



West Scioto Area Commission

Thursday, December 18, 2020– 7:00pm

General Meeting
via WebEx
MEETING MINUTES

1) Roll Call:

Commissioners Present: Chair McKinley, Vice Chair Russell,
Commissioners Cabral, Cabus, Endicott, Leppert, Weber
Commissioners Absent: None.

2) Meeting called to order at 7:10pm on an intentional delay awaiting
Commissioner Russell, who is not online as the meeting called to order.

3) Meeting Minutes: Chair McKinley called for a volunteer to capture meeting
minutes. Commissioner Weber volunteered. Draft minutes from November
meeting have not been circulated; therefore, approval of previous meeting
minutes tabled.

4) Officer Paulus: Concern over increase of package thefts on doors – 12-14
this morning alone within one community within our Commission area. Officer
Paulus urged residents to be on the lookout for anything suspicious,
especially suspicious vehicles that appear to be following or paying attention
to UPS, FedEx, or Amazon delivery trucks.

Officer Paulus also noted an increase in homelessness and additional
homeless camps.

Note: Commissioner Russell joined the meeting at 7:13pm.

5) Department of Neighborhoods Liaison Rebecca Deeds: Semi-Annual
fiscal report due from Treasurer by end-of-month. There should be a
reminder email coming from Julia Carter, but it generally comes earlier.
Rebecca thanked the Commissioners who have routinely attended trainings
during 2020. A 2021 training calendar should be published in the next few
weeks.

6) Treasurer's Report: Ending balance of \$3,435.85. Only expense is monthly
fee for Constant Contact. We're half-way through the year and haven't spent

much of our allotted funds and Commissioner Cabral recommended a
secretary for minutes.

7) Bylaw Revisions: Rebecca noted that we must approve 3-year term

amendment for bylaws as this change is now required by city ordinance. The other proposed change is the Code of Conduct.

Commissioner Cabral asked if there is a written bylaw revision for the 3-year term. Commissioner Endicott reminded all Commissioners that the 3-year term amendment language and the recommended Code of Conduct language are both included in the best practices template provided by the Department of Neighborhoods.

Commissioner Leppert said we shouldn't approve either recommended change; they're our bylaws and we should only make whatever changes we want. Commissioner Endicott reiterated that we would be in direct violation of city ordinance if we don't adopt the 3-year terms.

Commissioner Weber asked about if there is guidance on the Code of Conduct. Commissioner Endicott said it accomplishes 2 things: It creates regulations against intimidation and harassment for typical things such as gender, race, sexual orientation, and socio-economic class. The second thing is it creates a conflict of interest – such as if a Commissioner has a financial interest in a development, that Commissioner would be required under the new Code of Conduct to declare that conflict interest and request themselves from the vote.

Commissioner Endicott noted his experience with a variety of national boards including professional, public service, and volunteer organizations and he has never seen one organization that didn't have a Code of Conduct similar to what is proposed and that this language within bylaws is not only standard across a variety of organizations but could cause major trouble for the Commission if not included in our bylaws.

Commissioner Leppert inquired about punishment for violating the Code of Conduct. Commissioner Endicott compared it to our bylaw prohibiting representation before public bodies – that there's no specific punishment listed for that bylaw, but there's a completely separate bylaw on removal from the Commission and that bylaw would apply.

Commissioner Weber noted in his experience, Code of Conduct regulations have always included a specific consequence for violations.

Chair McKinley called for a motion and Commissioner Weber moved to adopt the recommended bylaw revision for 3-year terms. Second by Commissioner Endicott. VOTE: Yes (4); Weber, Endicott, McKinley (*see note below), and

Cabus. No (3): Russell, Leppert, and Cabral. Motion requires a 2/3 super majority of the voting commissioners present and therefore failed.

Commissioner Endicott clarified that failing to adopt the bylaw revision now puts our Commission's bylaws in direct conflict with City code. Commissioner Cabral declined to change her position stating that we are losing control over our Commission to the City.

Commissioner Russell defended voting against this recommended amendment that we cannot be compelled to vote a certain way just because of the ordinance.

Rebecca stated she is not sure of any consequences for having bylaws in direct conflict with City Ordinance because no other Area Commission has so far declined to adopt this recommended amendment. She will follow-up with the City Attorney's office for additional guidance.

*Note during vote: Immediately after Chair McKinley voted, Commissioner Leppert brought up a point of order that the Chair is only permitted to vote to break ties. Commissioners Weber and Endicott said that this regulation is not in the bylaws. Commissioner Russell agreed with Commissioner Leppert and stated that previous Chair Jessica Dyszel never voted during meetings.

Commissioner Endicott pulled up the current bylaws and read verbatim the sections on voting and the role of the Commission's Chair. Commissioner Leppert continued to disagree that the Chair is not eligible to vote except to break tie votes. Commissioner Endicott then referenced recent approved meeting minutes where Chair McKinley did vote and without objection then brought up old meeting minutes where Chair Dyszel also voted in non-tie breaking situations and without objection. Commissioner Leppert repeated that she does not believe that the Chair is able to vote and asked if anyone else had a different recollection. Commissioner Endicott stated that what he read was not a recollection, but the verbatim language of the bylaws.

Rebecca mentioned that Chair McKinley has always previously voted and if this is a topic that Commissioners wish to address that it should be added to an agenda for a future meeting.

Discussion returned to the recommended bylaw amendment to adopt a Code of Conduct.

Commissioner Weber followed by Chair McKinley indicated support for the amendment. Commissioner Russell indicated that on principle he supports the proposed changes, but our bylaws were relatively recently adopted without a Code of Conduct and we shouldn't be examining adding it just because the City asked us to. Commissioner Leppert similarly agreed with the language of the proposed amendment but indicated opposition because she doesn't want everything "codified down" and because it came from and is recommended by the City, she's inclined to not trust it.

Commissioner Endicott reiterated that he has never seen an organization that does not have a Code of Conduct and that sometime in the future there will be a Commissioner who would be in violation of the Code and only join the Commission for their own personal financial gain. Commissioner Endicott indicated that his position is that voting for this should be as obvious as the sun rising in the east and voting against it is an invitation for corruption to join our commission.

Commissioner Leppert restated her opposition and that she feels insulted that there's a belief that she or any other Commissioner would act unethically. Commissioner Russell suggested we should not pass this Code of Conduct but that we should take some time and make our own, asking why do we have to do what the City wants. Commissioner Endicott responded by referring to Commissioner Russell's earlier comment that our bylaws were recently adopted. Commissioner Endicott further added that since they were recently adopted we did have an opportunity to include a Code of Conduct and didn't. This is why it's coming to us from the City -because we didn't do it ourselves when we had the opportunity.

More (repetitive) discussion on consequences. Rebecca screen shared existing bylaws and read verbatim the Disqualification clause.

Commissioner Endicott expressed that he has a concern that one of the

major reasons Commissioners are objecting is because it came from the City. He asked why Commissioners are automatically opposed to recommendations that come from the City with a refusal to give the recommendation an unbiased critical review. He stated just because it came from the City doesn't mean it's automatically wrong. Commissioner Leppert responded that everything that comes from the City isn't necessarily wrong, but she stated "because it comes from the city, for me, it's always suspect so it should be inspected further." Rebecca responded that the bylaw best practice template has been available since February (10 months).

Commissioner Endicott asked for those Commissioners opposed to the Code of Conduct amendment to identify the specific language of the amendment that they disagree with. There was no response.

Commissioner Weber and Chair McKinley both indicated that if our Commission votes against this that they will be embarrassed that we declined to adopt it.

David Hooie from the Department of Neighborhoods joined the meeting.

Chair McKinley updated David that we have already discussed and voted on the recommended revision to 3-year terms and that vote did not pass with the

required 2/3 majority. David Hooie informed the Commission that Council will not accept any appointments that do not comply with the City's ordinance, so adopting the bylaw is moot.

Commissioner Leppert asked why, especially related to how this would impact our Student Commissioner role. Commissioner Cabus, who is the student Commissioner, questioned why Commissioner Leppert is objecting on behalf of the student when the student supports the change.

Chair McKinley recommended that because this is in City Code and based on David's comment that we should rescind the earlier vote. Commissioner Endicott stated that the 3-year terms being part of City Code was already discussed and this wasn't new information from David. Commissioner Endicott added this it is mind dumbing that Commissioners would cast a vote that puts our bylaws in direct conflict with the city's ordinances.

Chair McKinley stated that the ordinance is going to supersede our bylaws anyway. The down vote is adding confusion and therefore discouraging community engagement.

Rebecca asked David for guidance on how the Commission could proceed to fix the earlier vote that violates city ordinance. David recommended a Commissioner could make a new motion to amend bylaws to be in compliance with city code and 3-year terms then further reiterated the City Council will not accept or approve any appointments for Commissioners that do not comply with City Code.

Commissioner Russell repeated his earlier position that it doesn't matter if we adopt the bylaw revision or not because our hands are tied by City Code.

Commissioner Endicott responded again that we're shooting ourselves in the foot and causing nothing but confusion for prospective volunteers by putting our bylaws in conflict with the code. Chair McKinley mentioned that all new Commissioners are given a copy of the bylaws and they will be confused by receiving information on terms from the city that conflicts with what is in the bylaws. Commissioner Endicott added we will have to add a note to the

bylaws to ignore the section on Commissioner terms because three Commissioners chose to cast a vote on our bylaws to put them in direct conflict with city code. Commissioner Endicott also asked if this the first impression we want to give new Commissioners? Commissioner Cabus added that the bylaws conflicting with city code will negatively impact our credibility with residents.

David Hooie interrupted and added that if bylaws contradict City Code, our Commission could lose it's right to provide recommendations to the Board of Zoning Adjustments, Development Commission, Graphics Commission, and Council.

At this point, Commissioner Russell changed his vote to "yes" so we could move on. This changes the vote to 5 for amending the bylaws to 3-year terms (Commissioners Weber, Endicott, McKinley, Cabus, and Russell) and 2 against (Commissioners Leppert and Cabral). A 5-2 vote meets the two-thirds super-majority, so the motion to amend is adopted.

Returning to the Code of Conduct, Chair McKinley asked if we are ready for a motion.

Commissioner Endicott motioned to amend the bylaws adopting the Code of Conduct to match Article X of the best practices template. Second by Commissioner Weber. VOTE: Yes: Commissioners Weber, Endicott, McKinley, and Cabus. No: Commissioners Russell and Cabral. Abstain: Commissioner Leppert. The vote is 4-2, with 1 abstention. Bylaw amendments require a two-thirds super majority vote of the Commissioners present and voting – with a 4 to 2 vote, the motion passes and the amendment is adopted.

8) Zoning Committee: No pending applications and no updates on prior updates.

9) Elections and Appointments: Two Commissioners will be up for election. The emergency COVID order ends in January, so our spring election would be under normal requirements.

10) A motion to extend the meeting for 30 minutes from Commissioner Cabral, second by Commissioner Weber. Motion passed unanimously.

11) Communications Committee: Working on updates to Commissioner handbook and transitioning webpage to Constant Contact.

12) Planning Committee: Contemplating how land use plans are developed and revised, and we're considering what changes should be made on land use plans within our Area.

13) New Business: Commissioner Leppert mentioned she is interested in applying for the City's redistricting Commission and that our Commission should have a representative. Commissioner Endicott expressed concern that this violates our bylaw restriction on Commission representation. Commissioner Leppert was confused, so Commissioner Endicott

recommended that a Commissioner can be on the redistricting commission as a Columbus resident, or a west side resident, or even a Scioto Woods resident. However, a Commissioner cannot join the redistricting commission

as a West Scioto Area Commissioner. They have to be separate unless the commission votes allowing representation of the Commission.

14) Old Business: None

15) Meeting adjourned at 8:59

Note: Meeting minutes for this December 18, 2020 meeting were not compiled following the meeting. Commissioner Brian Endicott compiled these minutes from video recording and submitted for review at the March 17, 2022 WSAC General Meeting.