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## How Utica Works: Common Council Organizational Meeting



Every two years, every seat on the Common Council is up for election. Some members (like me) run for re-election, some (like Maria McNiel) decide to run for something else, and some get term-limited out. So chances are, every two years, there will be at least a few new members of the Council. This year, there

are two: Katie Aiello who won her election to represent the First Ward, which had been represented by McNiel, and Samantha Colosimo-Testa, who represented the Sixth Ward until 2019 and this time ran for an At-Large seat and won one of three seats in a five candidate field.

In any case, with or without new Councilmembers, the Council begins fresh every two years. So, at the end of December, the previous Council wrapped up our business and cleared the decks, so to speak for the new, incoming Council. Then, starting on New Year's Eve, each of us got sworn into office and we were the new Council.

Then, on Monday, January 3rd, we held our "Organizational Meeting". This meeting is required by New York Consolidated Laws. This law stipulates that a new Council must meet on January 2nd, unless the 2nd is a Sunday, in which case we meet on the 3rd. So we met yesterday, for our very important "Organizational Meeting". At this meeting, we do business that we only have to do once, at the commencement of each new Council. And here is what we have to do, and how we did it:

**City Clerk:** First, we must choose a City Clerk. We unanimously chose Melissa Sciortino, who has been our Clerk for two years, and who has done an excellent job. She then announced that she was appointing David Butler to be our Deputy City Clerk, who has also done an excellent job. We are lucky to have the diligence and hard work of these two excellent public servants.

**President Pro-Tempore:** Then we chose Frank DiBrango to be our President Pro-Tempore. The President "Pro-Temp" is prepared to run the Council meeting in the absence of the President of the Common Council, and is also second in line of succession to the Mayor.

**Paper of Record:** We chose the Utica Observer-Dispatch as our official newspaper. We are required to have an official newspaper in which public hearings and other official City business can be advertised to the public. There was some discussion of the fact that the O-D is carrying less and less local news, as to whether we might go with another paper, but the law requires that our official newspaper have a circulation of 25,000, and at the moment only the O-D meets that criterion.

**Common Council Attorney:** We unanimously voted to continue to retain Anthony Garramone as our attorney, or in other words, as the Council's Counsel.

**Majority Leader and Minority Leader:** We voted unanimously to acknowledge

Frank Meola as the Majority Leader and Mark Williamson as the Minority Leader. Each of these Councilmembers will represent their respective caucuses to the Administration, sponsor legislation developed by the Administration, and Chair the pre-meeting conference, which meets at 6pm before each Council Meeting. (The Majority Leader chairs that meeting, but if he or she is absent then the Minority Leader Chairs it.)

**Appointments to the Urban Renewal Agency:** We unanimously voted to appoint, as required by law, one Democrat, Bob Burmaster, and one Republican, Joe Betrus, to the URA.

**Board of Estimate and Apportionment:** We unanimously voted to appoint me to what we commonly refer to as "E&A". We also voted to name Bob Burmaster as a backup in case I cannot discharge my duties. To an outsider, E&A may sound like a boring, uninteresting position. But I am excited by how much I am going to learn about how the City works, especially its budget process and departmental organization. Stay tuned for another in this "How Utica Works" series just on the subject of the Board of Estimate and Apportionment.

**Board of Contract & Supply:** We voted unanimously to appoint Mark Williamson to this Board and to appoint Katie Aiello as his backup in case Councilperson Williamson cannot fulfill his duties.

**Rules of Order:** In addition to appointing people to all of the positions listed above, the biggest task that the Council must accomplish at its Organizational Meeting is to adopt its Rules of Order. These are all the rules that determine how we operate as a Council: when we meet for our regular meetings, for our pre-meeting conference, special meetings, etc. It also lays out our rules for public comment, the order of business for our meetings, and so on. We have rules that allow meetings to be videotaped, and how we respond when members are absent, what constitutes a majority, and also describes the relationship between our Rules of Order and Roberts' Rules of Order. So, all in all, our Rules of Order determine how the meetings function, and how legislation can be submitted, discussed, and passed into law. Clearly, these Rules of Order are very important. And every new Council must adopt its Rules of Order at the beginning of its term. If they have tried and true rules that they like and do not need any revision, then there is nothing barring a Council from adopting the same rules as the previous Council. But they are also always free, by a majority vote, to try new ways of doing things by adopting new rules.

The three Republican members of the Council, Joe Betrus, Mark Williamson, and Samantha Colosimo-Testa introduced new rules based in general on the Rules of Order that were in effect until 2020. (In other words, they were the

Rules of Order used by the Council from approximately January 1, 2019 until the end of December 2020.) These Rules would have reinstated three core parts of the old Rules of Order: 1) distinct subcommittees populated by a few members of the Council, each of which would deal with specific types of legislation, 2) the introduction of legislation from individual Members to the Council via the President of the Common Council, who would have the authority to assign it to a specific committee (as well as , and 3) the order of business during Council meeting, which determines how legislation gets from Committee to the floor. We voted these new/old rules down, on strict party lines, because the six Democrats, myself included, believe that we should continue to refine and develop the newish "Committee of the Whole" system that we began in 2020.

So after we had voted down the Rules of Order proposed by our Republican colleagues, we voted to adopt the Rules of Order from the previous Council (which we had adopted early in 2020). We adopted our previous rules and then we amended them in order to further develop the new committee system we had begun two years ago. We established that there is now just one committee, the "Committee of the Whole", through which all legislation must pass on its way to the Council. It is in meetings of this "Committee of the Whole" that we will discuss the legislation, and also (I hope) discuss whatever problems we see in Utica in order to brainstorm with one another various legislative remedies we might imagine. We will also invite various people, including Department heads, but also others who have expertise relevant to the legislation we are considering to these committee meetings. These meetings will be held on Wednesdays at 5pm. And these meetings will be headed by a Chairperson of the Committee of the Whole, with a Vice Chairperson acting as a back up. We then voted to appoint Delvin Moody to be Chairperson of the Committee of the Whole, and Frank DiBrango as Vice Chairperson.

My hope and intention is that the Council will spend more time over the next two years deliberating as a whole body, together, to develop legislation that will improve the lives of all Uticans. I believe that the Council is small enough (there are only 9 of us, after all), that we can all come together in one Committee, rather than spread ourselves out into multiple committees meeting on multiple evenings.

These Rules of Order, which we have now adopted, are, as always, a work in progress. We can amend them at any time that we wish. There may be ways in which we want to tweak them, though I do believe that the "Committee of the Whole" system should prove to be an effective means by which to discuss, vet, and edit legislation.

Now that we have done the work required of us in our Organizational Meeting, I look forward to getting on with the people's business. And I look forward to keeping you informed of all this in future newsletters. If you want to see previous newsletters, they are all nicely archived on my website, linked to below. And please, if you like my newsletters, send the sign up link to your friends. I'd love to grow my audience!

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