

Evans, Nicole - CCSS

From: Fackler, Michael
Sent: Thursday, January 9, 2025 10:48 AM
To: Salem, Ronald - City Council Office
Cc: Reingold, Dylan - GCGA; Staffopoulos, Mary - GCGA; Reingold, Dylan - GCGA; Staffopoulos, Mary - GCGA
Subject: RE: ONE-WAY COMMUNICATION - Ordinance 2024-800 - Meridian Waste Contract

Follow Up Flag: Flag for follow up
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CM Salem:

Sorry for the delay, I wasn't sure of the answer to the question, so I wanted to talk with my folks.

Yes, we were aware of the issue before the vote of Dec. 10. I originally didn't think so, but I talked to my folks and looked back through my emails and time sheets. I am a bit hazy of exactly when we started to think about the Meridian issue as it overlapped with a separation of powers discussion at the Special Committee on the Future of Downtown on Nov. 25 and the Journey Forward discussion in September.

What I don't know for sure is whether we identified the issue, or the administration brought it to our attention. However, I do know that the administration was aware of the issue before the vote on Dec. 10.

Hope this answers the question. If not, feel free to call.

Thanks,
Michael

Michael Fackler
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MFackler@coj.net

From: Salem, Ronald - City Council Office <RSalem@coj.net>
Sent: Wednesday, January 8, 2025 6:24 PM
To: Fackler, Michael <MFackler@coj.net>
Cc: Reingold, Dylan - GCGA <DReingold@coj.net>; Staffopoulos, Mary - GCGA <MStaff@coj.net>; Reingold, Dylan - GCGA <DReingold@coj.net>; Staffopoulos, Mary - GCGA <MStaff@coj.net>
Subject: Re: ONE-WAY COMMUNICATION - Ordinance 2024-800 - Meridian Waste Contract

Michael- I don't feel like I'm getting the answer I am looking for. I'm not an attorney so let me make it perfectly clear. This is a yes or no question. Were you privy to this concern, any research, conversations internally/ externally or any other communication prior to our vote on December 10? Thanks

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On Jan 8, 2025, at 2:56 PM, Fackler, Michael <MFackler@coj.net> wrote:

CM Salem:

We were never asked to research the issue nor were we told of a concern. Upon learning that the Mayor was considering raising the issue of separation of powers, we started the research on our own initiative.

I don't know when we first became aware of the issue. However, I met with my deputies on that topic briefly on December 13 and tasked them with looking into the issue and reconvening on the 19th.

Thanks,
Michael

Michael Fackler
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From: Salem, Ronald - City Council Office <RSalem@coj.net>
Sent: Wednesday, January 8, 2025 2:09 PM
To: Fackler, Michael <MFackler@coj.net>
Cc: Reingold, Dylan - GCGA <DReingold@coj.net>; Staffopoulos, Mary - GCGA <MStaff@coj.net>;
Reingold, Dylan - GCGA <DReingold@coj.net>; Staffopoulos, Mary - GCGA <MStaff@coj.net>
Subject: Re: ONE-WAY COMMUNICATION - Ordinance 2024-800 - Meridian Waste Contract

Michael- You answered one of my questions in that the Mayor/ Mayor's office made you aware of a concern on separation of powers. The second question was not answered. When were you notified of the concern and were you asked to research it? The date is very important to me. Thanks

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On Jan 8, 2025, at 1:29 PM, Fackler, Michael <MFackler@coj.net> wrote:

CM Salem:

You were the first person to request a written opinion via this email chain. In my conversations with the Mayor's office, I was informed, as a courtesy, that they were considering vetoing the bill based partially on separation of powers grounds, but they did not ask for a legal opinion. Recognizing that Council would likely have questions on the veto, we began the research on the issue with the goal of having an answer to the question of whether the Ordinance violated the Charter in time to advise the Council on our opinion prior to the 14th. If the dispute continued after the 14th, a binding legal opinion would be needed. Our goal was simply to advise all of our clients of our opinion before the vote occurred.

Thanks,
Michael

Michael Fackler

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MFackler@coj.net

From: Salem, Ronald - City Council Office <RSalem@coj.net>

Sent: Wednesday, January 8, 2025 9:23 AM

To: Fackler, Michael <MFackler@coj.net>

Cc: Reingold, Dylan - GCGA <DReingold@coj.net>; Reingold, Dylan - GCGA <DReingold@coj.net>

Subject: Re: ONE-WAY COMMUNICATION - Ordinance 2024-800 - Meridian Waste Contract

Michael- one last issue. Who asked for this opinion and when was the request made? Thanks

Ronald B. Salem, Pharm.D.

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On Jan 7, 2025, at 6:24 PM, Fackler, Michael
<MFackler@coj.net> wrote:

CM Salem:

We are working on the written opinion now, and we will circulate it as soon as we can draft a thorough and thoughtful written opinion as required by the consequential nature of the question posed.

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From: Salem, Ronald - City Council Office <RSalem@coj.net>
Sent: Tuesday, January 7, 2025 6:19 PM
To: Fackler, Michael <MFackler@coj.net>
Subject: Re: ONE-WAY COMMUNICATION - Ordinance 2024-800 - Meridian Waste Contract

Michael- Thank you for the conversation at the health fair and the subsequent phone call. I am perplexed that given your statement that you have reached a conclusion on the matter you have not issued it in writing.

I am formally requesting that you the general counsel for the consolidated government provide my colleagues and I your written position on the matter as soon as possible. Delaying such a response beyond January 14 is unacceptable and will be formally inquired upon.

If you have any questions, please let me know

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On Jan 7, 2025, at 12:40 PM, Salem, Ronald -
City Council Office <RSalem@coj.net> wrote:

Please email me the opinion as soon as
completed. I don't need to meet

Ronald B. Salem, Pharm.D.
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On Jan 7, 2025, at 9:34 AM,
Fackler, Michael
<MFackler@coj.net> wrote:

Council Members:

We write to advise you that a question has been raised about whether this Ordinance violates the separation of powers provisions in Sections 4.01 and 4.02 of the Charter. We further understand that the Mayor may veto the Ordinance, and the veto would come up for a vote at Council on Tuesday, the 14th. Although we do not have a written opinion on this separation of powers issue, we have done significant research, and we are happy to share our thoughts with you individually before the 14th. And of course, we will be available for questions at the meeting on the 14th. If you are

interested in setting up a meeting,
please email me. Unfortunately, I
am between assistants, so feel
free to email me directly.

PLEASE DO NOT
RESPOND TO ALL.

Michael Fackler
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