

Bob Mollette

3rd Ward Councilman

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September 25, 2007

David Kuhn, Solicitor
728 Second Street
Portsmouth, Ohio 45662

Honorable Council Members
728 Second Street
Portsmouth, Ohio 45662

Re: **Amending Rules for the Government of Council**

At the September 24, 2007 Regular City Council Meeting two (2) items were unanimously added to the legislative agenda by a vote of Council. These items were added prior to statements or remarks of citizens present in Council Chambers on the items on the Agenda (Item 6). Neither of these items were listed or described on the Meeting Agenda or delivered with the Council Packet. Council members were given these items upon arrival to the Council Chambers prior to the meeting.

Item 7e – An Ordinance authorizing the Mayor of the City of Portsmouth, Ohio to enter into a contract for solid waste disposal at an annual flat rate of \$264,750 for the contract period of three years to Pike Sanitation and declaring same to be an emergency.

Item 7f – A Resolution authorizing the Mayor of the City of Portsmouth to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to executive contracts as required.

Upon reviewing the events and actions taken by Council during the September 24th Regular Meeting I believe Council must do better. Council must be vigilant to protect the rights of the public. Council must provide the opportunity and encourage citizens to be informed and express publicly their views as needed. I do not believe we succeeded with Items 7e or 7f above. Citizens did not have an opportunity to speak objectively on these items because they were passed in one (1) reading.

I voted in favor of adding Item 7e to the agenda, suspending the three reading rule, and passed this ordinance because it was stated the contract for the City's solid waste disposal had expired (August 10, 2007). I missed the legal issue of the public's right to speak prior to Council's decision because I was focused on the fact the contract had expired and upset it could have been avoided; the bids for this contract were received and opened on July 24, 2007, but the ordinance was not presented to Council until prior to the September 24, 2007 meeting.

I voted in favor of adding Item 7f to the agenda and adopting this resolution because it was stated to be time sensitive for application of financial assistance through the Ohio Public Works Commission.

I believe the Rules of Council should be amended to require an Ordinance to be read completely for the public prior to being *added* to the Legislative Agenda by a vote of Council. Also Council should always strive to avoid adding items to the Legislative Agenda unless the public can be notified prior to City Council Meetings and avoid suspending the rules through better planning.

I also thank Ms. Teresa Mollette for her vigilance of protecting the rights of our citizens by attending meetings and speaking objectively for Council to follow the laws of the City and State, which include the "Ohio Sunshine Laws."

Respectfully,

A handwritten signature in black ink that reads "Bob Mollette". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bob Mollette, 3rd Ward Advocate and Representative on City Council

rwm

cc: Jim Kalb, Mayor
Trent Williams, Auditor
Jo Ann Aeh, Clerk (Record)