to livestream, then we need to just strike it. It is not beneficial to anyone when it is buffering and it is cutting out, it is just causing us more confusion. At this time, we have a budget that we really need to watch carefully, we all heard it, we are good right now, but we really need to watch it, and we don't need to be spending additional funds on something that we are not legally... that we legally don't have to put money into. Let's focus on what's at hand right now and keep our recording so that our minutes can be taken care of. If someone wants to know what happened in a meeting, then do a public records request, and request the minutes, call your councilperson or come to a meeting. I am sorry, but we don't have the funds right now to be investing in new livestream equipment. Maybe in a couple years we can revisit it, but right now, let's do what we legally have to do. We only used that system because of Covid, I remember that being implemented then and putting this equipment in, we don't need it.

COUNCILMEMBER SPELLACY: I really think if you take that away from the citizens of Lorain, you are going to really open up a can of worms. They expect it, some people like to be part of the meeting but they can't get here, because of health reasons maybe, or they don't have a car, or whatever the situation is, but I think to actually take this away is really going to be detrimental to the council, you are going to get a lot of complaints because people do watch it, and they like it. I understand, we have discussed this, how badly the system works, but at least it is there for them. If you take it away, you are going to have trouble. One more thing, would on demand still be there though? If we didn't livestream it, could they still go on the next day and look at it, on demand? Or would it just be gone?

CHAIRPERSON DIMACCHIA: No. Correct.

COUNCILMEMBER SPELLACY: Well, it could be a real problem.

CHAIRPERSON DIMACCHIA: They can always request the audio.

COUNCILMEMBER SPELLACY: The audio is so bad, we ____, and now we are going to have to do more public records requests, because you know that will come next, everyone will want it. It might be ____ if you just leave it like it is. I don't know what the cost is. If it is thousands of dollars you are paying a month for that... huh? \$10,000 a year, so it is like \$900 a month? Right? \$10,000, twelve months. Yes, it is something I think the city... I mean, I am not going to be here, but I know, as a citizen, I do like to watch online, I do like to watch the on demand the next day, so I would really think seriously about this before you take it away.

COUNCILMEMBER DUVALL: My only concern is... and Ms. Spellacy said it so very well, in this country, we lack transparency, and so the idea of, you know immediately, you cut it off, there is going to be a conspiracy theory that the mayor didn't want us to know what is going on, or this, that and the other. For \$450 a meeting, it's just an idea of transparency, no matter how bad it is, at least they know the city is willing to put their business out there, online. That is my opinion about it. We need to be aware of the fact that transparency, in this country, in this day and age, is very important.

CHAIRPERSON DIMACCHIA: I don't think the issue is eliminating transparency, I mean, we are not changing how we conduct our meeting, our transparency is within this body, and whether we livestream or not to the ten people that might watch it a month, again, I don't know if it is worth it or not, but I don't think anybody wants to eliminate the transparency of this body and what we do.

COUNCILMEMBER DUVALL: I didn't say you did, I said that is the... perception is people's reality, and that is all I am saying.

COUNCILMEMBER KEMPTON: I have to agree with Ms. Spellacy and Ms. DuVall, I think that definitely more than ten people are watching, I believe that even a bad stream is better than no stream, and not... taking something away that people have come to be able to get used to for whatever reason, I don't... for \$400 or \$500, or \$900 a month, I think we are cutting off our nose to spite our face.

COUNCILMEMBER MOON: I agree with them. When I was at home ill, I would livestream it and it really helped me out a lot as a councilperson. I have a lot of my seniors, like Ms. Pye and different ones, would call me up and say, I can't get to the meeting, can you come over and help me get on my streaming, and I do that. It helped me a lot, as a councilperson, when I was at home ill. Even though I am not going to be here next year, I would still like to be able to livestream and watch it.

COUNCILMEMBER SPRINGOWSKI: The problem is, when we talk about the conspiracy theorists, when it buffers and it goes out, oh, they must be talking about something they don't want us to know about... you are going to get that. We are going to be damned if we do and damned if we don't. With this budget going forward, and the fact that there isn't a legal requirement, we started doing this as something that arose out of Covid, and it honestly, given the things that have happened in the past seven years since Covid, it has actually started to create more problems than it has resolved. That is my position. I wouldn't be sorry to see it go, and I have used it in the past, I have gone back and rewatched meetings and that, but God knows there is enough people that attend these meetings that are livestreaming it anyway, it is all over the internet and their livestreams are much better than ours. Just saying.

COUNCILMEMBER CARTER: If we decide that we are going to keep it, I think we probably need to put a disclaimer on there that we are not responsible for the quality of the mics and the livestreaming.

CHAIRPERSON DIMACCHIA: Technically we are not responsible for livestreaming at all. It is not a requirement; it is not a legal requirement.

COUNCILMEMBER CARTER: Maybe this is something we would revisit at budget time, to see if we... we are throwing numbers out there and what it costs, we actually really don't know what it costs.

COUNCILMEMBER HENLEY: I don't think we need it, this is just my opinion, the couple times that I had surgery and I couldn't make the meeting, I was more frustrated trying to get it to where I could hear it, I could see it, it buffered and this... and finally, I was so frustrated I could have cared less what you all were doing. And that being said, as Mrs. Springowski said, a lot of people are showing parts of the meeting, or all of the meeting and we have newspapers, some of us still read them, thank you Carissa, and I think... way back, Craig Foltin was mayor, and I was coming to meetings. The best thing to do is, call your council person and say hey, here was the agenda, I saw it online, what transpired? That is just my opinion. I won't be here either, but I think sometimes it creates more unnecessary issues than it is good for.

CHAIRPERSON DIMACCHIA: Rule 33? The only suggestion I have in here... Submission of agenda items for Regular Meetings shall be submitted into agenda software by 5:00pm on the Wednesday before a Regular Meeting, unless deemed necessary to change by the Council Clerk, emergency items submitted after. Any issues with that language being inserted in there? Perfect.

COUNCILMEMBER DUVALL: What did we decide on 32?

CHAIRPERSON DIMACCHIA: We don't have to decide anything.

COUNCILMEMBER DUVALL: I thought we had to ___ something.

CHAIRPERSON DIMACCHIA: It is not in our rules. That ____ has nothing... not in our rules. There is no action this body needs to take, technically. Nobody did anything. What we do with our livestream has nothing to do with our rules, it is not a legal obligation. There was no action taken for that to happen for our meetings. This body did not vote on it, there was no action taken. If we eliminate the livestream, I will defer to the Law Department, if that is what the majority of council wants, then that is what we will do. But we don't have the majority of council here, so that conversation can't happen with all council folks because they are not all present. Technically, there is no action that we need to take, it is not in our rules, it is not written anywhere, it hasn't been adopted by this body, there is nothing to eliminate because technically the livestreaming doesn't exist for this body, but it is in place now, and it will continue to be in place unless the body wants to eliminate it. Everybody is not here, so this evening we are not doing anything.

COUNCILMEMBER NUTT: I was going to say, and correct me if I am wrong, this meeting is essentially just like an informative opinion finding meeting, because the rules will be voted on by the new council next year so if that is added in permanently or taken... just as... but correct? That is just, opinion is what we are getting here tonight and just ideas, right?

CHAIRPERSON DIMACCHIA: Yes, we are looking at amendments to our, or elimination or revisions to our Council Rules, and when, based on this discussion, when we have a new drafted version of it, and it comes to council, then council can vote on it at that point in time. This is an ongoing discussion about our rules and any revisions or changes that you might want to see.

COUNCILMEMBER CARTER: A question to our legal team, suppose the body wants to add the livestreaming, because technically it is not legally in our rules, it is just something we provided as a courtesy, if it goes into the rule, and the livestream is not working properly, are we setting ourselves up for legal actions?

LAW DIRECTOR RILEY: We would have to research the issue, those opinions are hard to give off the top of our heads, but if you have a rule that says you are going to do something, I would suspect that you will have to do it. I think the conversation, as a citizen, that I have heard, which is insignificant, is the cost factor. It is not the cost at this point in time of the monthly subscription, it is how much it is going to cost if you put in a new system, before I think council should be spending money they may not have. I would say, as a citizen, not as the Law Director, I would like my council to know what it is doing budget-wise, before it takes action, to do what would be, as we always complain about as executive officers, an unfunded mandate. Do you have the money that can buy a system that can properly communicate to the public what it is that you are doing here? As a citizen, not the Law Director, I would expect you, as council, to understand what your budget appropriation will require you to do, before you make any final decision.

COUNCILMEMBER CARTER: That is fair, thank you.

CHAIRPERSON DIMACCHIA: Also, in 33, we need to change, in the last sentence of the last paragraph, where it says utilize the registration button, change registration to subscribe. There is no registration button, it is a subscribe button. I have not seen any lights, so I guess we are good with that? Rule 37... 38... 39... onto miscellaneous rules, Rule 40. Violation of Council Rule. Rule 41, other Rules of Council Chamber. I think there are some editing changes that are suggested here, and the way this is typed out, in our rules, we want to bullet point it, so it clearly shows the rules underneath 41, so it is not all bunched together, just a little bit of alignment suggestion. In the paragraph, the sentence where it says, no person other than members of Lorain City Council staff, or other city officials, shall enter the designated area beyond the bar of the chamber assigned to elected officials. We want to remove after commencement of meeting and put at any time. Any issue with that?

COUNCILMEMBER NUTT: In this part, is this where we can address the issue with the minutes being fully or summarized?

CHAIRPERSON DIMACCHIA: Yes. _____.

COUNCILMEMBER NUTT: Not to cut you off, I turned my light on so when you were done...

CHAIRPERSON DIMACCHIA: No, I am glad you brought that up.

COUNCILMEMBER NUTT: ... going through. I would suggest that, a summary form of that. Also, I did have a quick question about the OAG Sunshine Law Training. Obviously, I think we all took those classes, but I think that you were able to designate one of the clerks to take some of them for council members, am I mis-remembering that? Is that a thing that did occur in the past?

MR. ZALESKI: Yes, the Revised Code allows you to designate someone to attend on your behalf.

COUNCILMEMBER NUTT: In my opinion, I think we should... I guess if the Ohio Revised Code says you can designate someone... I think, as a council, we should just make every council member attend and not necessarily designate somebody to take the course for you, but obviously we can't override the Ohio Revised Code. That would be my suggestion for that.

CHAIRPERSON DIMACCHIA: So we are clear, Mr. Nutt's suggestion is to look at a summary of our minutes as opposed to verbatim. I, personally, have no issue with that. Also, he is talking about the certifications and training that are required, I think there is a suggestion that under that training, which would be a bullet point, it would read something to the effect of in accordance with Ohio Revised Code, council members shall attend the Ohio Attorney General Sunshine Law Training, that would be another bullet point under that area of that rule as well. The last sentence, there is a question around the BRIT/PERC training module, sensitivity basics, two sessions, and diversity, one session. The question is, is that something that we should even have in here?

COUNCILMEMBER SPRINGOWSKI: I do like going to the summary minutes, just the summary rather than verbatim, as that can cause too much confusion, especially with our wonderful sound system. With the training, in accordance with the Ohio Revised Code, I think we are only required for the Sunshine Law Training, and I think we should have it just at that. Whatever is required. I take it anyway, but I don't have a problem with designating somebody to take it for other council members. I do encourage everybody to attend it, or take the training themselves, personally; but, if the law allows us to designate somebody, then I am going to defer to the law.

CHAIRPERSON DIMACCHIA: To be clear, you are suggesting, remove the last sentence after general Sunshine Law Training. And the rest of that remove?

COUNCILMEMBER SPRINGOWSKI: Correct. That is correct. Yes.

COUNCILMEMBER DUVALL: I just wanted to say that I agree with Mrs. Springowski. We don't even know if diversity is going to be allowed in Ohio.

CHAIRPERSON DIMACCHIA: That is not funny, it is sad, it is true, but sad. Rule 42, conduct.

MAYOR BRADLEY: I see the number 2 in there before council members, does that mean that that's item number 2 in that paragraph, or does that mean that 2 council members must attend? It says 2, and I know there has been somebody who is saying that council members are not following the rule, but when I read the rule, it said 2 council members. If we can find 2 council members that attended the training, then I think they complied with the rule, maybe you want to delete the 2, but the current rule says just 2.

CHAIRPERSON DIMACCHIA: That might be a typo, but good catch. Rule 42, the only revision I have is in that first sentence, where it says propriety of behavior, conduct or appearance; the suggestion is following rules at all times, and adding that to this. Conduct or following rules at all times, while in the confines of the council chamber. I don't have any problem with that, anybody else? The last paragraph, same rule, where it says... it is just a repeated, it says 'in addition, in addition' we want to remove one in addition, it shouldn't be a problem.

COUNCILMEMBER DUVALL: Does this cover committee meetings? Executive meetings? This profanity, this racial, ethnic slurs, genders... is this in here, that anytime a council person does anything like this... the way I am reading it, it is just in council meetings.

CHAIRPERSON DIMACCHIA: I don't know if you can...

PERSON SPEAKING: *(inaudible)*

COUNCILMEMBER DUVALL: Okay, and so once... you say it is at any meeting. Then go to the third paragraph, the last meeting, the member violating Rule 40 will be provided with an opportunity to address the verbal and written warning against them at the next regular council meeting. It says a member may be expelled for the remainder of the meeting after they have been notified of the violations against him or her, via the verbal warning. If this happens in a committee meeting, or an executive meeting or work session, or whatever we are doing, will that member be expelled for the remainder of the meeting?

CHAIRPERSON DIMACCHIA: No.

COUNCILMEMBER DUVALL: Can we make that official?

CHAIRPERSON DIMACCHIA: I could be wrong, but I believe council would have to vote on that particular item.

COUNCILMEMBER DUVALL: It doesn't say that. It says this written warning will be read into the record at the next regular meeting, is that done?

CHAIRPERSON DIMACCHIA: Yes.

COUNCILMEMBER DUVALL: I am looking for... I'm confused here. The written warning shall be read into the record at the next regular meeting. And then there is, in addition, with the concurrence of a 2/3 affirmative vote of the legislative authority, the member may be expelled for the remainder of the meeting after having been notified of the violation against him or her, via the verbal warning. I am a little confused, this is a little foggy for me. The offending member is going to receive a verbal warning at the meeting?

CHAIRPERSON DIMACCHIA: At or before, but _____ to have that member get...

COUNCILMEMBER DUVALL: It occurs during the meeting. This offense occurs during the meeting. Does he get a warning then? Does he or she get a warning then?

CHAIRPERSON DIMACCHIA: I would assume, again, that would go back to President of Council controlling council.

LAW DIRECTOR RILEY: This issue came up once before. I wrote a lengthy legal opinion addressing how it is that this should be dealt with, and I would agree with Ms. DuVall that these two rules, 40 and 42, do seem to be a bit inconsistent. My recollection of the proper process, when a point of order is raised, as it was in a prior circumstance, the President should then make a decision, council has a right to review at its

own motion, the decision, as _____ it appeal the person who was charged with violating the rule has an opportunity to speak and then the issue should be decided right there.

COUNCILMEMBER DUVALL: Right there, at the meeting?

LAW DIRECTOR RILEY: That is paraphrasing from my recollection, which is years ago now, what that legal opinion says. I will pull that opinion out and circulate it amongst council, but it appears to be a little bit of a... there appears to be a bit of inconsistency between Rule 40 and Rule 42 as to what should happen if a person violates a Council Rule. My recollection is that, when asked, I did default to Robert's Rules of Order, and Robert's Rules of Order, in my opinion, are relatively clear, the issue is brought to the Presidents attention by a point of order call, he then decides whether a violation has occurred, council then acts as basically an appellate body, reviewing the action of the President, and then council effectively makes a decision. I will dig up that legal opinion and circulate it to you, I would suggest that you give the Law Department an opportunity to reconcile what is in Rule 40 and Rule 42, so that it isn't confusing and contradictory.

COUNCILMEMBER DUVALL: I just want to make sure I understand, we are in a meeting, Joann makes an offensive remark to me, the President then intervenes... President of Council intervenes then?

LAW DIRECTOR RILEY: The mechanism in Robert's Rules is known as a point of order, someone declares that there has been a violation of the Council Rule, and at that point in time, he then addresses the violation, makes a decision, this body then can act as an appellate review, we will call it that, review of the President's decision, and then vote to decide whether he was right or wrong about it.

COUNCILMEMBER DUVALL: The President makes... someone calls a point of order and complains about the behavior. The President either says it is a violation, or not a violation, and then the members of the committee can vote on whether or not they are going to overrule the President, or where does the written warning come in?

LAW DIRECTOR RILEY: Excuse my grammar, there ain't no written warning, he gives a warning, okay? Then council, if it wishes to hear the decision of the President of Council, you can do that, we have it _____ , the accused member can make a statement, by my recollection of paraphrasing my legal opinion, just like a little hearing, so to speak, and at that point in time, council will be charged with deciding whether or not he or she did or didn't violate the order, the rule rather, and a decision would be made. The penalties include, if I recall correctly, being expelled from the remainder of the meeting.

COUNCILMEMBER DUVALL: So we take out this part where it says, an offending member receiving a verbal and written warning from the Presiding Officer detailing the infraction. It can just be a verbal, it doesn't have to be a written?

LAW DIRECTOR RILEY: They are a bit inconsistent, but yes, it can be verbal.

COUNCILMEMBER DUVALL: We need to take that out, the written.

LAW DIRECTOR RILEY: I will look at these two rules, and I will be sure they are consistent.

CHAIRPERSON DIMACCHIA: Is there anything for Rules 43 through 47? I have none.

COUNCILMEMBER KEMPTON: With the use of electric devices, I have a suggestion, I think that personal devices... because at the beginning of every single meeting, when the President says to silence your personal devices, we are given a city phone and a city computer, we don't have to have our personal devices out, because depending on what you may be texting or you may be using, it can be confusing to, again, anybody who may be watching, or anybody who might be here watching. What are they doing? Are

they lobbying each other, are they having a meeting outside? Whereas, if you were using your city phone and your city computer, that argument is off the table. I believe that as we are asked to silence the phones, or our personal electronics, they actually need to be put away.

LAW DIRECTOR RILEY: Over the past several years, we have attempted to educate council about the use of their private electronic devices and the creation of public records. In addition to that, we have had opportunity to speak with council about the conduct of an open public meeting, the use of electronic devices to communicate with one another on matters that might otherwise affect your deliberation on issues would not be proper. You cannot do that. Exactly how it is that you wish to manage yourself, there is no question here, in my opinion, that other members of council understand these laws, we have had no lack of opportunity to interact with council about how it is you communicate during an open public meeting, but certainly the notion that you would have a private electronic communication device and could be communicating in a way that would not be otherwise disclosed to the public, as it might affect your decision and voting on a matter of legislation would be improper. There is no question about that, that is 101 for council members. Whether you want to manage yourself by saying, you shall not have any private electronic device, so you can't inadvertently commit a violation of the law, that might be one way to do it. Otherwise, as adults and members of council, and sophisticated people that you are, you might just understand what your duties are and manage yourself accordingly.

COUNCILMEMBER HENLEY: I am probably one of those people that, on occasion, I have had my personal phone here, and that is because I have ten grandchildren, I have an 80 year old husband who has health issues, and if I need to look at my phone, if there is something going on, not necessarily anything to do with city business, but to make sure my loved ones are okay, I am still going to bring... well, my time is up, but there is nothing wrong with making sure that in the event of an emergency, you may have a phone that vibrates to let you know that there is a personal emergency. As long as you are not conducting city business, things happen, people need to leave or be aware of something.

COUNCILMEMBER NUTT: I am gone in December too, this doesn't affect me, we are... all the council members are adults and the incoming council members as well, can conduct themselves appropriately. My concern though is I do see, as Ms. Kempton did raise, my concern is the potential liability that it does create for the city and even more directly, I guess honestly, the records requests and the issues, and timeframe spent on that. Obviously, future council can regulate themselves however they see fit, but my concern absolutely goes towards the liability and then, the Law Department, the Council Clerks, always working on pulling all of those records requests for any issues that may have been seen and maybe that won't be an issue going forward if there is no livestream, but we'll see. That is my concern.

CHAIRPERSON DIMACCHIA: Best advice that law ever gave anybody is just don't use it. Keep it away.

COUNCILMEMBER SPELLACY: I was going to agree with Ms. Kempton and Mr. Nutt. I understand everybody has hard times in their lives sometimes, but we were able to get along without cellphones for a long time... a long time in my lifetime, it... I just think that for this hour, hour and a half, two hours that you are here, that you should concentrate. It just opens up more problems, where people think you are having all these private conversations. The mayor can attest to this, if you are in a courtroom, you didn't have a phone on, the judge would go nuts. I never worked having my phone... sorry I am boring you Mr. Dimacchia, but I never worked with cell phone when I was in a meeting, or on the job.

COUNCILMEMBER SPRINGOWSKI: This is an iPad, and this is what I take my notes on, it is a personal electronic device. I have notes from... I download every agenda, every meeting I come to, I come to the Zoning and Planning Commission, all of that... Demolition Board of Appeals, all of that. All of my personal notes, which I take for my own remembrance are on this, and this is a personal electronic device, I am not

turning it off. I have an 87-year-old father, my husband happens to be here with me, but it's like, I did get a phone call from my dad tonight, and I silenced it because he will call back again if it is an emergency. I take care of my dad, and I am going to go rogue on this, I am going to keep writing in my iPad, and I am going to keep my phone here, in case my father needs me because I have left this meeting before due to family emergency or that. I did it when my mom was dying, and I will continue to do that. I am a part time council person, I have a family outside of here, I have grandchildren, I have children and I have my father and my husband. This job is never going to supersede my care for them. If somebody has a problem with that, they can do a records request. I got a message from Angel Arroyo tonight that I had read into the record, I sent a screen shot of it, so that it could be a part of the record, because I understand the Sunshine Laws and what my requirements under the law are. I am not using it as a crutch to go and curtail somebody's ability to have their personal life. This job doesn't supersede our personal life, and I think that right now we are being a little bit big brother on this sort of thing.

COUNCILMEMBER DUVALL: Isn't that addressed in Section b here, under number 2, the use of privately owned electronic devices? It says that if you document the functions of his or her public office, you will do this, you will retain the electronic messages in accordance with City Council records retention schedule, and forward such electronic messages to the corresponding city owned cell phone, personal laptop, or tablet. Doesn't that solve the problem of her having her personal, her notes or whatever, as part of the public record; does that solve the problem?

PERSON SPEAKING: Inaudible.

COUNCILMEMBER DUVALL: I didn't know.

COUNCILMEMBER KEMPTON: Just to follow up on it, there hasn't been any other council person in this body that understands more what a family emergency is, but I would say that I am able to give my city number to my family for two hours. We ask lawyers, judges and anyone in the court upstairs to put their phone away, we also ask the children of this city to put their phones away, so that they can concentrate and learn too. I don't think it is a big ask to say, just concentrate on the job that you have been hired to do.

PATRICK HORN: The last thing I ____ with first. Just so everyone knows, the whole legality of the rules, and I am sure Mr. Zaleski or Mr. Riley could correct me if I am wrong, but I am going to pick on Mayor Bradley and Safety Director for a minute here, if they decide to use their personal cell phones and say, hey we are going to go out for drinks afterwards, that is public record? Okay, no, it is not. Can they ____ that and ask that, or no? I am not sure how that works. Can they ask that question, if you use your personal... your business cell phone for that? Is that? Also...

PERSON SPEAKING: Inaudible.

PATRICK HORN: ...personal is personal and business is business. Anyway, ____ thing with this Rule 47, as most of you all know, right now, we have had some issues with individuals challenging Rule 47. We ____ implement these rules because they are going to say they are going to challenge the Rules of Council, nothing can be done about it, so they are going to sit there and continue to challenge the Rules of Council and disrupt the meetings, and ____ that too, because the last time we were in here, an issue happened, I think they did a great job doing it, Councilmember Springowski and President Arredondo did it the right way, but those two individuals sat in here and challenged the council, and then said, 'well we are going to sue if you don't let us speak.' It says in Rule 47 about the misdemeanors, you need to start enforcing those because otherwise they are going to continue to ____ what they are supposed to do, and make this meeting hard for us to do. Just a thought.

TOM SPRINGOWSKI: I'd just like to ask council to consider in the rules to have public comment placed after the resolutions are discussed as it would be more relevant to a public comment. A lot of times, we don't know how it is going, but I would have a comment after the discussions of council took place, or the administration.

COUNCILMEMBER SPELLACY: My question is on 47, Rule 47. Why don't we ever get to the point where people are charged that disrupt these meetings? I mean, we don't have to arrest them in chambers, but we could charge them, right?

PERSON SPEAKING: Inaudible.

COUNCILMEMBER SPELLACY: I guess that would be for law, why don't we go that final step to really put some teeth into that rule, that you can't just come in and disrupt meetings?

LAW DIRECTOR RILEY: The process by which prosecution is commenced is not the Law Department deciding to charge someone, or is it City Council deciding to charge someone, there is an established process; that process requires the finding of probable cause. A finding of probable cause is initially made by the law enforcement agency that conducts the investigation, thereafter, reviewed by a judge, to determine its sufficiency. It is not a matter of why don't we charge someone, it is a matter of whether the process has been properly invoked, ___ otherwise then takes itself through the procedures required by law to determine that someone should be charged. We just don't charge someone.

COUNCILMEMBER SPELLACY: I am not saying, just charge someone...

LAW DIRECTOR RILEY: Well, that is what you said.

COUNCILMEMBER SPELLACY: It is on a video tape, the actions that were taken, the begging to leave, they won't leave...

LAW DIRECTOR RILEY: Well that then becomes the subject of an investigation and the ___ authority...

COUNCILMEMBER SPELLACY: Why _____ done?

LAW DIRECTOR RILEY: I am not so sure why you would think it is or isn't done.

COUNCILMEMBER SPELLACY: Because no one has ever been charged for disrupting...

LAW DIRECTOR RILEY: That is not true, that is not the case. There have been two people charged, and there have been two convictions, Mary. The question is...

COUNCILMEMBER SPELLACY: This year?

LAW DIRECTOR RILEY: No, historically, to date. Whether or not there has been an investigation of the more recent incidents is something for the investigative agency to know and for you not to know, because those are matters that are confidential.

COUNCILMEMBER SPELLACY: Okay.

COUNCILMEMBER SPRINGOWSKI: I agree with Ms. Spellacy, in that, we need to more clearly define the process. We have been giving them three warnings, two or three warnings, I think there should just be the one warning and definitely not going all the way up to three warnings. That just seems to bait them. If a council member requests an immediate recess, then we can address it further. We have got to stop with people disrupting these meetings so that we can get to the agenda at hand, because it basically... it's

a disruption of government services in essence because we are trying to run a meeting that governs the city. Maybe it is just that the process hasn't always been followed, but we need to nip it in the bud.

COUNCILMEMBER KEMPTON: I agree with Mrs. Springowski 100% on this. I don't think that three warnings and you are out is... I absolutely think that we need to start looking at this. We represent 63,000 people and one person coming in here week after week, or meeting after meeting to come in specifically to disturb a meeting, should not be tolerated.

CHAIRPERSON DIMACCHIA: The suggestion is that we issue them, just paraphrasing here, we issue one warning and the next is at the pleasure of the body, as opposed to three warnings and again, I am just trying to grasp what the suggestions are on this floor, and as always, I will defer to law and if we are not prepared to have this conversation, I would suggest that law, just like they are going to do with some of the other rules, look into it and make a recommendation to our body on what would make the most legal sense.

COUNCILMEMBER SPRINGOWSKI: I would agree, put it on them, you are welcome, Pat.

LAW DIRECTOR RILEY: The protocol that was established was done so, again, as I said earlier, based upon the experiences that the Cleveland Law Department had during the height of the Israeli/Palestinian war in Gaza. The reason why the protocol is established the way it is, is so that you understand this better, not that you don't but I haven't explained it all to you, because I really had never been asked, but it is a matter of being successful, ultimately, in a courtroom. You might understand that when someone is charged with a crime, the conviction is based upon a conclusion by a jury or judge, that they are guilty beyond a reasonable doubt. In constructing the protocol that I recommended to you, the foresight was that at some point in time in the future, there may be a charge, and we would like to be able to prove that person guilty. In order to reach the high bar of guilty, beyond a reasonable doubt, the protocol stands as almost irrefutable proof that someone conducted themselves in a way that was disruptive. There was a lot of thought put behind the second warning requirement, because at that point, it becomes easier, ultimately, in a courtroom when someone is being charged with a crime and they lose their liberty or their money, to prove them guilty beyond a reasonable doubt because they have been consecutively disruptive on more than one occasion, or in a meeting. The reason why this protocol is built the way it is, is to look ultimately to a courtroom, where the prosecutors have to prove someone guilty beyond a reasonable doubt. The more "disruptive" a person is, the more likely the finding of guilt beyond a reasonable doubt will occur. That is my opinion about what it is that we do for a living as lawyers and prosecutors, and why the protocol is built the way it was; and why it is built the way it is in Cleveland, for the very same reason, because you ultimately want to meet that high bar of guilt beyond a reasonable doubt. It would be arguably less effective and arguably more defensible if it is one warning and one effort, but the fact that there are two warnings, not three, two, was designed to make it easier to prove ultimately in a courtroom if a person was charged, that they were in fact disrupting a public meeting.

COUNCILMEMBER DUVALL: This protocol will work if City Council will step up. If the President is not addressing issues, we can always do a point of order and force him to address this, but he can't... we can't go into recess until he has said twice to them to sit down or shut up. There was some confusion last time because we hesitated to move to recess. We have to work together as a team to solve this problem. That means that City Council has to be alert and willing to step out there and say, Mr. President, point of order, or whatever. The protocol is very plain, but you have to do it.

CHAIRPERSON DIMACCHIA: Great discussion, great suggestions and recommendations. I will say this, the only other thing that, to Ms. DuVall's point also, and I know that the administration and Law Department are working on it, is the issue of authority of the chamber. Just keep in mind that they are working on

that, because it does create a grey area for accountability and enforcing our rules in this particular part of this facility, they are working on that and that will come up later. I will need a motion, once amended and completed of this legislation, I will need a motion to send it back to council for consideration.

Moved by Ms. Kempton, supported by Mrs. Henley, to refer the matter back to council for consideration once amended. Motion carried unanimously.

Chairperson Dimacchia adjourned the meeting at 8:04pm.