

**MINUTES OF THE REGULAR MEETING
OF THE
CHARTER REVIEW COMMISSION**

**Wednesday, April 14, 2010 – 7:00 p.m.
Mayfield Village Main Conference Room
Mayfield Village Civic Center**

The Regular Meeting of the Charter Review Commission was held on Wednesday, April 14, 2010 in the Main Conference Room at the Mayfield Village Civic Center.

Chairman Caticchio called the meeting to order at 7:17 p.m. and asked for a Roll Call.

Present: **Pat Caticchio
Eric Jochum
Paul Fikaris
Merv Singer
Jim Farmer**

Absent: **James Mason (Excused)
Shirley Shatten (Excused)
Randy Hyde (Excused)**

Also Present: **Mary Betsa**

• **Approval of Minutes of Regular Meeting of Wednesday, March 24, 2010**

Mr. Jochum made a motion that the Minutes of the Regular Meeting of March 24, 2010 be approved as written. Mr. Farmer seconded the motion. The motion was unanimously carried.

ROLL CALL: AYES: 5	Motion Carried
NAYS: 0	Minutes Approved

• **Informational Question and Answer Session with Ron Wynne, Director of Finance for Mayfield Village, Ohio**

Chairman Caticchio introduced Mr. Wynne, stating that he will be providing an informational session on the proposed tax levy.

Mr. Wynne introduced himself. He is here this evening because between now and May 4th he is attending committee meetings to be available to answer any questions anyone might have about the tax increase and talk a little bit about what we have done and to try to publicize what is happening. Basically, he is here this evening to answer any questions and encourage everyone to vote on or before May 4th.

Mr. Wynne stated that everyone should have received the informational brochure in the mail as part of the campaign. Another mailing went out under his signature to all of the businesses in the Village informing them of what we were considering doing and how that might impact them for their employees as well as their corporate profits and offer to come to their locations and meet with their employees to answer any questions. We received no communication at all from any of the businesses which leads him to believe that this is not a big issue with them. He personally spoke with Progressive. They have received the mailings. Mr. Wynne wants to make sure he keeps the dialogue going with them. Conversations with them so far have been good. They like the Village a lot. This does not impact them as a corporation at all. The insurance company's profits are not taxable. We discussed how it impacts their employees.

Chairman Caticchio asked, this is a ½% increase right? Mr. Wynne replied, correct. We have 1 ½% right now.

Chairman Caticchio asked, this is income tax for people who work in the Village and outside the Village, or does it affect just the people who work in the Village? Mr. Wynne replied, yes and yes. For people who work outside of the Village, it will depend upon where they work. If they work in Cleveland, they pay 2% to the City of Cleveland right now. The Village gives them 100% credit, so they owe nothing to Mayfield Village. If the voters approve this tax increase to 2%, you will still pay 2% there and we will give 100% credit. In that case, there won't be an affect at all. Any Mayfield Village resident who works in a community that is currently below 2% will feel some kind of impact.

Mr. Farmer stated there are not that many cities at 1½%. Most of the cities are already at 2%.

Mr. Wynne stated in the presentation at the informational meetings, we have a nice map of Cuyahoga County where it shows all the tax districts. The majority of all of the cities are already 2%. On the West side, you have Westlake, Rocky River, Bay and Lakewood at 1 ½%. On the east side, we have Lyndhurst and Beachwood at 1 ½% and Mayfield Heights and Pepper Pike which is at 1%.

Chairman Caticchio asked if the 2% is set by law. Is that a maximum? Mr. Wynne replied, no. There are communities out there that are above 2%. Euclid is at 2.85%.

Chairman Caticchio asked if there is a cap on income taxes. Mr. Wynne replied, it's whatever the voters are willing to tolerate. For example, in Brooklyn, their tax went above 2%. American Greetings threatened to leave.

Mr. Singer asked how this affects people in Brooklyn and other communities. Mr. Wynne replied what will happen is the tax increase will generate about \$3 million if it gets passed. About 90% of that is going to come from people who come to the Village and work here and go home to their community. In his case, Mentor gives 100% credit. It will not cost him anything additional, but the money will now come to Mayfield Village. So, a big part of that \$2.9 million that's paid for by non-residents who work in the Village will be pulled from other communities back into Mayfield

Village where those folks work. How that impacts those other cities and how they respond to something like this happening if it happens in a lot of communities is kind of yet to be seen.

Chairman Caticchio stated, one of the comments he heard was people saying, well, we don't understand why there's going to be a rise in the taxes because up to last year everyone in the Village bragged about the fact that we had so much tax revenue from Progressive. How come all of a sudden we are short? Why? Mr. Wynne replied, we do get a lot of tax money from Progressive, but since 2006, if you take a look at the numbers in 2007-2009, our revenue for those three years decreased by \$2 million. So for those three years alone is \$2 million less revenue that we took in that we had been taking in.

Chairman Caticchio asked if the Village has committed itself to future spending so that the spending is outpacing the income and we are stuck with it. In other words it would be a permanent type of spending for a while longer? Mr. Wynne replied, from 2007-2009, expenses were reduced by a total of \$1 million. The budget for 2010 factored in another \$1 million on top of that of reductions which include wage freezes, elimination of some part-time help, changing the medical plans and things like that. We are taking all the steps we can take without having to lay full-time employees with benefits off. The part-time employees who were on board was not a permanent situation. It was dictated by the amount of work we had for them. We are hoping not to have to lay off any full-time employees but if this does not pass, that's something we will have to look at very seriously. The 2010 budget we put together is a balanced budget. It shows very little erosion in the General Fund. Can we sustain that type of level? Nothing tells us that from an income standpoint we are going to see any uptick in income. Companies aren't hiring. No one is looking to be moving at this point in time until the economy turns around.

Mr. Farmer stated, no one is doing well. We are a one-company town. We just have to realize it. You live by the sword, you die by the sword. They are not doing as well, so we are not doing as well.

Mr. Wynne stated, the services we provide for the 3,500 residents of the Village are also being provided for 8,000 people coming in and out of the Village every day.

Chairman Caticchio stated, as far as this body is concerned, we will do our little bit and try to convince our neighbors that they should pass the tax.

Mr. Wynne appreciates it. He does not ask anyone to take a position one way or the other, but we are asking that if you get an opportunity, to explain this to your neighbors and ask them to cast their vote one way or the other.

Mr. Fikaris stated, one thing the Mayor said that he thought was an interesting point to convey and he wants to make sure he has this right is that the Village is in the fourth year of their public safety contract with the police, the final year of the contract, which is kind of maybe a good thing in the fact that he talked a little bit about renegotiation of that contract so instead of being in this position with a couple years left on a contract that was signed in the good days; he's not saying that we gave it away or anyone was irresponsible, but it was good that that is a budgetary item that can't be

shuffled with at the present time, but we are lucky that that's coming to negotiation. That may be good or bad, but at least we can face that. Mr. Fikaris thought that was interesting. He does not know if that was encouraging. He's just saying that might be an opportunity.

Chairman Caticchio said he is a little bit of a cynic when it comes with dealing with the police and fire department, especially with their Unions. They do belong to the Unions? Mr. Wynne replied, yes.

Chairman Caticchio said they are going to fight to retain at least what they have and go beyond that of course and try to pick up at least a little bit more from it.

Mr. Fikaris stated, maybe he is completely wrong. Maybe that's a bad time to negotiate. Mr. Wynne replied, no. You are exactly right. To the credit of the police and fire, we approached them at the end of last year and explained the situation financially and asked them to agree to reopen their contracts and they did. They took the same kind of concessions that all the rest of the employees did.

Chairman Caticchio commented, that's good. They understand the situation. Mr. Wynne replied, they are very supportive of what we are trying to do and want to make sure they did their part. They agreed to renegotiate their wage increase for this year and overtime.

Mr. Farmer stated, you just hope people see the big picture because nobody looks beyond their household, they are going to have to pay more taxes, they are going to be crying. We are all making less money.

Chairman Caticchio said, that's why he brought up dealing with the Unions. When that comes up, it's going to be a tough way to go, regardless of what's happened up to date.

Mr. Farmer likes the services we have. He likes the quality we have in the Village. We would rather have that quality and pay a little more money. They can move someplace else if they wanted to pay less taxes, but it would not be as nice a place as the Village.

Mr. Wynne passed out another flier that is going out in the next day or two. We just finished it up over the past couple days. One side is background information about the Village's finances. The back side lists questions and answers from the first three Town Hall meetings, for the benefit of those residents who could not make the meeting.

Mr. Jochum stated the fact that the police and fire have agreed to concessions is not a well-known fact among the public. If you read the flier, it shows that.

Mr. Farmer is waiting for people to criticize the police because of this new police station they are getting. We are asking for a tax increase. But, they have been operating out of a very old building for years.

Mr. Wynne stated, that's a common question during the Town Hall meetings. The response to that is in 2006 we sold bonds for \$4.5 million to build the police station. When we went out and designed it and got quotes at that time, they came back over \$7 million. We said we can't build it for that kind of money. We put it on hold. We commenced the whole process again in 2008-2009 and now we are going to be doing it for \$4 million dollars. The bonds we sold have to be used for this specific purpose, to construct the police station, or the money has to be returned to the bondholders.

Chairman Caticchio asked if the police station will be within those bonds. Mr. Wynne replied, yes. It is a design-build process. At the time we bid it amongst several different contractors, we told them to come back and design for us a police station. This is what we want and this is the maximum amount we can spend, \$4 million. They came back to us with a design. We did not give them a design, that met that \$4 million requirement. Now it is just up to us to manage the process to make sure there are not a lot of change orders.

Chairman Caticchio asked, no cost overruns will be paid for? Mr. Wynne replied, correct. We are doing it within the \$4 million. They have weekly meetings going over the progress of the building and what is going on.

Mr. Farmer stated, it's going pretty fast now. Mr. Wynne replied, the weather has been good, so they have been moving along.

Mr. Fikaris asked when they would be done. Mr. Wynne replied, September.

Mr. Wynne added, the budget for the station is about \$4.3 million, \$4 for construction and the rest for equipment needs and furniture.

Chairman Caticchio asked if we will be getting all new communications equipment. Mr. Wynne replied, yes.

Mr. Singer asked what will happen to the old police station. Mr. Wynne replied, he has not been involved in conversations with that, so he does not know.

Chairman Caticchio asked what the Village's plan for that building is, the original Village Hall. Mr. Wynne does not think there is a plan.

Mr. Jochum replied, we are not there yet. It's part of the 2020. Mr. Jochum added, anyone that has any problem with this has never had to call the police and fire. In this community, you have to appreciate what you have. There aren't too many communities that have what we have. Community response is excellent. You don't get that at other places. We are fortunate.

Chairman Caticchio thanked Mr. Wynne for coming. We appreciate it. We will pass the message.

Mr. Wynne asked if there were any other questions.

Mr. Jochum asked if the community is billing for EMS services. Mr. Wynne replied, not for residents. We are billing only for non-residents who work in the Village, if the EMS takes them to the hospital. If they respond to a call and the person does not get transported, there's no charge at this point. We are billing the insurance companies and taking whatever the insurance companies give us. We are not going back after the individual's difference.

Mr. Jochum replied, that's going to help a little bit. Mr. Wynne stated, we estimate receiving between \$50,000-100,000 a year. We are also getting \$280,000 a year from Gates Mills to provide all of their EMS service.

Chairman Caticchio said, this is one of the things we will be discussing this evening, mutual aid. We have to make sure that is absolutely clear this time around.

Mr. Wynne thanked everyone for their time. Mr. Wynne left the meeting at 7:38 p.m.

Review of Articles VII through XII

Chairman Caticchio stated the Articles we will be discussing this evening are Articles VII through the end.

Article VII, Initiative, Referendum and Recall

Section 1 - Initiative

Chairman Caticchio said this is all procedural items, in other words, what needs to be done step by step. He went over it rather carefully. It is his opinion that there is not much that we need to deal with, but let's make sure everyone has their input and that we can deal with that. Article VII deals with the initiative, referendum and recall. As you have read, the initiative is the initiative of the people to propose ordinances or resolutions, etc. appropriating money. Does anyone have any issues or questions with those initiative procedures?

Mr. Jochum stated, it's not something that gets used a lot. Chairman Caticchio agreed that it isn't.

Mr. Farmer agrees with Chairman Caticchio's analysis. It would be nice if we could make this read better, but it is what it is.

Chairman Caticchio stated, that's the problem with the sections that you can simplify and word better, but that is not our job or that we should be doing that. As a matter of fact, if we had that in mind, we should get an expert to come in here and rewrite this thing all tolled or give it to Joe to rewrite. That's not our objective here.

Section 1 – Preliminarily Approved.

. Section 2 - Referendum

Chairman Caticchio stated, referendum of course is the second way of getting an ordinance or resolution chopped up. Anyone have any questions or changes thereto that may be required? There were no issues.

Section 2 – Preliminarily Approved

. Section 3 – Petition Procedure

Chairman Caticchio stated, petitioning procedure is what needs to be done when an initiative or referendum or recall is proposed by any group. Are there any questions or issues with that?

Mr. Fikaris replied, the only thing he finds interesting is that nowhere in that section does it say that the signatures need to belong to any residents of the Village. He knows it's understood and that it is an initiative of qualified electors. Maybe he missed it. It says that five registered electors shall be officially regarded as a committee. Someone could call us on that. He just wanted to pose that question.

Chairman Caticchio thinks somewhere else in the Charter they define who an elector is.

Mr. Fikaris stated, he does not believe that word in that section exists. The person that collects them has to swear that they were in the presence of the person signing and then all it says that the signer shall place on the petition paper their place of residence by street and number. It's interesting that it doesn't really say specifically. It's understood.

Chairman Caticchio can see what Mr. Fikaris is saying, but somewhere in the Charter it is defined. He agrees that it is understood. If we were to go in a court of law, he is quite sure that that would hold up simply because we are talking about the Charter of the Village of Mayfield and of course the electors have to be part of the Village of Mayfield in order to take advantage of it in any way.

Mr. Singer asked if it is all spelled out on the petition form.

Chairman Caticchio stated he is sure. In other words, these are the electors of the Village of Mayfield.

Mr. Singer said it has to be approved by the Board of Elections.

Chairman Caticchio agreed.

Mr. Farmer asked, how many signatures do they need? Five registered electors, five signatures on the petition?

Mr. Fikaris stated, it says that it shall contain a full correct copy of the proposed objectionable ordinance or resolution, and in the case of the recall, the name of the person who is seeking removal. Mr. Fikaris' point is that there is nothing that says, here's 250 signatures that I went down to Jacob's Field and got. He knows it is understood, but does that open up somebody to say, hey, look, it doesn't say?

Mr. Singer stated, they would have to be registered voters from this area to sign the petition.

Mr. Jochum stated, but it doesn't say that.

Chairman Caticchio replied, you are right. The question is should we attempt to do anything with it or just leave it as is?

Mr. Fikaris stated, or chalk it up to just an "ask Joe". Mr. Fikaris is fine with that. It's something that stuck out.

Mr. Jochum replied, that's a good point.

Chairman Caticchio asked Mrs. Betsa to write that down as an issue we are going to discuss with Joe.

Section 3 – Pending discussion with Joe

Section 4 - Suspension

Chairman Caticchio finds something that never occurred to him. One of his biggest complaints against all municipalities is that they pass 80% or 90% of their ordinances by emergency ordinance. If you read Section 4, *Suspension*, "no ordinance or resolution upon which a referendum," and then you can put anything else that you want in there "is requested shall go into effect, unless it be an emergency ordinance or resolution." When we read the rest of it, someone can start an initiative or a referendum to overturn an ordinance that was already passed. If it was passed as an emergency ordinance, it goes ahead and becomes the law of the Village until of course if it's a referendum obviously and an initiative also, it will be in effect until it is overturned or killed by an initiative. Chairman Caticchio is wondering if this isn't part of the reason that so many emergency ordinances are passed in communities because of that type of a clause that is in their Charter which he is assuming is in every Charter in Cuyahoga County or the State of Ohio. Are there any other comments?

Mr. Jochum stated this section is kind of confusing.

Chairman Caticchio stated when you read it, you have to stop at effect *comma* unless - "no ordinance or resolution shall go into effect, unless it be an emergency ordinance or resolution, until the referendum action thereon fails or is abandoned or until approved by a majority of those voting thereon." So if it's an emergency ordinance,

Mr. Jochum asked, would they have to state that it is an emergency?

Chairman Caticchio replied, yes. They all do.

Section 4 - Preliminarily approved

Section 5 - Measures Subject to Referendum

Chairman Caticchio asked if anyone had any comments on this. This one confuses him. "When the Council, by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvements, the referendum provision shall apply only to the first ordinance or resolution required to be passed". Let's take the fire station as an example. They pass an ordinance which says that Council is going to spend \$4 million for a fire station. That is the first ordinance or resolution to be passed. Then they turn around and pass another one saying for \$2 million. Let's say they decided to add another floor to the fire station or for things they need inside. That one cannot be contested, is he correct? Does anyone agree with his interpretation of that?

Mr. Fikaris agreed that it is confusing and that it could possibly be construed that way.

Mr. Singer asked if this has ever come up before.

Chairman Caticchio replied, not to his knowledge, not as long as he has been around. It's very rare that anybody raises an initiative or referendum or recall. As far as Mayfield Village is concerned, he does not think anything of this sort ever happens.

Mr. Fikaris asked, when it says referendum provision, that means the votes on the first ordinance, if that passes, then the second one automatically passes, right?

One of the questions Chairman Caticchio has is it says "is required to pass". He does not know what they mean by this. If there's more than one ordinance passed for a public improvement, only the first ordinance can be contested by referendum. That would be a referendum issue, correct?

Mr. Jochum asked, is that what is says? Or could it be a separate referendum?

Chairman Caticchio replied, when Council passes an ordinance for the building of a fire station, that is the first ordinance passed. Now they pass a second one saying that they are going to spend another \$2 million. Only the first one can be contested. "The referendum provision shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinance or resolution."

Chairman Caticchio asked Mrs. Betsa to put this on the list for discussion with Joe.

Chairman Caticchio said the rest of this is clear because it discusses the ordinance for a tax levy. Are there any other observations regarding this Section? There were none.

Section 5 – Pending discussion with Joe

Section 6 - Effect of Referendum on Emergency Measures

Chairman Caticchio stated this goes back to what we were talking about that emergency ordinances and resolutions go into effect at the time indicated therein, notwithstanding that a referendum may be filed against them. “If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as of the date of the certification of the vote”. Theoretically, if you don’t have a special election, an ordinance can be in effect for a couple of years before you come to the next vote.

Chairman Caticchio asked if there were any questions on this Section. There were none.

Section 6 – Preliminarily Approved

Section 7 - Recall

Chairman Caticchio stated this is one of those paragraphs that should be broken down into about four or five parts. He doesn’t think that’s what we are going to do. Anyone have any issues, questions or comments about this provision of Section 7?

Mr. Fikaris found the last line interesting, “The officer removed by such election shall not be eligible for appointment to the vacancy created thereby”. Now what if it’s that tricky thing that we tried to figure out that falls between that 31st month and the 62nd day that they can run again? It wouldn’t be wise, right, if the electorate just kicked them out, but he supposes they could get back on the ballot. He does not think there’s anything wrong with the language, he just thought it was interesting to say, okay, but they can get themselves back on the ballot under certain circumstances, they are just not eligible for appointment. In some circumstances, it’s appointment, the position, if it’s open, it’s appointed as we have covered before. He just thought that was interesting.

Chairman Caticchio asked, are you talking about, that the guy that’s kicked out can go back into the same vacancy that he was kicked out of?

Mr. Fikaris stated, well he can’t be appointed to it, but under those circumstances, remember we discussed the little window of opportunity before? He’s okay with that. If wants to go ahead and apply it for that after they all kicked him out, but that may play out one day, you never know.

Mr. Jochum does not know that we want to chop it up.

Chairman Caticchio agreed.

Section 7 – Preliminarily Approved

Article VIII – Franchises

Chairman Caticchio asked what the Village has in the way of franchises. The cable network?

Mr. Jochum replied, that might be.

Chairman Caticchio stated, also the two cell towers, the one next to the firehouse and the one at the Service Department. Do they pay rent? How much a month, about \$3,000 a month for each?

Chairman Caticchio asked if there were any other comments. There were none.

Mr. Singer asked about gas wells.

Chairman Caticchio stated, they wouldn't be franchised. They only have to get a permit from the State of Ohio.

Mr. Jochum stated you are talking about if the Village were to enter into an agreement.

Chairman Caticchio stated, if the Village were, yes. The Village would not be involved in that, except through permits.

Mr. Singer asked, can we put anything in the Charter about not allowing oil and gas wells in the Village?

Chairman Caticchio replied, no, that's usurped by the State of Ohio. Mr. Farmer added, it's unconstitutional.

Chairman Caticchio continued, as a matter of fact, that was one of the big problems about that. When that law was passed, it was passed down in Columbus. You can start down in Stark County and go straight south to Columbus or east and west around the central part of the State and you've got gas wells everywhere coming out of your ears. The people in Columbus are used to them in the area. People get involved with gas wells and don't know what they are doing ahead of time. Some people make some money on it. It isn't a sure thing, that's for sure.

Mr. Fikaris asked, out of curiosity, are there the same residential issues that we have in other communities?

Mr. Farmer replied, yes. That's why it's an issue peculiar to residential areas, especially the ones that have smaller lots.

Chairman Caticchio added, most of the gas wells end up on farm land, but the problem is is that in a lot of cases until now that they have started drilling in backyards, the development grew up around the existing wells. Mr. Jochum agreed, they were there.

Article VIII – Preliminarily Approved

Article IX – Finances and Taxation

- . Section 1 – General
- . Section 2 - Limitations on Rate of Taxation

Chairman Caticchio stated this Article is controlled by the State of Ohio and the Constitution.

Article IX – Preliminarily Approved

Article X – Amendments to the Charter

Chairman Caticchio stated we have to keep in mind that we are not the only game in town in amending the Charter. As you know, there are two other ways to do it, one of them by action of Council, the other by referendum. This goes to the idea of Charter Review Commission being called together every 10 years, which is the next Article, Article XI.

Mr. Farmer stated this Article relates back to the petition procedure section that we are going to ask Joe about. We talk about electors of the municipality being able to do it.

Article X – Preliminarily Approved

Article XI- Charter Review Commission

Chairman Caticchio is still in favor of convening the Charter Review Commission every 10 years rather than 5, keeping in mind that there are other ways of amending it, especially the idea that Council can amend it by a vote of 2/3rd's, a supermajority which means that if there is a real need to do it, it can be done. Chairman Caticchio goes back to the idea that it should be every 10 years, are there any opinions on that? Instead of convening every 5 years, that we convene every 10 years?

Mr. Jochum thinks it should be 10 years.

Chairman Caticchio stated, this is the one that lost the last time around. Does anyone have any objection that we submit it again?

Mr. Fikaris asked, is there any particular reason or precedent why it's in multiples of five?

Chairman Caticchio replied, no.

Mr. Fikaris, continued, that there would be another number that, does 10 sound scary in this day and age, like, what could happen in 10 years? Lots of things. Although there are other methods. It may seem unnecessary, but people have a comfort level that there is someone looking through this with some frequency. Five is maybe too frequent.

Mr. Farmer asked, 7?

Mr. Jochum stated, you make a good point. Whatever it is, Joe has to rewrite it from what it was the last time. He has to tweak it.

Mr. Fikaris stated, he said he would change it to "The Charter Review Commission shall meet every 10 years." That's what he said, this time he is going to write it like that.

Mr. Jochum agreed.

Mr. Farmer said, it could be said, every 10 years subject to Council's ability to be able to change it at any time.

Chairman Caticchio stated that would throw confusion into the whole thing. It specifically states in Article V that Council does have that power. Chairman Caticchio gets upset by the amendment of Constitutions. This is our Constitution in effect. One of the things are using the State Constitution to create personal events, building of a casino. That should have never ever been, changing the Constitution of the State of Ohio. We know to change the Federal Constitution, that's a real rough ride. You have to get $\frac{3}{4}$ of the votes of the States themselves.

Mr. Jochum asked if the State gave a reason why they went that route.

Chairman Caticchio replied, because they couldn't get it done any other way. It was shot down by the legislature a dozen times going way back. Constitutions are supposed to be the bedrock of the laws of the State, just like the Constitution of the United States should be the bedrock of the laws of the State. The other interesting part of it is in Columbus, they had a specific site spelled out and for some reason that site fell through and they have to go back on this ballot and change the site.

Mr. Jochum asked, what happens if it doesn't pass.

Chairman Caticchio stated, they won't build.

Mr. Fikaris stated if the rewording of Article XI fails because it was worded incorrectly, last time it said it was a change from 5 to 10?

Chairman Caticchio stated what Joe is saying is we could have probably gotten it if he had worded it differently. In other words, not misrepresenting, but put it in such language that, as said, no means yes and yes means no.

Mr. Fikaris stated, that the Charter Commission shall meet every 10 years, yes or no?

Chairman Caticchio replied, right.

Mr. Fikaris said in the previous election, the language "change from one to the other" was included.

Mr. Jochum said, had he not included that language, it may have been a different outcome.

Mr. Fikaris suggested if the number from 5 to 10 is scary, we could change it to 7 or 8.

Article XI – Schedule for a vote of the Village

Article XII – Miscellaneous Provisions

. Section 1 – Effect of Charter

There were no issues with this Section.

Section 1 – Preliminarily Approved

. Section 2 – Municipal Government Education for Mayor and Council

Chairman Caticchio stated this Section was our handiwork.

Mr. Jochum asked Mrs. Betsa if anyone has actually done this. Has any new Council member attended this? We have only had one, Joe Saponaro.

Mrs. Betsa replied, Joe Saponaro attended education sessions relating to municipal government through the Leadership Academy held by Cleveland State University. This course is run for two days every three weeks over a six month period. You are required to attend the sessions in order to fulfill the graduation requirements.

Mr. Fikaris found the language interesting “may require first-time and newly elected members”, *may*, and it says “Council shall choose the course or seminars to be attended.” So, if I don’t like you, and you won, and I say you have to go to “obedience school” and you may not have to because of “*may*” require first-time.

Chairman Caticchio stated we discussed this and purposely left it up to Council.

Mr. Jochum stated, it’s a pretty good point though.

Mr. Fikaris stated, if you are a 10 time councilman who either loses and then comes back in 4 years and newly-elected, I may put you through the wringer too. He just thought that was interesting.

Section 2 – Preliminarily Approved.

Section 3 – Effect of Charter on Existing Laws and Rights.

Chairman Caticchio asked Mr. Jochum to give his opinion on this.

Mr. Jochum stated that prior to us having this Charter –

Chairman Caticchio was thinking of the municipality grandfathering themselves.

Mr. Jochum said this is one of those provisions that talks about anything prior to the Charter.

Chairman Caticchio said, this says “adoption of this Charter”. What about any subsequent amendments to the Charter?

Mr. Jochum stated, it doesn’t say.

Chairman Caticchio asked, so the adoption of this Charter –

Mr. Jochum asked, the original adoption?

Chairman Caticchio replied, yes. Do you think that applies only to the original adoption? It doesn’t apply to any subsequent amendments?

Mr. Jochum would think that the –

Chairman Caticchio replied, it was “as is” whenever the issue comes up.

Mr. Farmer stated anything that’s been adopted since the Charter is covered. He does not think we have to reword it. This was kind of grandfathering in everything up to that point.

Mr. Jochum stated, prior to the original Charter. That’s how he reads it.

Section 3 – Preliminarily Approved

Section 4- Oath of Office

There were no questions on this Section.

Section 4 – Preliminarily Approved

Section 5- Interpretation of Charter

There were no questions on this Section.

Section 5 – Preliminarily Approved

Section 6 – Saving Clause

Chairman Caticchio stated this is obvious. If one part of the Charter is found to be unconstitutional, we don't have to do away with the entire Charter.

There were no questions on this Section.

Section 6 – Preliminarily Approved

Section 7- Conflict of Interest

Chairman Caticchio asked if anyone has any issues with this conflict of interest clause.

Mr. Jochum asked if Council members have to sign disclosure statements.

Mr. Farmer stated Board members on different Boards now have to sign that.

Mr. Jochum asked if they file a final report at the end of the year.

Section 7 – Preliminarily Approved

Section 8 – Ward Boundaries

Mr. Fikaris found this Section interesting. The language, “delineated by straight lines and right angles” so you couldn't ward out someone's house and the other guy's house.

Chairman Caticchio stated they call that gerrymandering.

Mr. Jochum referred to what the new County Council Districts look like. Mr. Fikaris added, ours goes down and around. Mr. Jochum asked, we are with Fairview Park? Mr. Fikaris replied, we are the only one that's like that. All the other ones are fairly geocentric. We go down all the way and then we go over. Mr. Jochum asked, how do they do that? Mr. Fikaris replied, it's probably because of population. It's interesting how they blocked it that way.

Chairman Caticchio asked if these are going to be reset after the Census is certified.

Mr. Fikaris stated, the Village population doesn't change much, so that might not affect anything. It's interesting, this was last amended in 1981. In 1981, there are neighborhoods which were not there that are now.

Section 8 – Preliminarily Approved

Section 9- Distribution of Revised Charter Copies

Chairman Caticchio told Mrs. Betsa not to forget to distribute the new Charter when we are done with it.

Section 9 – Preliminarily Approved

. Any Other Matters

Chairman Caticchio stated we have been through the entire Charter.

Mr. Jochum asked what the steps are from here. We have to have Joe come in. We are ahead of schedule, are we not?

Chairman Caticchio asked if Joe has been pinned down for a date. Mrs. Betsa replied Joe is getting back to her relative to his availability either for the next meeting on April 28th or the meeting on May 10th.

Chairman Caticchio asked when the Mayor will be available to meet with the Commission. Mrs. Betsa replied, the Mayor will be here at the next meeting on the 28th. Chairman Caticchio said it would be good to have both Joe and the Mayor here. It will be just a question and answer period. We won't have to go through any parts of the Charter. We are all done with that.

Chairman Caticchio asked Mrs. Betsa, when did we decide that we were going to get the amendments to Joe? Mrs. Betsa replied, all recommendations are to be provided to the Law Department for drafting no later than June 15th.

Mr. Jochum asked how many more meetings we have scheduled. Mrs. Betsa replied, four. Mr. Jochum stated, we are meeting with the Mayor and the Law Department at the next meeting.

Chairman Caticchio added, the one after that, May 10th, we will vote amongst ourselves for the issues that we are going to send to Joe that he is going to rewrite. It will then have to go to Council.

Mr. Jochum stated we probably will only need three more meetings, once to meet with Joe and the Mayor, once to get together to vote and decide what we want rewritten and the last one is to review with Joe the amendments.

Chairman Caticchio suggested we send out a notice to everyone and ask them to please prepare a list of questions that they would like to submit to Joe and the Mayor on the 28th.

Mr. Farmer asked if they will have a list of the questions we discussed at this evening's meeting and at previous meetings. Chairman Caticchio replied, yes. Joe has already been sent one part of it in which he replied by letter.

Mr. Jochum asked what the dates of the next meetings were. Mrs. Betsa replied: April 28th, May 10th, May 24th and June 14th. The draft should be at the Law Department by June 15th.

Chairman Caticchio stated we are not going to prepare any drafts ourselves, we are just going to advise Joe of the issues that we want to amend. If any of us has a suggestion as to the language itself, we can of course include that for Joe to consider.

Chairman Caticchio asked if there were any further comments. There were none. Chairman Caticchio asked for a motion to adjourn.

Mr. Jochum, seconded by Mr. Farmer, made a motion to adjourn the meeting.

. **Next Meeting**

There being no further business, the meeting concluded at 8:34 p.m. The next meeting of the Charter Review Commission was scheduled for Wednesday, April 28th at 7:00 p.m. in the Main Conference Room at Mayfield Village Civic Hall.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission