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MINUTES OF THE CHARTER REVIEW COMMISSION
MAYFIELD VILLAGE, OHIO

Monday, March 9, 2020 – 6:30 p.m.

Main Conference Room - Mayfield Village Civic Center

Present: Paul Fikaris, Mark Granakis,
Dona Kless, Lorry Nadeau,
Diane Stricker, Dr. Jim Thomas

Also Present: Chief Matias, Chief Carcioppolo, Henry DeBaggis
Anthony Coyne, Allen Meyers and Mary Betsa

Absent: Alexandra Jeanblanc, Larry Harrison

Approval of Minutes of the Organizational Meeting of Wednesday, February 26, 2020

Two corrections were made – Mrs. Kless was not present. Dr. Thomas noted that on page 13, line 14: by which the Mayor shall not receive any further “conversation” for that position was revised to “compensation” and on page 14, it was clarified that when Dr. Thomas was talking about receiving a stipend, it was an example, not a suggestion.

Mr. Granakis, seconded by Ms. Stricker, moved to approve the Minutes of the Meeting of Wednesday, February 26, 2020 as revised.

Roll Call: AYES: All
NAYS: None

Motion Carried
Minutes of February 26, 2020
Approved as Revised

Chairman Fikaris stated, our second order of business is to review Article V of the Charter. We are going to go ahead and hear from Chief Paul Matias of the Police Department and Chief Gino Carcioppolo of our Fire Department.

ARTICLE V - ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

SECTION 6. CIVIL SERVICE COMMISSION.

(E) Promotions.

The position of Chief of Police and Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the rank below, providing that there are two or more persons in such next lower rank who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission. In the event there are not two persons willing to compete for such examination from the next lower supervisory rank, then the Commission has the authority to permit competition for such appointment from the next lower rank, as well as to include competition from

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qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing 2 qualified and willing candidates.

No positions except the Chiefs of each Department, above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank, provided in those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months, therein and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination. (11-3-15).

Except as otherwise provided in this paragraph (E) of Article V, Section 6, of this Charter, all promotions of employees within the classified service shall be made in accordance with the general laws. (Amended 11-3-15)

Reference is made to Exhibit A – proposed language revisions.

Chief Carcioppolo explained, this language was modified at the last Charter Review. It's a little different than what we were expecting it to be, but at the end of the day, we have also created the position of Assistant Fire Chief. That position needs to be identified in this language. With the retirement of the former Assistant Fire Chief last year, we had to go outside the department. So, we need to add the Assistant Fire Chief to the language so that in the event no one wants to take it internally, the Village can offer the test to the outside. Also, because there's more than one position, the language needs to be revised to plural, "ranks" instead of "rank". With the present language, we would automatically skip over all the people in the lower ranks.

Chief Matias stated, five years ago when this language was introduced, the idea was when we are doing the promotion for Chief, it would come from the supervisors in either the Police or Fire Department. If we couldn't find someone out of the supervisors, then we would open it up to the

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junior personnel as well as candidates from outside. The language was drafted and it was plural when it talked about ranks. That was what was submitted. It was voted on and approved, but somehow when it left Mayfield Village and ended up on the ballot, some of the wording was changed. We don't know why that happened. What we are doing here with paragraph 1 is correcting the language to what it was supposed to be 5 years ago.

Mr. Granakis asked, when was the Assistant Fire Chief hired?

Chief Carcioppolo replied, 2017.

Mr. Granakis stated, it wouldn't have been in the Charter.

Chief Carcioppolo stated, it was. That's why now is the time to put it back in.

Chairman Fikaris stated, as the Chief alluded to, the Charter read that we were not permitted to look elsewhere for a qualified candidate. This is a clarification. Does anyone have any questions?

There were none.

Chairman Fikaris stated, is there any additional comment?

Chief Carcioppolo stated, the second paragraph also needs to be modified. If you see something we missed, let us know.

Chairman Fikaris asked, Mr. Coyne, do you think there's any problems with this?

Mr. Coyne replied, no. This was brought to the Administration's attention a couple months ago.

Chairman Fikaris asked, anything else?

There were no further comments.

(A) Composition, Term and Removal.

As of the effective date of this Charter, there is hereby created a Civil Service Commission which shall consist of three (3) electors of the Municipality, not holding other municipal office or appointment, to be appointed by the Mayor within sixty days after the effective date of this Charter, with the concurrence of a majority of the members of Council, for terms of six (6) years each, except that of the three initially appointed for the term beginning January 1, 1975, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. The Mayor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. A vacancy occurring during the term of any

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member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The Commission shall designate one of its members as Chairman, and may appoint a Secretary who need not be a member of the Commission and may hold other municipal office or appointment. (Amended 5-8-84.)

Chairman Fikaris stated, this is straightforward. Are there any questions?

There were none.

(B) Classification of Service.

The Civil Service of the Municipality is hereby divided into the unclassified and the classified service. The Civil Service Commission shall determine which employees of the Municipality shall be within the classified service and which shall be within the unclassified service, subject to the following provisions.

- (1) All regular full-time members of the Police Department, including the Chief of Police but excluding those not having statutory misdemeanor arrest powers shall be in the classified section. (Amended 11-3-81.)
- (2) All regular full-time members of the Fire Department including the Fire Chief shall be in the classified service. (Amended 11-8-05.)
- (3) The Clerk of Council, all department heads and Commissioners except as set forth in Section (B)(1) and (2) above, secretaries to department heads and elected officials and administrative assistants to department heads and elected officials, whether they be full-time or part-time employees, shall be in the unclassified service. (Amended 11-3-15.)
- (4) Except as otherwise provided in this Charter or the general laws of Ohio, all other regular full-time employees of the Municipality, other than those serving a probationary period of employment, shall be in the classified service.
- (5) Except as otherwise provided in this Charter, all regular full-time employees of the Municipality, other than those serving a probationary period of employment, who have been continuously employed in the service of the Municipality in the same or similar position, for at least eight months prior to the date such position is placed in the classified service, shall be retained in the same or similar position in the classified service without examination until discharged, reduced, disciplined, promoted or transferred in accordance with this Charter or the rules and regulations of the Commission. (Amended 11-8-05.)
- (6) All temporary or part-time employees of the Municipality, as such positions shall be defined by the rules and regulations established by the Commission, shall be in the unclassified service. (Amended 11-8-05.)

Chairman Fikaris asked, can we have a quick definition of “classified” and “unclassified”?

Mr. Coyne replied, classified members are entitled to the full benefits of the Village. They are also members of Police and Fire.

Chairman Fikaris stated, so in our case here, numbers 1 and 2 are considered classified employees. Three is unclassified, 4 and 5 are classified and 6 is considered unclassified.

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Mr. Coyne replied, correct. Unclassified, you are not a member of a union or subject to collective bargaining.

Mr. Granakis asked, are supervisors in the union?

Chief Carcioppolo replied, the line shift supervisors are, but executive levels are not. We are not in the union, but we went through the Civil Service process. Because we started that way, we continued our career through promotional processes with eligibility exams.

Mr. Granakis asked, which would be considered now unclassified?

Chief Carcioppolo replied, we are classified because we went through the Civil Service process.

Mr. Granakis asked, okay, so you keep that?

Chief Carcioppolo replied, you keep that. We are not in the union anymore. We leave the union and then we maintain classified service pursuant to the State Civil Service Rules.

Mr. Coyne asked, you serve at the pleasure of the Mayor, right?

Chief Carcioppolo replied, no.

Mr. Coyne stated, okay. So, Department Heads are not classified. Temporary and part-time employees are not classified.

Mr. Meyers asked, collective bargaining employees?

Mr. Coyne stated, they are classified. Safety forces are all considered classified but some are not subject to the collective bargaining agreement because they are in management. In some communities, they serve at the pleasure of the Mayor and they are not even protected from that perspective. I haven't looked at that provision for you guys.

Mr. Granakis stated, if you have the ability to hire or fire, by law you are not supposed to be in the union.

Chief Matias replied, according to the Ohio Revised Code, there's a section in there that says if you are a chief of police or chief of fire, you cannot be in a bargaining unit. There's a difference between bargaining and civil service. If the civil service rules apply to you, you are classified, meaning there's a civil service test, there's rankings and things like that. For people who are unclassified, like our dispatch staff, we hire them, they don't have to take a test.

Chief Carcioppolo added, or our part-time employees. They are deemed at-will. They are not part of the classified protected civil service.

Chief Matias stated, so if the civil service rules apply to the position, then it's classified. If they don't, it's unclassified.

Chairman Fikaris, I interpret it as continuity so the new Mayor doesn't come in and say, I appoint you chief. There's tests protecting those positions. It's good for everybody. Is there any

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other discussion on this?

There were no further comments.

(C) Duties of Civil Service Commission.

The Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the classified service, in the manner provided by the Constitution of the State of Ohio, and for appeals from the action of the Mayor or from the action of any department head in any case of transfer, reduction in rank or discharge from employment in the classified service, except as otherwise provided in this Charter, and the action of the Commission on any such appeal shall be final, except as provided by law. The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection under reasonable regulations of the Commission, and, in all matters not in conflict with this Charter, shall conduct its affairs in accordance with the provisions of the general law.

Chairman Fikaris asked, are there any questions?

There were none.

(D) Probationary Employees.

All original and promotional appointments of all employees of the Municipality shall be for a probationary period of one year, and no appointment or promotion of an employee is final until such employee has satisfactorily served the employee's probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during such probationary period by the appointing authority.

Chairman Fikaris is the one-year probationary period from hire date?

Chief Carcioppolo replied, yes.

(F) Power to Appoint.

The Mayor, in making any original appointments to a position within the classified service shall be provided by the Civil Service Commission with a list of ten (10) candidates scoring highest on the qualifying examination who have achieved passing grades and the Mayor shall make the appointment from among those candidates. If there would be less than ten (10) candidates who have achieved a passing grade, the Mayor may appoint from the list provided to the Mayor or may request a new list.

Chairman Fikaris stated, this is pretty straightforward and has been a part of our Charter since the beginning.

(G) Power to Promote.

The Mayor, in making any promotions to a position in the classified service shall be provided by the Civil Service Commission with a list of three (3) candidates scoring highest on the qualifying examination who have achieved passing grades and the Mayor shall make the promotion from among those candidates. If there

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would be less than three (3) candidates who have achieved a passing grade, the Mayor may appoint from the list provided to the Mayor or may request a new list. (Amended 11-3-98.)

Chairman Fikaris asked, any questions?

There were none.

Chairman Fikaris thanked Chief Carcioppolo and Chief Matias and Mr. DeBaggis for attending the meeting.

Chief Carcioppolo, Chief Matias and Mr. DeBaggis left the meeting at 6:50 p.m.

SECTION 7. DEPARTMENT OF PUBLIC SERVICE.

The Department of Public Service shall:

- (A) Be responsible for the repair and maintenance of all public roads, streets and alleys, public buildings, drains, ditches, storm sewer facilities, parks, playgrounds and public places.
- (B) Supervise the lighting, sprinkling, cleaning, plowing, spreading of traction material, and other winter care of public streets and places.
- (C) Have such other powers and duties as may be prescribed by ordinance of Council.

Chairman Fikaris stated, this is our Service Department. It's pretty straightforward. Does anyone have any questions or comments?

There were none.

SECTION 8. POLICE DEPARTMENT.

The police department of the municipality shall preserve the peace, protect persons and property, and obey and enforce all ordinances of the Council, and all criminal laws of the state and the United States, and shall perform such other duties as are provided by ordinance of Council. All part-time patrol officers are to be considered as employees at will. (Amended 11-8-05.)

Chairman Fikaris asked, are there any questions on this Section?

There were none.

SECTION 9. FIRE DEPARTMENT.

The fire department of the municipality shall protect the lives and property of the people in case of fire, and shall perform emergency medical services and such other duties as are provided by ordinance of the Council. All part-time members of the fire department are to be considered employees at will. (Amended 11-8-05.)

Chairman Fikaris asked, are there any questions on this section?

There were none.

SECTION 9.1. REGIONALIZED DISTRICTS.

In the event the Council determines that it is in the best interests of the Municipality to join or participate in a regionalized public service, other than police or fire district then the Council shall have the authority to do so and in so doing may abolish or consolidate those positions or

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departmental functions it deems necessary to effect such transition. Any proposal of Council to join or participate in a regionalized police or fire district shall be submitted to the electors at the next general election or any regularly scheduled primary election in the municipality. The proposal shall become effective only upon approval by a majority of the electors of the municipality voting. (Amended 11-4-86.)

Chairman Fikaris stated, this section has garnered some discussion previously about the possibility in the future of Mayfield Village combining efforts within other communities for like services. In previous reviews, we discussed possible sharing of dispatch and EMS duties with other communities.

Mr. Coyne stated, we have mutual aid with exception of Gates Mills. We provide Fire and EMS services to them.

Chairman Fikaris stated, we have discussed in the past whether or not this is the future to combine efforts for certain things like Fire and Police with Highland Heights. This prevents us from doing so. At this point in time we are not in a position where we want to do anything like that. This has been discussed within the county and cities.

Mr. Coyne stated, any regionalized district or service goes to the vote of the people.

Ms. Stricker asked, this exempts Police and Fire?

Chairman Fikaris replied, yes.

Ms. Stricker asked, are there other things we do regionalized service currently?

Chairman Fikaris replied, I believe there are some shared dispatch services we perform for Gates Mills. We enter into a mutual agreement. There might be compensation back to us.

Mr. Coyne replied, with recreation services, we have some agreements with the School District and with Mayfield Heights. That's different. A fire and police district goes to the voters. The mechanism for that is to create a separate authority. You will see this in more rural counties where you have multiple townships with a fire and police district. They have a taxing source in that district that helps pay for that. It can get pretty complicated.

Mr. Granakis stated, this section here basically says it is directed to the Police and Fire.

Mr. Coyne stated, you could do other things too, but either way it goes to the voters. You draft the ballot language to whatever it is you wanted.

Chairman Fikaris stated, as a community we are fairly open to things like dispatch, how we can improve our services all around. With the quality of the services Mayfield Village provides, no one is interested at this point in anything involving any of the safety forces.

Mr. Coyne stated, another example is garbage removal. You could contract that with another community. You would not have to bring that to the voters, but you could do that kind of thing.

Chairman Fikaris asked, are there any additional questions on this section?

There were none.

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SECTION 10. BUILDING DEPARTMENT.

The Building Department shall be responsible for issuing building permits and for enforcing the applicable building and zoning codes in the Municipality, and shall perform such other duties as are provided by ordinance of Council. (Amended 11-8-05.)

Chairman Fikaris stated, employees are appointed by the Mayor. With regard to certification requirements, I am certain they are reviewed. We have a very good Building Department as it stands now. There are no residency requirements. This is self-explanatory. Any questions?

There were none.

SECTION 11. PLANNING AND ZONING COMMISSION.

(A) Composition, Term and Removal.

There is hereby created a Planning and Zoning Commission which shall consist of the Mayor, one member of Council selected by the Council annually, and five (5) electors of the Municipality, not holding other municipal office or appointment in this Municipality (except as provided in paragraph (B) of Section 12 hereinafter), to be appointed for terms of five years by the Mayor, subject to confirmation by a vote of a majority of the members of Council; except that, of the five elector members initially appointed for the terms beginning January 1, 1975, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. The term of office of the present members of the Planning and Zoning Commission heretofore established by ordinance of Council shall terminate upon the election, appointment and qualification of the members of the Commission provided for in this Charter. (Amended 5-8-84.)

Chairman Fikaris stated, this is pretty straightforward. Are there any questions?

There were none.

(B) Officers, Rules, Quorum and Compensation.

The Commission shall elect a Chairman of the Commission from among the five appointed elector members of the Commission. The Commission shall appoint a Secretary to the Commission, who need not be a member of the Commission and who may hold other municipal office or appointment. The Commission may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep a journal of its proceedings. The officers of the Commission shall be elected by the Commission at or prior to its first meeting each year. The Commission shall meet upon call of the Chairman or any three members. A majority of the members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of four members of the Commission shall be necessary for any official action. Members of the

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Commission shall serve without compensation unless otherwise provided by ordinance of Council.

Chairman Fikaris asked, are there any questions on this subsection?

Mr. Coyne asked, this says "A majority of the members of the Commission shall constitute a quorum for the transaction of business" and then it says "an affirmative vote of four members of the Commission shall be necessary for any official action." Why is that? You have five members, right?

Chairman Fikaris replied, right.

Mr. Coyne asked, so to conduct business you need three for a quorum. You can conduct business with three members present, but you can't take action unless you have four members. Just curious. It would seem to be you would have a supermajority to have a quorum of four to conduct business but three can take action.

Chairman Fikaris stated, I just think historically it was our ability to, typically when something comes before the Planning and Zoning Commission, there is an initial meeting for discussion only. It's not a vote meeting. I believe that quorum allows a meeting to proceed with a simple majority. No vote is ever taken. This is so we can proceed, hear the applicants, hear the interested parties so someone that may not be there can be aware of what is being discussed through the minutes. Sometimes these are timely. For example, at the last meeting, some members were absent. We tabled the vote not because of that. We can table the vote, but we can go on with our meeting. I think that's what it was.

Mr. Coyne stated, the reason why I ask is under Robert's Rules typically if you can't conduct business, you are supposed to notify an applicant so that it can be immediately tabled so they don't waste their time at the meeting. It says "The Commission shall meet upon the call of the Chairman and any three members and a majority of the members of the Commission shall constitute a quorum", but you can't take any action unless you have four. So, what's the point of having a matter presented and heard if there are only three of you?

Chairman Fikaris stated, it allows us to get information during the initial exploratory meeting and then our vote meeting is a separate date.

Mr. Coyne asked, and you have to have four out of five all the time?

Chairman Fikaris replied, yes. To vote. With three, we are allowed to continue our exploratory meeting. If one is missing, we still have the Building Director the Engineer and the applicants to present. Then if there is a quorum issue for the voting meeting, we can always delay the vote until we have the majority that is required.

Ms. Stricker asked, do you ever have four present where you hear the applicant and then vote? Or is it always tabled to another meeting?

Chairman Fikaris stated, it has to be announced. The vote meetings are on the first Monday of the month. Our exploratory meetings when necessary are on Thursdays. It is usually a couple of weeks apart to allow for plenty of time for information gathering. During the exploratory phase

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if there is additional information required from the Building Director, if he has to go out and check on something or the Engineer has to check something, he can provide additional information. There's always plenty of time to provide us with the things we need to know.

(C) Powers and Duties.

The Commission shall have such powers and duties as may be prescribed by ordinances of Council or the general laws of the State of Ohio not inconsistent therewith.

Chairman Fikaris asked, are there any questions on this subsection? I am on Planning and Zoning and would be happy to answer any questions.

There were none.

SECTION 12. BOARD OF APPEALS.

(A) Creation, Powers and Duties.

The Council shall provide by ordinance for a Board of Appeals to hear appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building in the Municipality. Such Board shall have such other powers and duties, and shall follow such procedures as may be prescribed by ordinances of Council; provided, however, that the Board of Appeals shall have no power or authority to grant any change of or variance in any residential district from the existing zoning ordinances or the zoning map of the Municipality, or to permit any land use to become nonconforming therewith. The BZA shall have the authority to grant "Use" variances in non-residential districts, providing that same is approved by Council pursuant to Article III, Sections 10, 11, and 12 of this Charter. All decisions of the Board of Appeals shall be appealable by any interested person or entity to the Village Council. Council may review the minutes or records, or have a rehearing, at its discretion, and may affirm, modify, or reverse any decision of the Board of Appeals by a two-thirds vote of all members elected. (Amended 11-7-95.)

Chairman Fikaris stated, whereas Planning and Zoning upholds the zoning laws of the Village, the Board of Appeals hears any appeals of zoning rulings. Are there any questions?

Dr. Thomas asked, with regard to abbreviations, I don't think any record should have abbreviations. You have the BZA. I am looking at it and say, what is that?

Chairman Fikaris stated, what is the proper thing, to define it first? There is no reference to the BZA before this. This is the first mention of it.

Mr. Coyne stated, you could as a Commission, make a recommendation when your work is completed, to eliminate the use of unnecessary abbreviations that are not defined.

Chairman Fikaris stated, I found this language in someone else's Charter. It says, "Corrections to Charter – In the event that a typographical, grammatical, numerical or organizational sequencing or other non-substantive error, including absence of general neutral references, is

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found to exist in the Charter, and the correction of which will not change the legal intent or purpose of any part of the Charter, then City Council may correct such error by unanimous vote of the entire Council and no ballot measure would be required.”

Mr. Coyne stated, one other point of reference, BZA is actually an incorrect identifier. It's the Board of Appeals. It doesn't say Board of Zoning Appeals. Actually, Board of Zoning Appeals would be the more accurate description of what that body does. Something to make note of if you want to be more precise.

Mr. Granakis asked, what's the recommendation?

Chairman Fikaris replied, it would be to add the word "Zoning".

Mr. Coyne stated, it should be cleaned up. Even in Section (B) it references the "Board of Appeals", the "Board of Zoning Appeals", the "Zoning Board". It should be consistent.

Chairman Fikaris stated, throughout the Charter if we find out it doesn't all mean the same things, like "elector", "resident", there's a bunch of different names, but they mean different things. In this case, we can make it "Board of Zoning Appeals".

Mr. Meyers asked, when did they change it?

Mr. Coyne replied, looks like 1984.

Mr. Meyers stated, I have a 1995 Charter right here and it's not in there.

Mr. Coyne reviewed Mr. Meyers' versions. The last sentence did not get put in. It does not have the operative amendment which was "the BZA shall have the authority to grant use variances in non-residential districts provided that same is approved by Council pursuant to Article III, Sections 10, 11 and 12 of this Charter." That whole sentence which is really an important amendment allows use variances in districts other than residential. That's a big deal and that's not even in this.

Chairman Fikaris stated, it's not going to be in the 2010 Charter which is what we used in 2015.

Mr. Meyers asked, when did they change it if it's not in there?

Mr. Coyne stated, the date wasn't changed This should have been 2010. That's the mistake.

Ms. Stricker stated, the Planning and Zoning Commission is referred to as the Planning and Zoning Commission, but then we come to the Board of Appeals –

Mr. Coyne stated, and it's called three different things, Board of Appeals, Board of Zoning Appeals, Zoning Board of Appeals. That should all be consistent, probably Board of Zoning Appeals.

Chairman Fikaris stated, Section 12 should say "Board of Zoning Appeals".

Ms. Stricker stated, right. And then change every reference in the section throughout.

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Chairman Fikaris stated, we could approve an umbrella policy to change the language for clarification.

Mr. Granakis stated, that is really all that this is. It's not changing anything but being consistent. It's referenced under Article III. It's just not written the same here.

Chairman Fikaris stated, I would love to put in definitions, like "residents", "electors", "registered electors" and "qualified electors".

Ms. Stricker stated, qualified according to the qualifications named.

Chairman Fikaris stated, we determined an elector is someone eligible to vote. A registered elector might be a registered voter. I think qualified elector and elector is the same thing. A resident would include minor children.

Ms. Stricker asked, could qualified elector be referred to as qualifications named prior to calling somebody a qualified elector? That might be outside of someone being registered and over 18.

Chairman Fikaris stated, I don't think that really causes an issue here. We discussed a few of these and I think elector means over 18 and that's that.

Mr. Granakis stated, it's an eligible vote. Someone that is registered to vote.

Chairman Fikaris stated, I don't think this Charter can discriminate against registered and non-registered voters. You can't force someone to vote. You can't say you have to have a voting record to be on Council or Planning and Zoning. It's just good practice.

(B) Composition and Terms.

The Board of Appeals shall consist of five (5) electors of the Municipality. Four of such members shall be appointed for terms of four years by the Mayor, subject to confirmation by a vote of a majority of the members of Council; except that, of the four members initially appointed for terms beginning January 1, 1975, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The fifth member of the Board of Appeals shall be one of the five appointed elector members of the Planning and Zoning Commission, who shall be elected annually to the Board of Appeals by vote of at least four members of the Planning and Zoning Commission, prior to or at such Commission's first meeting each year. Such fifth member of the Board of Appeals shall serve for a term of one year, and shall be so elected by the Planning and Zoning Commission each year. No elected official of the Municipality or other member of the Planning and Zoning Commission shall be appointed to the Board of Appeals, but other appointed officials of the Municipality shall not be disqualified from serving as members thereof. The term of office of the present members of the Zoning Board of Appeals and the present members of the Board of Building Code Appeals, heretofore established by ordinance of Council, shall terminate upon the appointment and qualification of the members of the Board of Appeals created by this Charter. (Amended 5-8-84.)

Chairman Fikaris stated, this subsection defines what the Board of Zoning Appeals does and how the members are appointed. It's quasi-judicial.

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Mr. Granakis stated, this goes back to what we were talking about before, with the vote of at least four members. It's the same thing.

Chairman Fikaris stated, right. Yes.

Mr. Granakis stated, if four members are not there, you have the meeting, discuss the business and you just don't vote on it.

Chairman Fikaris stated, they don't have a second day of voting like we do. They can vote right there at their meetings as well. It's a little different.

(C) Vacancies and Removal.

A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any member of the Board for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. (Amended 5-8-84.)

Chairman Fikaris asked, does anyone have any questions on this? It is pretty straightforward.

There were none.

(D) Officers, Rules, Quorum and Compensation.

The Board shall elect a Chairman of the Board from among the four appointed electors members of the Board. The Board shall appoint a Secretary to the Board, who need not be a member of the Board and who may hold other municipal office or appointment. The Board may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep a journal of its proceedings. The officers of the Board shall be elected by the Board at or prior to its first meeting each year. The Board shall meet upon call of the Chairman or any two members. A majority of the members of the Board shall constitute a quorum for the transaction of business, and the affirmative vote of three members of the Board shall be necessary for any official action. No variance shall be considered by the Board until notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. Lack of service on any random property will not nullify any variance granted hereunder.(Amended 11-7-95.)

Chairman Fikaris asked, does anyone have any questions on this? It is pretty straightforward.

There were none.

The Commission went back up to Sections 1-5 of Article V.

SECTION 1. GENERAL PROVISIONS.

The Municipality shall have an Architectural Review Board, a Department of Parks and Recreation, a Parks and Recreation Board, a Law Department, a Finance Department, a Civil

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Service Commission, a Department of Public Service, a Police Department, a Fire Department, a Building Department, a Planning and Zoning Commission, a Board of Appeals and a Commission on Aging. The Council shall provide by ordinance for the organization and duties thereof not provided by this Charter. The Council may establish by ordinance new administrative offices, departments, boards and commissions or divisions thereof and, with the exception of the offices, departments, boards and commissions established by this Charter, may combine or abolish such offices, departments, boards and commissions or divisions thereof as it may deem to be necessary or desirable. The Council may authorize one person to be the head of two (2) or more departments, boards or commissions or divisions thereof. All heads of the departments indicated above or otherwise created by Council shall create and maintain a job description for each full-time position within their Department. (Amended 11-7-00.)

Chairman Fikaris stated, this describes all of the Boards and Commissions we have. Are there any questions on this Section?

There were none.

SECTION 2. ARCHITECTURAL REVIEW BOARD.

The Council shall provide by ordinance for an Architectural Review Board consisting of at least three members and not more than five members, as the Council shall determine. All members thereof shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council. All members shall be residents of the Village of Mayfield. Members may not hold any other elected position within the Village. The Board shall have such powers and duties as may be prescribed from time to time by ordinances of Council. (Amended 11-7-95.)

Chairman Fikaris stated, I don't know if anyone has had any experience with these folks. They are good people and they do a really good job. They are down to the rock and color and base when somebody wants to come in and put an addition on. The amount of detail they go into is a huge benefit to the Village, having the knowledge that these folks have so we have well-built and visually pleasing additions.

Ms. Stricker stated, I agree. I went before them for an addition. They are very extremely thorough.

SECTION 3. DEPARTMENT OF PARKS AND RECREATION; PARKS AND RECREATION BOARD.

(A) There shall be a Department of Parks and Recreation which shall include the Director and such other employees as Council shall provide. Such employees shall work under the general supervision of the Director and shall be appointed by the Mayor, with confirmation by the majority of the members elected to Council. The Director of Parks & Recreation shall be the head of the Parks & Recreation Department, and shall serve under the general supervision of the Mayor, on the advice of the Parks & Recreation Board, and subject to confirmation of the majority of the members elected to Council. The Director of Parks & Recreation shall have knowledge of municipal park and recreation operations, budgetary and supervision skills. The Director of Parks & Recreation shall serve until removal by the Mayor, and concurrence by a majority of the members elected to Council by a vote at a regularly or specially scheduled meeting of Council. The Director of Parks & Recreation shall, under supervision of the Mayor, supervise the Parks & Recreation Department and shall manage, conduct, and supervise all operations of municipal parks and recreation areas and facilities.

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Chairman Fikaris stated, this would be unclassified. The language in here says, "The Director of Parks & Recreation shall serve until removal by the Mayor." So, the Director is appointed by the Mayor and removed by the Mayor, so the Mayor can bring in a new Director of Parks & Recreation if the Mayor so chooses.

(B) The Council shall provide by ordinance for a Parks and Recreation Board. The members of such Board shall consist only of residents of the Municipality willing to devote their time and efforts to the Recreation Board. No elected official of the Municipality shall serve as a member of the Board, except that the Council President shall appoint one member of the Council as a Council representative to such Board, who shall have a vote equal to any other member. All other members of the Board shall be appointed in such manner and for such terms, and the Board shall have such powers and duties, as may be prescribed from time to time by ordinances of Council. The Parks & Recreation Board shall serve in an advisory capacity for the development of facilities and programs. The Board shall advise the Director in the operation of the Parks & Recreation Department. (Amended 11-7-00.)

Chairman Fikaris asked, has anyone served on this Board?

Mrs. Kless stated, I do. We plan parties.

Chairman Fikaris stated, this is another really good organization that serves the Village well. Are there any questions about this subsection?

There were none.

SECTION 4. LAW DEPARTMENT.

The Law Director shall be the chief legal officer of the Municipality. The Law Director shall be provided with such assistants as the Council may, from time-to-time, deem necessary and desirable. The Law Director and such assistants shall be appointed or removed by the Mayor subject to the confirmation by vote of the majority of the members elected to Council. Every second year, commencing in the year 1988, at the first meeting of Council immediately after the preceding general election, the Mayor shall either reappoint the Law Director or make a new appointment, each of which shall be subject to confirmation by a majority vote of the members of Council. The Mayor may appoint special counsel to augment the services of the Law Director, and the Law Director's assistants, or substitute for them. Such appointment shall only be made after the Law Director has certified to the Mayor and Council, in writing, that the Law Director is unable, or incapable, of representing the Municipality in a specific matter. Such appointment of special counsel shall be subject to confirmation by a majority vote of Council.

The Law Director will receive no compensation for any services relating to a matter for which special counsel has been appointed. The Law Director shall be an attorney-at-law in good standing admitted to the practice of law in the State of Ohio for a period of at least five (5) years, but need not be a resident of the Municipality. No person shall serve as Law Director of the Municipality while serving in the same, or substantially similar, position with an adjacent community, sharing a common border with Mayfield Village. The Law Director shall be the principal legal advisor and attorney for the Municipality and its officers, departments, boards and commissions in their official capacities, and shall perform such other duties, consistent with this office, as may be assigned from time-to-time by the Mayor and Council. (Amended 11-4-86.)

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Chairman Fikaris stated, this is pretty straightforward. Tony, are you Law Director for any other community?

Mr. Coyne replied, no. I am Special Counsel for a few. I was Law Director in University Heights for three years as well. You cannot be Law Director of an adjacent community to Mayfield Village. You can do legal work, but you cannot be Law Director. That's not uncommon in a lot of Charters because you can have conflicts.

Chairman Fikaris stated, I think we are definitely served well. Folks that serve in other communities or have in the past bring a lot of experience as well and can shed light very quickly on how other communities handle issues as they come up. Any questions on this subsection?

There were none.

SECTION 5. FINANCE DIRECTOR.

The Director of Finance shall be the head of the Finance Department and fiscal officer of the Municipality and shall be provided such assistants as the Council may from time-to-time deem necessary and desirable. The Director of Finance and any such assistants shall be appointed or removed by the Mayor, subject to the confirmation by a majority of the members elected to Council. Every second year, commencing in the year 1988, the Mayor shall either reappoint the Director of Finance or make a new appointment, each of which shall be subject to confirmation by a majority vote of the members of Council. The Director of Finance shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. The Director of Finance shall keep the financial records of the Municipality, exhibiting accurate statements of all monies received and expended, of all property owned by the Municipality, and of all taxes and assessments. The Director of Finance shall be custodian of all public money of the Municipality, shall keep and preserve such money in the place or places authorized by ordinance, and shall disburse the same as may be required by law or ordinance. The Director of Finance shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any other purpose. The Director of Finance may examine and audit the accounts of all officers, employees, and departments of the Municipality. He may require evidence that the amount of any claim presented to the Director of Finance is due. Every two (2) years the Director of Finance will cause to be compiled, for Council, a physical inventory of municipal owned property. The Director of Finance shall perform such other duties consistent with the office as the Mayor or the Council may direct. No person shall act as Director of Finance unless duly registered with the State of Ohio as a public accountant or certified public accountant. (Amended 11-4-86.)

Chairman Fikaris stated, we have a very qualified individual in this position. The hiring practices require that this person is registered in the State of Ohio as a public accountant or a CPA.

Ms. Stricker asked, this section is titled Finance Director, but through the body he/she is called Director of Finance. I like continuity personally. Should we call it the Director of Finance if that is how we are going to refer to that person through the body?

Mrs. Nadeau stated, in Section 4, we say Law Department, so we could say Finance Department. If we decide to do that, who actually takes the Charter and fixes the language?

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Mr. Coyne replied, we will fix the language and put it on the ballot.

Chairman Fikaris stated, each one of these would have go to, so there would be a separate voting issue.

Chairman Fikaris asked, are there any additional questions on Article V?

There were none.

ARTICLE VI - NOMINATIONS AND ELECTIONS

Nominations for elective offices of the Municipality shall be made only by petition, signed by registered electors of the Municipality, not less in number than two percent (2%) of the number voting in the Municipality at the last preceding general election, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts, which shall be filed, however, as one instrument. No primary election shall be held for the selection of any candidate for any elective office of the Municipality; and no nomination for any such office shall be of any effect unless made as required by this Article. The ballot used in the election of officers of the Municipality shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the Laws of Ohio. Except as otherwise provided in this Charter, the Laws of Ohio shall govern the nomination and election of the elective officers of the Municipality. Any matter which, by the terms of this Charter, may be submitted to the electors at a special election, may be submitted at the time of a primary or general election.

Chairman Fikaris stated, this explains the process. Are there any questions?

Mrs. Kless stated, you do have to be a registered voter to sign the petition.

Chairman Fikaris stated, yes. Are there any additional comments or questions?

There were none.

ARTICLE VII - INITIATIVE, REFERENDUM AND RECALL

SECTION 1. INITIATIVE.

The electors shall have the power to propose any ordinance or resolution, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to Council by a petition signed in ink by qualified electors equal in number to at least ten percent (10%) of the total vote cast at the last regular municipal election, which petition shall be filed with the Clerk of Council. Within twenty (20) days after any such petition has been filed, the Clerk of Council shall determine the sufficiency of the petition, and if found sufficient, shall certify the same to the Council. Thereafter, the Council shall take final action, either enacting, amending, or rejecting the proposed ordinance or resolution, within forty (40) days after it has been certified sufficient by the Clerk of Council. If, within such forty (40) days, Council fails to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefore, the petitioners, through the Committee named on such petition may, at the next regular meeting of Council, request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution

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to the electors at the next general or regular scheduled primary or special municipal election occurring more than seventy-five (75) days after the certification of such petition by the Clerk; but if such petition is signed in ink by qualified electors equal in number to at least twenty percent (20%) of the total votes cast at the last regular municipal election, the date of the election may be fixed therein, which may be a special election to be held at any time more than seventy-five (75) days after the certification of such petition by the Clerk and within eight (8) months after such certification. If the Clerk of Council shall find any such petition insufficient, the Clerk of Council shall, within twenty (20) days after the filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee named on such petition, return the entire petition to such Committee, and make a record of such delivery. Such Committee may thereafter take steps to make such petition sufficient, and may refile the same, as an originally filed petition, with the Clerk of Council at any time within one year after the date of the first filing thereof. (Amended 11-3-94.)

Chairman Fikaris stated, this describes how a ballot initiative can be introduced, either by Council or petition.

Ms. Stricker stated, this also has your qualified electors.

Chairman Fikaris stated, yes. In this case, the petition is just by the qualified electors. I don't know if this needs to be clarified. Is that an issue? The petition should be signed in ink by qualified electors equal in number to at least ten percent (10%) of the total vote cast at the last regular municipal election.

Ms. Stricker asked, does that mean registered?

Mr. Coyne replied, right, in the Village. Qualified elector would be someone registered in the Village.

Chairman Fikaris stated, to be a qualified elector, there's no registration requirement. This language is interchanged. Qualified electors, we defined for the rest of the Charter was someone over 18 years of age.

Mr. Granakis stated, you have to be a resident of the Village.

Chairman Fikaris stated, in Article VI, it talks about registered electors.

Dr. Thomas stated, that has nothing to do with doing a petition.

Chairman Fikaris stated, in this case, right. What's a registered elector?

Mrs. Kless stated, it looks like to get a petition going, maybe you don't have to be a registered voter.

Ms. Stricker asked, but do you?

Mrs. Kless stated, I don't know.

Mr. Coyne stated, qualified elector is the same as a registered voter. If you want to change it, we can.

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Chairman Fikaris stated, we used the term residents, electors, registered electors and qualified electors.

Mr. Coyne stated, when they count signatures on a petition, they look at whether you are registered to vote. If you are not, it's not counted.

Ms. Stricker asked, so you are saying qualified and registered are the same?

Mr. Coyne replied, they are the same thing.

Chairman Fikaris stated, I would say to change that to voters.

Ms. Stricker stated, or just make it the same.

Chairman Fikaris stated, we talked about maybe having a glossary in the front.

Ms. Stricker stated, I don't know if you just want to do voters. Has it ever said voters, it always says electorate?

Mrs. Kless stated, you would have to be registered. You can't elect anybody if you are not registered.

Chairman Fikaris started, but in this last section it says qualified electors. That's different in my mind than a registered elector. Qualified just means you meet the requirements to vote.

Mr. Coyne stated, I don't agree. It says signed in ink by qualified electors. If you are not a registered voter, you are not going to count. I can look into this further.

Chairman Fikaris stated, in qualifications for Council, it says qualified elector more than once.

Mr. Coyne stated, and that's a registered voter. I can double check. It's unusual language.

Chairman Fikaris stated, it was previously defined to say someone qualified to vote. So, if I am going to run for Council, as I interpret the Charter, I do not have to have a voting past.

Mr. Coyne stated, that could be, but in order to get your hat in the ring, you have to have petitions taken out signed by registered voters or a.k.a. qualified electors. I will look into it further.

Chairman Fikaris stated, one of these need to be changed. Because it says qualified and then it says registered.

Mr. Coyne stated, I can check with the Board of Elections.

Chairman Fikaris stated, ask them what they define as electors. I would like to have the language cleaned up and specified.

Mr. Granakis stated, if it turns out by law that this is the way it's got to be, it wouldn't go in front of the voters, then would it? What if the voters rejected it and the law says you have to have it?

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Mr. Coyne stated, we haven't had a definitional section, but it might be you have a section in Article VI which would be easier to simply say, the term qualified elector and registered elector are equivalent terms. Otherwise, we are going to redo all of Section 6 and 7, if you really want to do that.

Chairman Fikaris stated, the term electors, registered and qualified are used. Hopefully we can define that. Are there any other questions or comments?

There were none.

SECTION 2. REFERENDUM.

Within thirty (30) days after the enactment by Council, of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, unless modified by this Charter, a petition signed in ink by qualified electors equal in number to no less than ten percent (10%) of the total votes cast at the last regular municipal election, may be filed with the Council, by filing the same with the Clerk of Council, requesting the ordinance or resolution be repealed, or submitted to a vote of the electors. Within ten (10) days after said petition is filed, the Clerk of Council shall determine the sufficiency of the petition, and if found sufficient, shall certify the same to the Council. Thereafter, the Council shall, within thirty (30) days after the certification of such petition by the Clerk of Council, reconsider such ordinance or resolution. If Council fails to repeal said ordinance or resolution within such thirty (30) days the Council shall provide for submitting it to a vote of the electors at the next general or regularly scheduled primary or special municipal election occurring more than seventy-five (75) days after the certification of such petition by the Clerk; but if such petition is signed by qualified electors equal in number to at least twenty percent (20%) of the total votes cast at the last regular municipal election, the date of the election may be fixed therein, which may be a special election to be held at any time more than seventy-five (75) days after the certification of such petition by the Clerk and within seven (7) months after such certification. If the Clerk of Council shall find any such petition insufficient, the Clerk of Council shall, within ten (10) days after the filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee named on such petition, return the entire petition to such Committee, and make a record of such delivery. Such Committee shall be allowed a period of ten (10) days after the date on which such delivery is made to take steps to make such petition sufficient, and may refile the same, as an originally filed petition with the Clerk of Council, within such ten (10) day period. (Amended 11-3-94.)

Chairman Fikaris asked, are there any questions or comments on this Section?

Mr. Granakis stated, other than qualified elector, we need that cleared up. I have to believe it is a registered voter. How can you be one of 10% if you did not vote? We are better off to check and see what the law says.

Mrs. Kless stated, a petition is verified by whether you are registered to vote.

Chairman Fikaris stated, then it should say registered voter.

Mr. Granakis stated, Tony is going to check

Mr. Coyne stated, the Board of Elections does use a custom and practice for this. Like the name you use when you run for office, they look at a couple different things, but if you have a

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nickname that you have used your whole life, they will let you go with that. You have to have proof.

Chairman Fikaris stated, my question is, if we determine this year with our group that to be Mayor you have to be a qualified elector for two years. You have to be a two-year resident and qualified elector. We will check about what a qualified elector is.

Mrs. Kless stated, they verify you by who you say you are by checking the voter registration and if you haven't registered, you won't be there.

Chairman Fikaris stated, I could give my name, and I didn't vote, but I am a citizen of the community.

Mrs. Kless stated, it doesn't matter. That's how they verify people and if you are not registered, you are not verified.

Mr. Granakis stated, we are going to get the answer from the Law Department.

Dr. Thomas asked, what is your question?

Chairman Fikaris stated, a qualified elector is somebody qualified to vote, meaning not a registered voter, but a qualified voter, meaning somebody over the age of 18.

Dr. Thomas stated, if a qualified elector is a registered voter, if those terms are synonymous.

Chairman Fikaris stated, but if you needed a petition, it should say registered voter.

Dr. Thomas stated, this says qualified voter, isn't that the same thing?

Mrs. Kless stated, you can't qualify to vote without being registered.

Chairman Fikaris stated, the term voter is not in here. When someone says qualified elector does that mean registered voter?

Mr. Coyne stated, I will check with the Board of Elections. If it is synonymous then I think you can leave it. If it's not, then maybe you might have to address it.

Dr. Thomas stated, that's what I wanted to know. What is he actually checking?

Mr. Coyne stated, qualified elector versus registered elector.

Mr. Granakis stated, is it one in the same? If it is, then we don't have to change anything. If it's not, we should change this to registered.

Mr. Coyne asked, who is going to raise this?

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Chairman Fikaris stated, we always say that this never happens, but it could happen. If we are going to refine our language, the difference between the name of a department as opposed to who qualifies or what do they mean and I think I would like the definition. I brought this up in the past and it was defined that a qualified elector is somebody that is qualified to vote and there's no election history.

Dr. Thomas stated, you said this was brought up in the past. This has been amended and it's been enforced since 1994.

Chairman Fikaris stated, right. I think there's enough of a language separation. There's four different terms we use.

Dr. Thomas stated, if you brought this up in the past, what was made of it in the past?

Chairman Fikaris stated, they said with a qualified elector, there's no voting requirement.

Mrs. Kless stated, you don't have to vote, but you have to register. You could register but you don't ever have to vote.

Chairman Fikaris stated, in the interest of not changing every single article that had a language issue, let's just say, do you folks want to put this on the ballot to change the term from qualified to registered.

Mr. Coyne stated, you could be a registered voter and not vote. You could be a qualified elector and not vote.

Mr. Granakis stated, we don't have to change every one of these. All we have to do is write a paragraph that says, "qualified voter refers to a registered voter". That will take care of all of the changes.

Mrs. Kless stated, you don't even have to say voter, individual.

Chairman Fikaris stated, we should define qualified elector.

Mr. Coyne stated, let me find out from the Board of Elections. I am sure this is not the only community that this has been raised.

Chairman Fikaris stated, but specifically it was this right here where it says registered elector as opposed to a qualified elector. What's the difference?

Mrs. Kless stated, to some people it's interchangeable.

Chairman Fikaris stated, but say someone moved here from Missouri and has lived here a year and a half and is not registered. She is a qualified elector.

Mrs. Kless stated, she is not qualified if she hasn't registered to be an elector here.

Chairman Fikaris stated, that's if that term elector is defined that way.

Ms. Stricker stated, I think there's three terms that need to be defined, elector, qualified and

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registered. I think it is important. I agree with you Paul. I think we need to understand what they are talking about.

Chairman Fikaris asked, are there any further questions on this section?

There were none.

SECTION 3. PETITION PROCEDURE.

A nominating, initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or objectionable ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal.

Each separate part of said petition shall be either printed or typewritten and shall bear the names of at least five (5) registered electors who shall be officially regarded as filing the petition and shall constitute the Petitioners' Committee for the purpose named therein.

Each separate part of such petition shall bear an affidavit sworn to by the circulator thereof stating the number of signers to such part of the petition, and that each signature thereon is the genuine signature of the person whose name it purports to be and was submitted in the presence of the affiant.

Each signer of a petition referred to shall sign the person's name in ink or indelible pencil and shall place on the petition paper after the signer's name, the signer's place of residence by street and number.

Chairman Fikaris asked, are there any questions on this section?

There were none.

SECTION 4. SUSPENSION.

No ordinance or resolution upon which a referendum is requested 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.

Chairman Fikaris asked, are there any questions on this section?

There were none.

SECTION 5. MEASURES SUBJECT TO REFERENDUM.

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 and not to any subsequent ordinances or resolutions relating thereto.

Ordinances and resolutions providing for the annual tax levy or for improvements petitioned for by the owners of a majority of the feet front or a majority of the owners in interest of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to

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the subject of appropriations, shall not be subject to referendum; but all other ordinances and resolutions, including emergency ordinances shall be subject to referendum.

Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.

Chairman Fikaris asked, are there any questions on this section? I had a note on this about simplifying the language. I am not sure if we tried to do this. It was misinterpreted and voted down back in 2010, I believe. I am not certain if this was it.

Dr. Thomas asked, what's your question on it?

Chairman Fikaris stated, "for by the owners of a majority of the feet front" whatever that means or "a majority of the owners in interest of the property benefitted and to be specially assessed therefore, and appropriation ordinances". That's very confusing.

Mr. Coyne stated, it's an assessment methodology for public improvements. It's one of the ways that the State allows you to make improvements. It's like a special post-tax and it's based on the front footage of your property and they assess.

Mr. Granakis stated, that's what the feet front means. I was thinking the same thing, what does feet front mean?

Mr. Coyne stated, it's old language, but that's what it's for. Some of these come from the Ohio Municipal League probably a long time ago.

Chairman Fikaris asked, are there any further questions?

There were none.

SECTION 6. EFFECT OF REFERENDUM ON EMERGENCY MEASURES.

Emergency ordinances and resolutions shall 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 thereon, but such measure shall be deemed sufficient authority for payment, in accordance with the measure, of any expense incurred previous to the referendum vote thereon.

Chairman Fikaris asked, are there any questions on this section?

Mr. Granakis stated, in this section, it says, "If, when submitted to a vote of the electors". You have to be registered. We will wait for the answer. This explains it right here. We need to clarify that because down the road somebody's going to say the same thing. I think electors refers to –

Mr. Coyne stated, eligibility to be a voter in the community.

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Chairman Fikaris stated, just like the petition procedure, what the word "affiant" means. It's one who swears to an affidavit. Are there any further questions?

There were none.

SECTION 7. RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of the officer's term, a petition demanding the officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the persons constituting the Petitioners' Committee filing the petition and the date of such filing. Such petition shall be signed by at least that number of qualified electors which equals twenty percent (20%) of the total electors voting at the last preceding regular municipal election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall within ten (10) days after the date of filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee who filed the petition with the Clerk, and make a record of such delivery. Such Committee shall be allowed a period of ten (10) days after the date on which such delivery was made to take steps to make such petition sufficient, and may refile the same, as an originally filed petition with the Clerk of Council within such ten (10) day period. If the Clerk shall find the petition sufficient, the Clerk shall within ten (10) days after the date of filing thereof, so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a special recall election, not less than thirty (30) nor more than forty-five (45) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be removed from office as (naming the office) of Mayfield Village?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such election shall not be eligible for appointment to the vacancy created thereby.

Chairman Fikaris stated, if you notice, qualified electors which equals 20% of the total electors voting at the last preceding regular municipal election. This makes a distinction.

Mr. Granakis stated Section 6 says the same thing.

Dr. Thomas stated, again, that sounds okay to me because it equals 20% of the total electors. Of the past election, 20% of the people that voted is what you get your number from.

Mr. Coyne stated, the qualified electors may not have voted, but it would be counted in the 20%.

Mrs. Kless stated, you just have to have enough registered people that equal 20% of the people who actually voted in order to make it work.

Mr. Coyne stated, I will verify this.

Chairman Fikaris asked, any further questions?

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There were none.

ARTICLE VIII- FRANCHISES

The Council may by ordinance grant a franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the Municipality, for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate to be charged therefore, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public realty as shall, in the opinion of Council, be necessary in the public interest.

Dr. Thomas stated, there's a punctuation error in the first sentence. Shouldn't it be may, by ordinance, or am I just looking at it wrong?

Chairman Fikaris stated, this is pretty standard, right?

Mr. Coyne replied, it is. It's the creation of a public utility, yes.

Chairman Fikaris asked, any questions?

There were none.

ARTICLE IX - FINANCES AND TAXATION

SECTION 1. GENERAL

The laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter or the provisions of the Constitution of the State of Ohio.

Chairman Fikaris stated, in the past we have not had any issues. It's pretty straightforward.

SECTION 2. LIMITATIONS ON RATE OF TAXATION.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitation without a vote of the people.

Chairman Fikaris stated, this is pretty straightforward.

ARTICLE X - AMENDMENTS TO CHARTER

The Council may, by vote of at least two-thirds of its members, submit to the electors of the Municipality of Mayfield Village amendments to this Charter, or upon a petition, in the form as

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provided in Section 3 of Article VII, signed by ten percent (10%) of the registered electors of this Municipality setting forth any proposed amendment, such proposed amendment shall be so submitted to the electors by the Council.

The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of the State of Ohio, and, to such extent as said Constitution shall fail to provide therefore, the Council shall determine the manner for such submission. Any proposed amendment to this Charter shall be submitted to the electors at the next general election or any regularly scheduled primary election in the Municipality.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority shall become a part of this Charter. (Amended 5-8-84.)

Chairman Fikaris stated, this is the procedures on making amendments to the Charter. Any questions?

There were none.

ARTICLE XI - CHARTER REVIEW COMMISSION

In January, 2005, and each five years thereafter, the Mayor and each member of Council shall appoint one elector each (for a total of 8), who shall be electors of the Municipality holding no other elective office, in the government of the Municipality, as members of the Charter Review Commission. Such commission shall review the Charter, and within five calendar months after such appointment, shall have a review session with the Mayor and Council and then recommend to the voters such amendments, if any, to this Charter, as in its judgment are desirable. The Council shall submit to the electors not later than the next succeeding general election any such proposed amendments. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public. (Amended 11-8-05.)

A complete text of all proposed amendments submitted to the electors shall be delivered to the residents of the Village. However, random failure of such delivery will not cause invalidation of any amendment by the voters.

Should a majority of the Commissioners appointed determine that the services of a professional consultant are required for their review of the Charter, they may retain such services and the reasonable costs thereof shall be paid by the Village. (Amended 11-7-00.)

Chairman Fikaris stated, in the past, a Commission made a change. It went to the electors. This idea was to move it to 10 years at the time. The language on the ballot said, should it be 10 years instead of the present 5 and it was voted down. The Law Director at the time said if I just would have said, the Charter Review Commission shall meet every 10 years it probably would have had a much better time passing. I personally think 5 years is good.

Mr. Granakis stated, I agree. There's one city who is 20. How many changes will have taken place between now and then?

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Mr. Coyne replied, most cities it's at least 10 and the reason being is you can amend your Charter at any time and just put it on the ballot.

Ms. Stricker asked, who would be doing the amending?

Mr. Coyne replied, Council has to put it on the ballot or initiative petition.

Chairman Fikaris asked, does anybody have any other questions?

There were none.

ARTICLE XII - MISCELLANEOUS PROVISIONS

SECTION 1. EFFECTIVE DATE OF CHARTER.

This Charter shall be in effect on and after the 1st day of January, 1975, unless otherwise provided herein, and shall continue in effect regardless of any change of the classification by law of this Municipality.

Chairman Fikaris stated, this is pretty straightforward.

SECTION 2. MUNICIPAL GOVERNMENT EDUCATION FOR MAYOR AND COUNCIL.

Council may require first time and newly elected members of Council and Mayors to attend courses or seminars relating to municipal government at the Village's cost. Council shall choose the course or seminars to be attended. (Amended 11-8-05.)

Chairman Fikaris asked, is this a good practice for new Council people?

Mr. Meyers replied, I go to courses and seminars. You can go if you want to but you don't have to.

Chairman Fikaris asked, did you find it beneficial?

Mr. Meyers replied, very. There's a lot of stuff there. If you don't know it, you have to learn it.

SECTION 3. EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability, pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore, if any. Except as a contrary intent appears herein, all ordinances, resolutions and acts of the Council of the Municipality shall continue in effect until lawfully amended or repealed.

Chairman Fikaris stated, this is a just a little bit of legal ease.

SECTION 4. OATH OF OFFICE.

Every elected official or officer of the Municipality shall, before entering upon the duties of that person's office, take an oath, or affirm that the official or officer will in all respects faithfully discharge the duties of the office, that the official or officer will profess loyalty to the

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Constitution of the United States of America, to the Constitution of the State of Ohio, and that the official or officer will uphold this Charter and all of the laws of this Municipality.

Chairman Fikaris stated, I believe we have done this during this election and others.

SECTION 5. INTERPRETATION OF CHARTER.

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

SECTION 6. SAVING CLAUSE.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Chairman Fikaris asked, Tony, how would you define the saving clause? Is that a common legal term?

Mr. Coyne replied, yes, it is. It means that if a part of the Charter is declared invalid, it doesn't necessary affect other provisions of the Charter.

SECTION 7. CONFLICT OF INTEREST.

To the extent provided by the general laws of the State of Ohio all elected officials and employees of the Municipality shall be subject to and governed by such general laws with regards to conflict of interest, disclosure statements, financial interest in contracts or services with or for the Municipality, speculation and dereliction.

Chairman Fikaris stated, this is pretty straightforward.

SECTION 8. WARD BOUNDARIES.

The Council of Mayfield Village shall adjust ward boundaries within one year after receipt of certification of the results of the decennial census and may, from time-to-time, adjust ward boundaries if population shifts merit the change, but all such changes shall be made in such fashion as to provide substantially equal population in each of the wards. All wards shall be bounded, as far as practicable, by county lines, streets, alleys, lot lines, avenues, public grounds, canals, water courses, municipal corporation lines, and center lines of platted streets and shall be composed of adjacent and compact territory delineated by straight lines and right angles. (Amended 11-3-81.)

Chairman Fikaris stated, this question came up earlier. Ward boundaries will be adjusted if necessary with the results from the census.

SECTION 9. DISTRIBUTION OF REVISED CHARTER COPIES.

Whenever the Charter of the Municipality is amended pursuant to recommendations made and submitted to the electorate by a duly elected Charter Review Commission, the Mayor and Council shall cause revised copies of the Charter to be printed and copies of the revised Charter shall be kept at the Civic Center and be made available upon request of any resident. If the Charter is amended by the Council or by initiative petition then the Mayor and Council shall have printed and kept on file at the Civic Center copies of such amendments to be made available to any resident upon request. (Amended 11-3-15.)

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Chairman Fikaris stated, we changed this because we felt that the cost incurred in printing this and distributing it, we felt it was better off having the copies available on request. It's important to get this out to everybody, we just felt that in this day and age of saving a tree, it's either on-line or it is by request.

. Any Other Items

Mr. Coyne stated, you asked me to do a survey of outside employment and full-time and part-time employment of the Mayor. I looked at other municipalities. They are all over the map. They have language that says, like in South Euclid, the Mayor shall not hold any other public office, public or private employment, period. So, no other jobs. Brooklyn follows the Emoluments Clause that you can be a member of the State Militia but you shall not be interested in the profits or emoluments of any contract, job or work or service related to the municipality. So, you couldn't be Mayor and do something else that contracts with or benefits the Village in which you would be receiving funds. Most cities don't have a specificity about not allowing private employment other than Mayor. Most allow it. Avon Lake says that the Mayor shall not serve on continuous active military service in excess of 61 days, state or national. Most cities exempt any military service.

Mr. Meyers asked, so you are saying that if I ran for Mayor, became Mayor and I was in the Reserves and I got deployed for 90 days, I couldn't do that.

Mr. Coyne stated, in Avon Lake. They will make you leave.

Mr. Granakis stated, being the service, the job you leave must be open when you come back. They can't tell you I don't have a job for you.

Mr. Coyne stated, except for elected office. I looked at all of those. I also note that the full-time Mayor's positions that have those restrictions, the Mayors' salaries are in the \$90,000-100,000 range. And remember we had a discussion about Council compensation. Council President thought Orange was a good comparable at \$13,200 for Council President and \$12,000 for Council. We talked about it at the end of the last meeting. For Council, it's all over the map.

Chairman Fikaris stated, our Charter, Article III, Section 6, Salaries, Bonds and Compensation, in Article A and Article B, it says that "Council shall have the power to fix all compensation paid by the municipality and the salary of its own members except as otherwise provided in this Charter." Article B begins with "The Council shall, in accordance with this section, fix the salaries of all elected and appointed officials." I looked through 53 area communities in Cuyahoga, Lake and Lorain. They all have similar language, but Mayfield Village has which is unique is that they are the only ones that have a number in here. I can share with you the exact language of all of these other communities. (See Exhibit B) They do not have any set specific number. That's in the Charter. I don't know how old that goes. It goes back to the number that we saw. We did not address it in 2010. We addressed it in 2015. As I recall, that came from a Charter Review member who made a recommendation that the Commission review salaries and

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make some suggestions. Looking back on that, I think that was not the right thing to do. I think the Charter language says pretty specifically whose task it is to set the salary of the Mayor and of the Council. I have a couple of examples. One says it should be set by ordinance. In my opinion, every other area community, the Council, whose job it is in the Charter to do so, they seem to be able to fix compensation for the Mayor and Council.

Mr. Coyne stated, that's how this Charter is drafted. The only thing it requires compensation of the elected officials to go to the ballot. It has to go to the ballot. Forget Charter Commission for a second, Al Meyers can make a motion and get a second to adjust the Council salary to an amount and then it would have to go to the ballot and it would be reflected. That would make the amount in the Charter obsolete. You could do that. The only reason that amount was set I am sure is because it was done through the Charter Commission's recommendation. In the past 30 years, the Village has only adjusted the compensation for Council and the Mayor through recommendations from the Charter Commission which is a lawful decision. At the same time, the Charter also allows Council to adjust it but it has to go to the voters.

Mr. Granakis stated, but it doesn't prohibit them from doing that.

Mr. Coyne replied, correct.

Chairman Fikaris stated, I don't believe that this Commission, to sit down and look through, is that our job? We can call in the Finance Director to talk about this. I don't think that's the letter of the Charter.

Mrs. Kless stated, if that's the way it's been done though then that is the way it should be.

Mr. Granakis stated, that's the way they did it last time.

Chairman Fikaris stated, how it was worded and presented to us, it said Council wouldn't want to raise their own salary when 53 communities do it that way. There might be Charter provisions that raise salaries. What I think is right is to not make this a function of the Charter Review Commission and to say Council shall set it, so any method that they decide, either by ordinance; there's a couple of examples here how other cities do it. They set an index. In this specific case, I feel the presentation made by the Mayor should have been made to Council and to other bodies that they can take advantage of, let's say, professional review on that and get on some sort of track so every 5 years, they don't have to come and try to justify their qualifications. The last case was a couple thousand bucks. It's not necessarily the money, but now it's more than 100%, at least the recommendation that was made. We just offer up recommendations that go to Council and if they agree, they appear on the ballot. We are not making any decisions about what we are going to pay anybody.

Mr. Granakis stated, no matter what, it's going to go to the people to vote.

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Chairman Fikaris stated, right. And I just think to get on a track. We don't know how the salaries were raised or adjusted. Maybe Mayfield Village felt it was a lot different in 1995 than it is today. Now, we got a report from the Mayor that said look at all the requirements and things required of a modern Mayor in a modern city. The more I thought about part-time/full-time, I found not a lot of language that specified that in any one Charter. That being said, I am not sure that, is this our job every 5 years to go over this and are we qualified? We can get the Finance Director. We can use the Law Director. I know we did this last time and I realize now that maybe that wasn't the thing to do. If you think about it, the proper way to go about this would be this is what the Charter says. The Mayor would make a petition to Council or with Council. I would like to understand how it works for these other communities. Some of them have an index. Some of the recommendations are slow as it goes. We are trying to make this big jump to adjust the Mayor's salary. I personally believe that's a fair compensation number but who am I? In five years, if someone else was sitting here, say, all right, what do we do, cost of living 3%. I just don't think it's our function and our Charter says so. But we did step in.

Mr. Granakis stated, we are missing three people. I think we need to discuss this with them. To have everybody here.

Mrs. Nadeau asked, can you give Mary Beth a couple of samples to possibly add to the Minutes so we can see it?

Mrs. Kless stated, we have a rich Village. Our other part-time Mayor really made us pretty rich when he brought Progressive in. I think that the duties and everything else just keep escalating. If you look at this, we spend a lot of money on a lot of stuff in this Village and I think we are underpaying the people who are guiding us like this. We are not compensating someone doing a lot of work at all. We do want good people in the future. I don't think you are going to get a full-time Mayor in Mayfield Village. If you put in that they have to be full-time and they can't work outside, they are not going to do it. We want the good people to come and do it.

Chairman Fikaris stated, I totally agree. We are not tasked with determining the pay rate of the Service Director. We are not charged with determining the pay rate of any other individual.

Mrs. Kless stated, but their salaries aren't in the Charter.

Chairman Fikaris stated, right, but again, the first line says Council shall. That's my opinion. It's not our sell, but we are going to sell a 100% increase. Again, somebody might bring this up and say, what do you guys want, you did it last time. What if it goes and we say this is the number we feel is fair? It has been commented to me in my time with the Village over 10 years the person I was talking with said even \$26,000 is a hindrance. Time is money. With quality, it deserves a pay raise. I am just curious as to the mechanism. I truly believe in my heart there's not a Charter Review Commission sitting around in all 53 areas determining the salary. I don't know if other communities review the consumer price index level or if there's something that says every couple years. This is a change from how Mayfield Village used to do things to today. I don't know the reason why for 15 years Council never addressed the compensation issue.

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Mr. Meyers asked, what's the requirement for the Mayor?

Ms. Stricker replied, they be elected.

Mr. Meyers asked, once she or he gets elected, what's the requirement? What do they have to do? You brought it up at the last meeting. You are going to double the compensation but what if the next Mayor comes in and works 10 hours a week. Comes in Friday, checks everything like the old Mayor used to do, didn't attend any meetings, other than what he had to, like a Town Hall meeting. This is what I mean, what is the requirement for a Mayor?

Mrs. Kless stated, maybe the Charter should state it.

Mr. Granakis stated, the Mayor listed a whole bunch of things. I believe she's doing them. It's not what's required of the Mayor here. We shouldn't make a Charter change for a present Mayor. It's got to be for all Mayors so the next Mayor needs to do all those things too or we don't make a change.

Mrs. Kless stated, perhaps there should be a definition of the job.

Mr. Coyne stated, but there is.

Mr. Granakis stated, there is, but it's not everything that she's doing.

Mrs. Kless stated, it depends on how you interpret it. It says she's our ambassador, she goes to this or goes to that, attends meetings, goes to the functions, makes the speeches. I think that is sort of maybe not as clear as it should be, but it's inferred in the description of the duties.

Mr. Granakis stated, once again, if the next Mayor decides this is what I think that says. There's no doubt in my mind this Mayor does a lot.

Mr. Coyne stated, as an observer, and when I first read this, and part of the reason Diane and I and Mary Beth, we were presuming it was something because of what's in the Charter that you should know. I presumed this was done this way because you are kind of objective. The Mayor and the Council are self-interested in setting forth what the new salary should be. I presume that this Charter is set up so that this Charter Commission with information, you are qualified people, all of you, in different respects. Council people are no different than you folks. I presumed it was an objective way to look at so you are not self-interested like the Council. To me, that kind of actually made sense. I thought it was unusual because it was in there. Council could determine salary.

Mr. Granakis stated, I have been in this Village for over 30 years. Before Rinker, whatever. Rinker did not go and I can tell you that because I brought my kids there - he did not go to the kids' Christmas party all the time, the Easter Egg Hunt, he didn't go to a lot of things. Nobody said he had to be there in spite of whatever the interpretation is. As a Mayor trying to do a good

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job, you should be. At least make one of them this year, one of them next year, something. But there is a lot of things that happened in this Village that he did not go to and, by the way, his predecessor did not go to. I was there. They weren't there. This Mayor has been to everything. She's dedicated. So that's the reason why I think she's saying, I think the Mayor should get with pretty much what you're saying and that's what I interpret is the job, but now it's 30 hours a week I am putting in where the last Mayor might put in 5. I was disappointed on some of the things he wasn't at, but if you have got a full-time job, I guess you can't be everywhere.

Ms. Stricker stated, yes, but he was being paid \$19,000.

Mr. Granakis stated, I am not speaking for or against the thing, I am just saying there is a difference between what this Mayor's doing and what previous Mayors have done in my 30 some years of being in the Village.

Mr. Coyne stated, when Bruce was Mayor, he did a lot of work at his law office. He was allowed to use his secretary for certain things. Maybe he didn't go to the community stuff as much.

Mr. Granakis stated, it's not a shot at him.

Mr. Coyne stated, no it's not. But everyone's different about how they do it.

Ms. Stricker stated, exactly.

Mr. Coyne stated, I don't know that this Mayor uses her own law office for stuff. I think she comes here. It's close so she can do that. But you're right. It's all relative.

Chairman Fikaris stated, I am not necessarily arguing about the work. I think they are very qualified individuals, but understanding the timeframe that we have because we are under some time pressure, I think there should be a mechanism in place at which compensation is determined. Things are changing. She pointed that out. Things have changed in the Village. It's community, things like that. Say the job does get to be a heavier burden. What does prevent or allow to hire another administrative professional to perform some of these duties that would be paid and compensated in kind? My whole point is that it's not necessarily the amount or whatever. It's just that I think there should be a proper mechanism for compensation just like if and when our recreation director retires, if and when our service director retires, there is some framework by which those people who are charged with determining that, I believe it's Council, I don't know.

Mr. Coyne stated, it's really the administration.

Mr. Meyers stated, we do have a full-time Administrator.

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Mr. Coyne stated, right. He was just saying examples of hiring someone like another department head.

Mrs. Nadeau stated, like an HR.

Mr. Coyne stated, the administration does that and then it's part of the budget. The funds are appropriated. Typically, with any city, you would look at what other cities are paying a recreation director.

Mr. Meyers stated, the department heads get paid the exact same amount of money.

Chairman Fikaris stated, but there's a framework. The factors include the full-time, part-time, amount at which that job is compensated now and going forward how do we continue to make that attractive and fair and things like that. I just think there's more to that.

Mr. Coyne stated, Paul, I understand what you're saying. The Charter Review Commission has always done this. The salary was in there 20 years ago. What you are suggesting is that it go back to Council.

Mr. Meyers stated, if it did go to Council and I made the motion, once they vote it, that would go to the ballot?

Mr. Coyne stated, that's how the Charter is set up. If it passes, it goes in to effect the following January.

Ms. Stricker asked, why historically has it never been done by Council?

Mr. Coyne stated, whatever the prior numbers were were in the Charter. It might be 20 years ago. The Charter of any community can be changed as long as it goes to the voters initiated by legislation, initiative, referendum petition or through a Charter Commission review so there's flexibility on how it gets done. Part of it is that you are objective. You are looking at the whole Charter and you are making that decision. You are not a self-interested Councilperson or a self-interested Mayor. What was presented to you is what other cities and what other Villages are paying. It's for consideration.

Mrs. Kless stated, I don't think we have to be in line with comparable, like Orange which looks pretty much like us. In fact, their population doesn't swell as big as ours during the day, but if we bring it in line with something that's comparable,

Chairman Fikaris stated, my point is to make a mechanism at which this can be done properly and be vetted properly. I just think it's kind of unusual that we are charged with this in the 2020 Charter Review. We are charged with the Mayoral compensation increase. I think we should right this back.

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The Commission reviewed the previous Charters prior to the 2015 amendments. There were no numbers in the previous Charters.

Mr. Granakis stated, I think it makes more sense to do it and have it go to the electorate. I think we are passing the buck if we don't at least try.

Ms. Stricker stated, but you said 53 other communities.

Chairman Fikaris stated, 53 others including ours, the first line is "Council shall". We did it and in my opinion we did it through the back door last time. Do you think it would be successful with the electorate if that was on the ballot right now to say we should increase the mayoral salary from \$26,000 to \$55,000 that that would pass and everyone would understand it? If we want this to be successful to compensate our folks at a fair rate, I think there should be another mechanism. I think 53 other communities somehow engineer it through Council voting their own raises in or at least proposing it. That's common Charter language with those 53 communities.

Mr. Coyne asked, you were on Charter Review last time, right? Why did you do it?

Chairman Fikaris replied, somebody presented it and they said I think we should do this. It hasn't been done in 15 years and the Council is reluctant to do that. So, with the salaries being that low, we felt the nominal change, and obviously I didn't realize that the number was added in and it wasn't in the last one. So, what we are trying to do is the right thing now though. If the Mayor came and asked to say I think it should be \$32,000 instead of \$26,000, I might feel a little more comfortable, but having done this twice its like, wait a second, I don't think this is our job.

Mr. Granakis stated, obviously we should discuss this with everybody here, but it was brought up at the last meeting we had. You can ask for it if you want, that doesn't mean we can't say it's something different. You set what you thought was a fair thing. I wouldn't be in agreement with healthcare.

Chairman Fikaris stated, the reason why I brought this up is this is pretty sophisticated. This will be my third Commission. The point is to say the Charter doesn't say so. We did this, but the Charter states whose job that is. For this to be successful all around and to compensate fairly and to continue this without making this a burden every five years is to find some mechanism. If we want to make a Charter suggestion that we do increase the salary, that's fine. If it flies, that's fine. I don't know next time, I would like to say in those five years a mechanism could be put forward and Council will say, okay, we have a number. I would like to know how other communities do that.

Mr. Granakis stated, right, does it go through Charter Review or does it go through Council. You are right.

DRAFT

Minutes of the Charter Review Commission

Monday, March 9, 2020

Page 38

. **Next Meeting**

The next meeting of the Charter Review Commission was scheduled for Wednesday, April 1, 2020 at 6:30 p.m. in the Main Conference Room.*

. **Adjournment**

Chairman Fikaris stated, if there is no further business, I will entertain a motion to adjourn.

Mrs. Nadeau, seconded by Mr. Granakis, made a motion to adjourn the meeting.

The meeting concluded at 8:55 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Secretary - Charter Review Commission

**Due to COVID-19, the April 1st meeting was postponed for a date to be determined.*

See, also, Exhibit C – memo from Law Director concerning “elector” and “qualified elector”

Charter Review Proposal Re: Article V, Section 6 (E), paragraph 1.

Current Language

The position of Chief of Police and Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the rank below, providing that there are two or more persons in such next lower rank who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission. In the event there are not two persons willing to compete for such examination from the next lower supervisory rank, then the Commission has the authority to permit competition for such appointment from the next lower rank, as well as to include competition from qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing 2 qualified and willing candidates.

Proposed Language

The position of Chief of Police, Chief of Fire, and Assistant Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the supervisory ranks below, providing that there are two or more persons in the supervisory ranks below who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission. In the event there are not two persons willing and qualified to compete for such examination from the supervisory ranks below, then the Commission has the authority to permit competition for such appointment from the next lower rank (Patrolman in the Police Department and Firefighters in the Fire Department), as well as to include competition from qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing two qualified and willing candidates.

Charter Review Proposal Re: Article V, Section 6 (E), paragraph 2.

Current Language

No positions except the Chiefs of each Department, above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank, provided in those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months, therein and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

Proposed Language

No positions, except ~~the Chiefs of each Department.~~ the position of Chief of Police, Chief of Fire, and Assistant Chief of Fire, above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank, provided in those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months, therein and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

53 area communities in Cuyahoga, Lake and Lorain Counties (58 total)

Aurora, Avon, Avon Lake, Beachwood, Bedford, Bedford Hts., Berea, Broadview Hts., Brooklyn, Brooklyn Hts., Brunswick, Chagrin Falls, Cleveland Hts., Cuyahoga Falls, Eastlake, Euclid, Fairview Park, Garfield Hts., Gates Mills, Highland Hts., Hunting Valley, Lakewood, Lyndhurst, Macedonia, Mayfield Hts., Medina, Mentor, Mentor-On-The-Lake, Middleburg Hts., Moreland Hills, North Olmsted, North Royalton, Olmsted Falls, Orange, Parma, Parma Hts., Pepper Pike, Richmond Hts., Rocky River, Seven Hills, Shaker Hts., Solon, South Euclid, Strongsville, University Hts., Waite Hill, Warrensville Hts., Westlake, Wickliffe, Willoughby, Willoughby Hills, Willowick, Woodmere. Also Kent, Canal Fulton, Westerville, Oxford, Pickerington

Only Mayfield Village has reference to a specific dollar amount for the salaries of the mayor and council.

Mayfield Village Charter:

SECTION 6. SALARIES, BONDS AND COMPENSATION.

(a) The Council shall have the power to fix all compensation paid by the Municipality and the salary of its own members except as otherwise provided in this Charter. Any person may be required by the Council, from time-to-time, to furnish a bond for the faithful performance of that person's duties and the Council shall provide that the premium for such bond be paid by the Municipality. Per the recommendations of the Charter Review Commission of 2015, and as approved by the Voters, the compensation beginning on January 1, 2016, shall be as follows: Mayor: \$26,000 per annum; Council President \$11,000 per annum; Council Members: \$10,000 per annum. The Council shall not increase the compensation for itself or the Mayor from and after the effective date of this amendment unless such increase in compensation has been enacted by ordinance and submitted to the electorate for approval by a majority vote thereof. Such compensation, when so fixed, shall become effective on the first day of January of the following year and shall remain in effect unless and until increased in accordance with this section. Council may decrease compensation for itself and the Mayor at its sole discretion. Each member of Council shall be compensated equally, both newly elected members and those serving the balance of a term, except the President of Council who shall receive 10% more. (11-3-15).

(b) The Council shall, in accordance with this section, fix the salaries of all elected and appointed officials. The Council, or the Mayor with the concurrence of the Finance Director, may authorize the payment of reimbursement of expenses incurred by any official, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality, provided that any such expense approved by the Mayor with the concurrence of the Finance Director shall not exceed the Mayor's general spending limit. Any of the expenses set forth herein incurred by the Mayor shall be approved by Council. (Amended 11-8-05.)

See my comments on next page

When I researched the other communities, I hadn't fully realized that Mayfield Village has similar wording in their charter.

My thoughts on this matter going forward are twofold:

- 1) The action item here is that we need to restore Article III Section 6 to its original language and remove any reference to salary from the charter.
- 2) Allow Council to handle all matters of compensation, as authorized by the charter.

I believe now that the CRC of 2015 was in error when the compensation proposal was put forth. I believe we unwittingly took advantage of an unforeseen loophole in the charter and we should not have been involved with salaries whatsoever.

Now that it was approved by voters, I don't suggest we rescind. I suggest we try to remove the charter language concerning any salary amount.

We overstepped our authority by accident. The loophole is that we changed the mayor/council salaries, but we are not, technically authorized to do so.

Any CRC in the future must be very cognizant of the fact that although they can technically suggest changes to the charter, we must not overstep the authority granted by the charter.

Below are other cities with the wording on how they compensate the office of mayor and council.

Aurora

SECTION 3.09. COMPENSATION AND BONDS.

The Council shall have the power to fix the compensation of its own members, and of each official and of members of any City board or commission. When appropriate, Council shall establish any required bond for the faithful discharge of the duties of each office, the premium on which shall be paid for by the City.

Council approval of the compensation of all City officials and employees is required in the following circumstances:

- A. All salary ranges recommended by the Mayor for any position;
- B. The salary recommended by the Mayor for any new hire or newly elected position;
- C. Any employee salary, including all increases, proposed in the annual budget and approved by Council as part of the appropriation for that year; and
- D. Any other employee increase not included in the annual budget proposed and approved for that year.

(Amended 5-3-05)

Avon

Section 7. Salaries and Bonds.

The Council shall have the power to fix its own compensation and that of each employee of the Municipality, including officers and members of any board or commission of the Municipality, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium of any bond required by the Council shall be paid by the Municipality. The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the Municipality to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the Municipality.

Avon Lake

SECTION 20. SALARY.

The Council of the Municipality shall have the power to fix the salary of the Mayor.

Not less than one hundred twenty (120) days immediately preceding the date of the next municipal election for Mayor, the compensation for Mayor may be modified for the next term, and shall not thereafter be changed with respect to such term.

(Amended 5-6-14)

Beachwood

Sec. 3. Salaries and Bonds.

1. Salaries.

(A) Council shall establish, by Ordinance, or amend as necessary, the salary and compensation of the Mayor, Council and all officers and employees of the City.

(B) An Ordinance providing for any compensation received by the Mayor or Council shall be read three (3) times and not be passed as an emergency or urgent legislation.

(C) Council may not amend its compensation later than thirty (30) days before the time for filing nominating petitions for a Council term. Such an amendment shall be effective for all Council persons on January 1, following the next regular Council election, two (2) years thereafter.

2. Bonds.

Council may require any officer or employee to be bonded for the faithful performance of duties.

Bedford

SECTION II-5. SALARIES.

The Mayor and members of Council shall receive such compensation as the Council shall establish by ordinance, provided that the salary of the Mayor and Council shall not be increased during their term in office.

(11-7-72; 11-2-82)

Bedford Hts.

SECTION 13.05. SALARIES AND BONDS.

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Municipality. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties in such amount as it may determine and with such surety as it may approve, and may provide that the premium for any such bond be paid by the Municipality.

Upon the effective date of passage of this amendment Council shall, by ordinance, determine and fix the salary or compensation for elected and appointed officials under the authority of Article XVIII, Section 3, of the Ohio Constitution.

For each absence of the Councilman from a regular meeting of Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two percent (2%) of the annual salary of such Councilman.

Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective office.

The compensation of officers and employees may be fixed and changed at any time in the discretion of the Council.

All fees pertaining to any office shall be paid into the municipal treasury with the exception of notary public fees, fees collected by registrar or deputy registrar, fees of the Mayor for solemnizing marriages and authenticating documents other than those of the Municipality.

(Amended May 8, 1984)

Berea

ITEM IV-10. SALARIES AND SURETY BONDS.

The Council shall have the power to fix the compensation of the Mayor, its own members and the compensation of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of office. The premium on any bond required by the Council shall be paid by the City. The compensation of all elected officials shall be fixed prior to the date set for filing for an office in the regular municipal election for terms of office beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof. The salaries of appointed officials shall not be reduced during their term of appointment unless requested by the Mayor. The Council may authorize the payment or reimbursement of expenses incurred in the furtherance of the interest of the City by any official, employee, or member of any department, board or commission of the City.

Broadview Heights

Sec. 4. Salaries and Bonds.

The Council shall fix the compensation of each officer and employee and each member of any board or commission of the City. Any such person may be required by the Council from time to time to furnish a bond or bonds for the faithful performance of his duties and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor and each member of the Council shall be fixed at least forty-five (45) days before the time for the filing of the nominating petitions for the term beginning on the next succeeding first day of their term of office and shall not thereafter be diminished or increased in any respect during such terms or any part thereof. The Council may authorize the payment of or reimbursement of expenses incurred by any officer or employee of the City, or by a board or commission of the City, for trips taken or otherwise incurred in the interest of the City.

(Approved Nov. 2, 1971)

Brooklyn

Section 5. Salaries.

The Council shall have the power to fix its own compensation and that of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium on any bond required by the Council shall be paid by the City. The compensation of the Mayor and each member of the Council shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding day of January, and shall not thereafter be changed in respect to any such terms or any part thereof. The Council of the Village of Brooklyn shall, on or before August 1, 1951, fix the salaries of all elective officials assuming office January 1, 1952. The Council may authorize the payment or reimbursement of expenses incurred by any officer, employee, or member of any board or commission of the City for travel or otherwise in the interest of the City.

Brooklyn Heights

Section 2.03. Compensation.

The Village Council may determine the annual salary of the Mayor and Council members by ordinance, but no such salary increase shall become effective until after the next election for that office.

Brunswick

3.03 COMPENSATION, EXPENSES

The Council may determine the annual salary of Council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Council members elected at the next regular election, after its passage, provided that such election follows the adoption of such ordinance by at least six (6) months. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by ordinance.

Chagrin Falls

SECTION XII-5. SALARIES, COMPENSATION AND BONDS.

The Council shall have the power to fix the salaries of its members and of all other officers and employees of the Municipality, whether elected or appointed, and to establish such bonds as in the opinion of the Council are necessary for the faithful discharge of their duties. The premium of any bond required by the Council shall be paid by the Municipality. The salary of an elected officer shall not be increased during such officer's term of office, nor decreased during such term except with the consent of the officer involved. If the office is elective, the salary shall be fixed at least thirty days prior to the last date for filing of nominating petitions. The Council may authorize the payment to any officer or employee for travel for any Municipal purpose.

Cleveland Heights

SECTION III-5. SALARIES.

Council may, by ordinance passed biennially in odd numbered years, fix the salaries of the Mayor and all members of the Council for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of the Mayor and all members of Council for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. This section shall become effective January 1, 1983.

(Amended 11-2-82.)

Cuyahoga Falls

SECTION 6. COMPENSATION.

Compensation of members of Council shall be left to the discretion of the members who shall be mindful of the best interests of those whom they represent.

Eastlake

SECTION V-13. SALARIES AND BONDS.

The Council shall have the power to fix the salary of its own members and of each officer, employee and member of any department, board, or commission of the Municipality whether elected or appointed, except as otherwise provided in this Charter. Any such person may be required by the Council, from time to time to furnish bond in such sum as the Council shall determine and with such surety as shall be approved by the Mayor; and the Council may provide that the premium for any such bond shall be paid the Municipality. The compensation of the Mayor, each member of the Council, and any other elected official shall be fixed at least thirty (30) days before the time for the filing of the nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be diminished or increased during such terms.

Euclid

ARTICLE VI SALARIES AND BONDS

The Council shall fix the compensation of each officer and employee, and each member of any board or commission, of the City, and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the City. The annual compensation of each member of the Council shall be fixed at least 30 days before and no more than 150 days before the time for filing nominating petitions for the Council term beginning on the next succeeding first day of December, and shall not thereafter be changed. The annual compensation of the Mayor shall be fixed at least 30 days before and no more than 150 days before the time for filing nominating petitions for the Council term beginning the next succeeding 1st day of December, except, that in no event shall the Mayor's salary be reduced during the term of office, and shall not thereafter be changed. The Mayor may authorize the payment or reimbursement of expenses incurred by any officer or employee of the City, or by any board or commission of the City, in trips taken in the interest of the City.

(Amended November 6, 1984.)

Fairview Park

SECTION 6. SALARIES AND BONDS.

The Council shall have the power to fix its own compensation and that of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium of any bond required by the Council shall be paid by the City. The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City.

Garfield Heights

SECTION 20. SALARIES AND BONDS.

The Council shall have the power to fix its own compensation and that of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties of the office. The premium of any bond required by the Council shall be paid by the City. The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning after the regular municipal elections for which such petitions were filed, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City. (Amended 11-2-76.)

Gates Mills

SECTION III-11 SALARIES, COMPENSATION AND BONDS.

Council shall fix the compensation of its members and of each official, employee and member of any board or commission of the Municipality. Any such person may be required by Council to furnish a bond for the faithful performance of his or her duties, and Council may provide that the premium for any such bond shall be paid by the Municipality. The compensation of the Mayor, Clerk, Treasurer and each member of Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be increased in respect of any such terms or any part thereof, nor decreased except with the consent of the official involved. The compensation of each other official, employee and member of a board or commission shall be fixed by Council, and, subject to the power of Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. Council may authorize the payment or reimbursement for travel or other expenses incurred in the interests of the Municipality by any official employee, or by any member of any board or commission of the Municipality.

Highland Heights

SECTION 4.04 SALARIES AND BONDS.

The Council shall have the power to fix all compensation paid by the Municipality, the salary of its own members, except as otherwise provided in this Charter. Any person may be required by the Council from time to time, to furnish a bond for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the Municipality. The compensation of the Mayor, and each member of the Council shall be fixed at least thirty (30) days before the time for the filing of the nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be diminished or increased in respect to any such terms or any part thereof. The compensation of members of Council shall be fixed as an annual salary and shall include compensation for all services whether as a member of Council or as a member of a board or commission or any combination thereof. The Council of the Municipality shall fix the salaries of all elective and appointive officials. The Council may

authorize the payment or reimbursement of expenses incurred by any official, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality. (Amended 11-5-85)

Hunting Valley

SECTION III-11. SALARIES, COMPENSATION AND BONDS.

Council shall fix the compensation of its members and each official, employee and member of any board or commission of the municipality. Any such person may be required by Council to furnish a bond for the faithful performance of his duties, and Council may provide that the premium for any such bond shall be paid by the municipality. The compensation of the Mayor, Clerk, Finance Director and each member of Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be increased in respect of any such terms or any part thereof, nor decreased, except with the consent of the officer involved. The compensation of each other official, employee and member of a board or commission shall be fixed by Council, and, subject to the power of Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. Council may authorize the payment or reimbursement of expenses incurred by any official or employee of the municipality, or by any member of any board or commission of the municipality, for travel or otherwise in the interest of the municipality.

Independence?
Kirtland – Council

Lakewood

2.3 COUNCIL SALARIES

(a) Salaries. The salaries of the members of council shall be established by ordinance or resolution, provided that the legislation is adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of councilmember for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 2.3(c).

(c) Timing of Salary Change. No change in the salary for a member of council shall take effect during the current term of that member.

3.5 SALARY OF THE MAYOR

(a) Salary. The salary of the mayor shall be established by ordinance or resolution, provided that the legislation must be adopted not less than 30 days prior to the deadline for the filing of nominating petitions by candidates for the office of mayor for the next term, and subject to further provisions of this charter.

(b) Salary Recommendation. Council shall accept, reject, or modify the civil service commission's recommendations made under Article Six within 90 days of receiving them. Without any action by council within the 90-day period, the recommendations of the civil service commission with respect to the mayor's salary shall become effective as if adopted by ordinance or resolution under Section 2.8, but consistent with Section 3.5(c).

(c) Timing of Salary Change. No change in the salary for the mayor shall take effect during the current term of the mayor.

Lyndhurst OH

ARTICLE VI

SALARIES AND BONDS

The Council shall fix the **salary** or compensation of each officer, employee and member of any board or commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his/her duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the City shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the City, or by any member of any board or commission of the City, in trips taken in the interest of the City.

(Amended 11-5-02.)

Macedonia

Section 19.05 Salaries, Compensation and Bonds.

The Council shall have the power to fix the salaries of its members and of all other officers and employees of the Municipality, whether elected or appointed, and to establish such bonds as in the opinion of the Council are necessary for the faithful discharge of their duties. The premium of any bond required by the Council shall be paid by the Municipality. The salary of an elected officer shall not be increased after his election nor during his term of office, nor decreased after his election or during such term except with the consent of the officer involved. The Council may authorize the payment to any officer or employee for travel for any municipal purpose including the training and/or development of such officer or employee with regard to his assigned duties.

Maple Heights – no specific mention of salary/compensation one way or the other.

Mayfield Heights

131.05 SALARY OF MAYOR.

(a) As used in this section, "consumer price index" means the consumer price index prepared by the United States Bureau of Labor Statistics (U.S. City Average for Urban Wage Earners and Clerical Workers: All Items, 1982 - 1984 = 100) or, if that index is no longer published, a generally available comparable index.

(b) (1) Effective January 1, 2018, the annual compensation for the Mayor of the City shall be increased from the current compensation by the percentage increase, if any, in the annual average of the consumer price index from October 1, 2012, to September 30, 2017, rounded up to the nearest one-tenth of one percent and reduced by one quarter of one percent;

(2) Each calendar year thereafter, the annual compensation for the Mayor of the City shall be increased by the percentage increase, if any, in the annual average of the consumer price index over the sixty month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded up to the nearest one-tenth of one percent and reduced by one quarter of one percent.

(c) No percentage change shall be less than zero percent or greater than five percent.

(d) If the City General Fund for the prior fiscal year ends in a deficit, no adjustment in the Mayor's salary shall be made.

(e) At the first regular meeting of Council in January each year the Director of Finance shall report to Council and the Mayor by memorandum the percentage increase rounded, the final percentage as reduced, and the amount of increase, if any, of the Mayor's salary; said report shall be noted in the meeting minutes.

(Ord. 2015-12. Passed 4-27-15; Ord. 2016-8. Passed 2-8-16.)

Medina

SECTION III-12. Salaries and Bonds.

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor, Director of Finance and of each member of the Council shall not be changed except it be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each officer, employee and member of a board or commission of the City shall be fixed by the Council, and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion.

(Approved by voters November 5, 1986)

Mentor

SECTION 3.11 Salaries and compensation

Council shall fix the salaries or compensation of the President of Council, Vice-President of Council, Manager, members of Council and each officer, employee or member of any board or commission of the municipality, either elected or appointed. Any such person may be required by Council to furnish bond for the faithful performance of his/her duties, and Council may provide for the payment of the premium for such bond by the municipality.

The salary of each councilperson shall be \$240 per year unless changed by ordinance. A councilperson, while acting as President of Council, shall receive additional compensation in an amount to be fixed by Council prior to his/her assumption of the office as herein provided.

The compensation of each member of Council and said additional compensation of a Councilperson acting as President of Council shall be fixed by Council not less than 120 days immediately preceding the date of the next municipal election. No change of such compensation can become effective for any councilperson during the current term of any councilperson enacting such ordinance.

The compensation of every other office, employee and member of any board or commission of the municipality as fixed by Council, shall be subject at all times to the power of Council to provide otherwise by ordinance or resolution by general classification or otherwise, and may be changed at any time at the discretion of Council. Council may authorize the payment or reimbursement of expenses incurred by any officer or employee or member of any board or commission of the municipality for traveling or other expenses incidental to the authorized furtherance of the interests of the municipality.

(Amended 11-5-19)

Mentor OTL

ARTICLE V SALARIES AND BONDS

Council shall fix the salaries or compensation of the Mayor, members of Council, and each officer, employee or member of any board or commission of the Municipality, whether elected or appointed. Any such person may be required by Council to furnish a bond for the faithful performance of his or her duties, and Council may provide for the payment of the premium for any such bond by the Municipality.

The compensation of the Mayor and of each member of Council shall be fixed not less than one hundred twenty (120) days immediately preceding the date of the next Municipal election. No change can become effective for any Council member during the current term of any Council member enacting such ordinance. The compensation of every other officer, employee and member of any board or commission of the Municipality as fixed by Council shall be subject at all times to the power of Council to provide otherwise by ordinance or resolution, and may be changed at any -time at the discretion of Council. Council may authorize the payments of reimbursement of expenses incurred by any officer or employee or member of any board or commission of the Municipality for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

(Amended 11-6-84)

Middleburg Hts.

SECTION 4.14 COMPENSATION AND BONDS.

The Council, unless otherwise provided for by this Charter, shall have the power to fix the compensation of its own members and of each officer, employee and member of any department, board or commission of the Municipality, whether elected or appointed, and to establish bond for the faithful discharge of the duties of the office. The premium on any bond required by the Council shall be paid for by the Municipality.

The compensation of the Mayor, each member of Council and any other elected officer shall be fixed by the Council on or before July 1, for the next successive terms of office, and shall not thereafter be changed in respect to any such term or terms or any part thereof.

The compensation of all other employees, members of any board or commission of the Municipality, as fixed by Council, may at any time be changed by ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses incurred by any officer, employee, or member of any board or commission of the Municipality for travel and expenses incident thereto, when incurred in the interest of the Municipality.

(Amended 11-4-80)

Moreland Hills

**Art. VI
SALARIES AND BONDS**

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Municipality. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the performance of his or her duties; and the Council may provide that the premium for any such bond shall be paid by the Municipality. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the Municipality shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the Municipality, or by any member of the board or commission of the Municipality, in trips taken in the interest of the Municipality. (Amended 11-3-98)

North Olmsted

SEC. 6. SALARIES AND BONDS.

The Council shall have the power to fix its own compensation and the compensation of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen, and to establish bond for the faithful discharge of the duties

of the office. The premium of any bond required by Council shall be paid by the City. The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in any respect during any such term or part thereof.

North Royalton

(l) SALARIES.

The Council shall have power to fix the salary of the Mayor, its members and of all other employees of the Municipality, whether elected, appointed or chosen.

(11-8-83)

Olmsted Falls

(f) Salaries of Elected Municipal Officials. No later than ninety (90) days before the final date for the filing of the nominating petitions for elected municipal officers, Council shall, by ordinance, determine the salary to be paid to elected municipal officials during the next two (2) calendar years commencing January 1st. Council may require a bond for the faithful discharge of the duties of any or all such elected officials, provided that the premium for such bond is paid by the Municipality.

(g) Salaries of Municipal Employees, Appointees, and Non-Elected Officials. Council shall have the power to fix the salaries of municipal employees, appointees, and other non-elected officials. All such salaries shall be fixed by ordinance. Once Council appropriates the funds for salaries, wages, and benefits for City employees, no further action is required by Council and the Director of Finance is authorized to issue payments consistent with the Council approved appropriations. Council may require a bond for the faithful discharge of the duties of any such employee, appointee, or non-elected officials, provided that the premium for such bond is paid by the Municipality. (Amended 11-8-16.)

Orange

SECTION III-8. SALARIES AND COMPENSATION.

Council shall have the power to fix all compensation paid by the Municipality. No change to the compensation of the Mayor or any member of Council shall be effective unless it is introduced in an odd numbered year, passed before August 1st of that year, and made effective no earlier than January 1st of the following year. Such changes may be in term. Before enactment, the Council shall hold a public hearing advertised once in a newspaper of general circulation in the community at least sixty (60) days prior to the hearing. Such legislation shall not be passed as an emergency measure. Council may authorize the payment or reimbursement of any expenses incurred by an official, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality.

(Amended 11-5-02)

Parma

121.11 COMPENSATION OF ELECTED OFFICIALS.

Except as otherwise provided by Ordinance 374-95, no legislation increasing the compensation of any elected official, including fringe benefits, shall be voted upon and passed in the period ninety days prior to a new term in office, provided, however, that any legislation increasing the compensation of the Treasurer, including fringe benefits, shall be effective upon the dates set forth in the legislation, including any in-term increase as provided by Ohio law and decisions of the Ohio Ethics Commission.

(Ord. 254-99. Passed 9-20-99.)

Parma Hts.

SECTION 6. SALARIES.

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed and to require and fix bond for the faithful discharge of the duties of office. The premium of any bond required by the Council shall be paid by the Municipality. The salaries of all elected officials shall be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for their terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof. The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.

(Ord. 2011-8. Passed 3-28-11) (Ord. 2019-39. Passed 12-9-19.)

Pepper Pike

ARTICLE VI SALARIES AND BONDS

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Municipality. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the performance of his or her duties, and the Council may provide that the premium for any such bond shall be paid by the Municipality. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the Municipality shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of

the Municipality, or by any member of any board or commission of the Municipality, in trips taken in the interest of the Municipality.

Richmond Hts.

SECTION IV-4. SALARIES AND BONDS.

The Council shall have the power to fix the salary of its own members and of each other officer, employee and member of any board or commission of the Municipality whether elected, appointed or chosen, except as otherwise provided for in this Charter. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of such person's duties; and Council may provide that the premium for any such bonds shall be paid by the Municipality.

The compensation of the Mayor and each member of the Council shall be fixed at least thirty (30) days prior to the last date for filing the Mayor's and Councilperson's nominating petitions, and thereafter such compensation shall not be diminished, increased or changed in any respect during the term for which the Mayor and Councilperson were elected or for any part of such term.

Any person filling a vacancy for the unexpired term of an elected officer shall receive the compensation theretofore fixed for such elective office.

The compensation of each other officer, employee and member of any board or commission of the Municipality shall be fixed by the Council and may be changed at any time at the discretion of the Council.

The Council may authorize the payment or reimbursement of expenses incurred by any officials, employee or any member of a board or commission of the Municipality for travel, membership in an association or expenses otherwise incurred in the interest of or for the benefit of the Municipality. (Amended 11-7-78; 11-6-18)

Rocky River

SECTION 11. SALARIES, COMPENSATION AND BONDS.

The Council shall have the power to fix the salaries of its members and of all other officers and employees of the City, whether elected, appointed or chosen, and to establish such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties. The premium of any bond required by the Council shall be paid by the City. The salary of an elected officer shall not be increased during his term of office nor decreased during such term except with the consent of the officer involved. If the office is elective the salary shall be set at least forty-five (45) days prior to the last date for filing of nominating petitions. The Council may authorize the payment to any officer or employee for travel for any municipal purpose.

Seven Hills

SECTION III-4. SALARIES AND BONDS.

The Council shall have the power to fix the salary of each officer, employee and member of any department, division, board or commission of the City whether appointed or chosen. Any such person may be required by Council, from time to time, to furnish a bond for the faithful performance of his duties, and the Council shall provide that the premium for any such bond shall be paid by the City. In the event that it is proposed to increase or decrease the compensation of the

Mayor, Director of Law, and each member of the Council, the ordinance where by such increase or decrease is proposed shall be submitted to the electors for approval at the next regular election-municipal or general. Such submitted ordinance shall not become effective unless it shall be approved by a majority of electors voting upon said ordinance, and must be in effect at least thirty (30) days before the time for the filing of nominating petitions for the term beginning on the next December 10th, or within five (5) days after the Board of Elections has certified their election, whichever comes later, and shall not be diminished or increased in any respect to any such terms or any part thereof. Council's monthly compensation shall be indexed notwithstanding, the compensation of the Mayor, Director of Law and each member of Council elected at a regular municipal election held in 2007 or thereafter (or appointed to fill a vacancy in office held by such a person). Council's monthly compensation shall at all times be not less than the State minimum amount required to earn one month of Public Employees Retirement System credit and shall be automatically adjusted during their terms of office if the Sate minimum is increased to a level in excess of their scheduled compensation for their current term. The Council may authorize the payment or reimbursement of expenses incurred by any official, employee or member of any department, division, board or commission of the City for travel or otherwise in the interest of the City. (Amended 11-5-13.)

Shaker Hts.

SECTION VI-9. SALARIES AND BONDS.

The Council shall fix the salary or compensation of all officers and employees and members of boards and commissions of the City, and may require any officer or employee to give bond for the faithful performance of duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

The compensation of members of Council shall be fixed by a majority vote of Council on or before the last day of June, beginning in 2001, and each second year thereafter. The amounts so fixed shall become effective two (2) years after the next succeeding first day of January. The compensation of the Mayor shall be fixed by a majority vote of Council on or before the last day of June, beginning in 2003, and each fourth year thereafter, for the term beginning on the next succeeding first day of January.

The compensation of each other officer and employee, except judges, may be fixed and changed at any time in the discretion of the Council. The Council may authorize any officer of the City to incur such travel or other expenses as the Council deems to be in the public interest and may provide that such expenses be paid by the City.

(Approved by voters 11-2-99.)

Solon

SECTION 9. SALARIES AND BONDS.

Council shall fix the salary or compensation of each officer, employee or member of any board or commission of the City. Any such person may be required by the Council from time to time, to furnish a bond or bonds for the faithful performance of his or her duties, and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of each member of the Council shall be fixed at least 120 days prior to their election for the terms beginning on the next succeeding first day of December, and shall not thereafter be changed in respect to any such terms or part thereof, except that the compensation of members of Council for the unexpired portion of their four-year terms shall be changed to correspond to the compensation fixed for members of Council commencing new four-year terms, so that a uniform rate of compensation will be paid to all members of Council. The compensation of each other officer, employee and any member of a board or commission of the City shall be fixed by Council and, subject to the power of Council to provide otherwise by ordinance or resolution, may be changed at any time at its discretion. Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the City or by any member of any board or commission of the City in trips taken in the interest of the City. (Approved by voters 11-8-1988)

SECTION 10. SALARY OR COMPENSATION OF THE MAYOR.

Notwithstanding any other provision of this Charter, the compensation of the Mayor shall be fixed by Council not less than 120 days prior to his election for the term beginning on the next succeeding first day of December and shall thereafter be reviewed by Council on an annual basis in respect to any such terms or any part thereof. The Mayor shall be the highest compensated executive officer of the City. Another City executive officer's longevity compensation shall be excluded from the calculation to determine whether the Mayor is the highest compensated executive officer of the City.

(Approved by voters 11-8-1988; 11-5-2002)

South Euclid

ARTICLE VI - SALARIES AND BONDS

The Council shall fix the salary or compensation of all officers, members of boards and commissions, including the City Planning Commission, and all other employees of the City, and may require any officer or employee to give bond for the faithful performance of his/her duties, in such amount as it may determine, and with such surety as the Director of Finance may approve and may from time to time require additional bond or surety of any officer or employee and shall provide that the premium for any such bond be paid by the City.

The Council shall fix the compensation of all elected officials at least ninety days before their last respective filing dates for petitions for such office for the term beginning on the next succeeding first day of January, and such compensation shall not thereafter be changed for such term or any part thereof; except that for each absence of a Council Member, from a regular meeting of Council, there shall be deducted that percentage of his/her annual salary, which the number of meetings missed bears to the total number of regular meetings unless the absences are excused by the affirmative vote of a majority of the members of Council.

(Approved by voters 11-2-65.)

Strongsville

SECTION 4. DUTIES OF COUNCIL.

(a) General Duties. All legislative power of the Municipality, except as limited by this Charter, shall be vested in the Council, and in furtherance thereof it shall originate, introduce and pass ordinances and adopt resolutions; fix the salaries of all employees of the Municipality whether elected or appointed; require and fix bond for the faithful discharge of the duties of office by officers and employees; (the premium of any bond required by Council shall be paid by the Municipality); adopt a budget; provide for an annual financial audit by the State or a private concern; authorize the issuance of bonds under State law; and perform such other duties and exercise such other rights, not inconsistent with this Charter, as now or hereafter granted to the legislative authority of any municipality of Ohio.

University Hts.

SECTION 3. Salaries and Bonds. The Council shall fix the salary or compensation of all officers and employees of the City, and may require any officer or employee to give bond for the faithful performance of his duties in such amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City.

(11-8-1957)

Prior to the first day of November in 1959 and in each second year thereafter, the Council shall fix the compensation of the officers to be elected for the terms beginning on the next succeeding first day of January and the compensation of such officers shall not thereafter be changed for such term or any part thereof; except that for each absence of the councilman from a regular meeting of the Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two per cent (2%) of the annual salary of such Councilman. Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective officers. The compensation of other officers and employees may be fixed and changed at any time in the discretion of the Council. All fees pertaining to any office shall be paid into the city treasury. The Council may authorize any officer or employee of the City to make such travel as the Council deems

to be in the public interest, and may provide that the expense of such travel be paid by the City.

Waite Hill

2.14 Salary.

The Mayor shall receive an annual salary to be fixed by Council.

Walton Hills

230.01 COMPENSATION.

The salary and position of the Mayor of the Village shall be as determined from time to time by Council. The Mayor shall perform those duties as prescribed in R.C. § 733.24 on a part- time basis.

(Ord. 2008-1. Passed 2-12-08; Ord. 2011-18. Passed 7-25-11; Ord. 2018-13. Passed 9-4-18.)

Warrensville Hts.

SECTION IV-1. NUMBER, TERM AND SALARY.

The legislative powers of the Municipality, except as otherwise provided by the Charter, shall be vested in a Council of seven (7) members, elected by ward. Each Councilperson shall be a qualified elector of the Municipality, shall have resided continuously in the Municipality of the ward from which they are elected not less than two (2) years next preceding the date of their election and shall continue to reside therein during their term of office. Any Councilperson who moves from their ward shall forfeit their office immediately.

The Council shall consist of seven (7) members, elected by ward for four-year terms, commencing on the first day of January next after each election, except that at the regular municipal election in 2011 the three (3) candidates receiving the largest number of votes shall be elected for four-year terms and the four (4) candidates receiving the next largest number of votes shall be elected for two-year terms. Thereafter a regular municipal election shall be held every second year for the election of the three (3) or four (4) Council members, respectively, for four-year terms as the existing terms.

The compensation of the Mayor and of each member of Council shall be fixed at least thirty (30) days before the time for filing petitions for election for the term beginning on the next succeeding the first day of January, and shall not thereafter be changed in respect of any such terms of any part thereof. (Amended 11-2-10)

Westlake

SECTION III-3. DUTIES OF COUNCIL.

(a) General Duties. All legislative powers of the Municipality, except as limited by this Charter, shall be vested in the Council, and in furtherance thereof it shall originate, introduce and pass ordinances and adopt resolutions; fix the salaries of all employees of the Municipality whether elected or appointed; require and fix bond for the faithful discharge of the duties of office by officers and employees; (the premium of any bond required by Council may be paid by the

Municipality); adopt a budget; provide for an annual financial audit by the State; authorize the issuance of bonds under State law; and perform such other duties and exercise such other rights, not inconsistent with this Charter, as now or hereafter granted to the legislative authority of any municipality of Ohio.

Salaries paid to members of Council may neither be increased nor decreased during the term in which such legislation changing the salaries of councilmembers is adopted. Any change in the salaries of members of Council for the succeeding term of Council must be effective at least 45 days prior to the date a person is required to file for candidacy of the office of Council. (Amended Nov. 4, 1980.)

Wickliffe

SECTION III-5. SALARIES.

The Council shall have the power to fix its own compensation and that of each employee of the City, including officers and members of any board or commission of the City, whether elected, appointed or chosen and to establish bond for the faithful discharge of the duties of the office. The premium on any bond required by the Council shall be paid by the City. The compensation of the Mayor and each member of the Council shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof. The Council of the City of Wickliffe shall, on or before August 1, 1951, fix the salaries of all elective officials assuming office January 1, 1952. The Council may authorize the payment or reimbursement of expenses incurred by any officer, employee, or member of any board or commission of the City for travel or otherwise in the interest of the City.

Willoughby

SECTION III-4. SALARIES AND BONDS.

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of that person's duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty (30) days before the time for filing nominating petitions for the terms beginning on the next succeeding second day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the City shall be fixed by the Council and, subject to any contractual rights previously approved by Council, may be changed at any time at Council's discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the City, or by any member of any board or commission of the city, in trips taken or other out-of-the-pocket expenses in the interest of the City.
(Amended November 7, 2006)

Willoughby Hills

3.32 Fixing of Salaries. Council shall by ordinance fix the salary or compensation of every officer and employee of the Municipality.

Willowick

SECTION 3.6. SALARIES AND BONDS.

The Council shall have the power to fix the salary of its own members and of each officer, employee and member of any board or commission of the Municipality whether elected, appointed or chosen, except as otherwise provided in this Charter. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his or her duties; and the Council may provide that the premium for any such bond shall be paid by the Municipality. The compensation of the Mayor, and of each member of the Council shall be fixed at least thirty (30) days before the time for the filing of nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be diminished or increased in respect to any such terms or any part thereof. The Council of the Municipality shall, on or before August 1, 1953, fix the salaries of all elective officials assuming office January 1, 1954. The Council may authorize the payment or reimbursement of expenses incurred by any officer, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality.

(Amended 11-7-00)

Woodmere

Article VI
Salaries and Bonds

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Village. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; such bond shall be paid by the Village. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the Village shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the Village, or by any member of any board or commission of the Village, in trips taken in the interest of the Village.

Other Communities

Kent, OH 5.04 Salaries & Bonds

The Council shall have the power from time to time to fix the salaries or compensation of all officers, other than Council members, and employees and members of boards and commissions of the City, whether elected or appointed, including the Director of Law, Director of Service, Director of Safety, Civil Engineer or any directorships created through additional legislation. All salaries established prior to the effective date of this Charter shall remain in effect until changed by Council and the salary of any officer, employee or member of a board or commission whose position shall have been newly created by this Charter shall be the same as the salary for such officer, employee or member of the board or commission upon which are imposed corresponding functions, powers and duties prior to the effective date of this Charter. Council may require any officer or employee to give bond for the faithful performance of such officer's duties in an amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety from any officer or employee, any may provide that the premium for such bond be paid by the City.

The Council shall also have the power to fix the salaries or compensation for all its members. Every two (2) years, prior to fixing Council members salaries, a non partisan group of citizens shall be appointed by Council to review and make recommendations on the salaries of the Council members. Salary adjustments shall not take effect until the next term of the Council members. (Amended 11-05-85.)

Canal Fulton Ohio SECTION 2.02. COMPENSATION.

Council shall establish by ordinance the compensation to be received by Council members. Compensation of a Council member shall not be changed during the term for which such Council member was elected or appointed. Non-monetary benefits, including but not limited to, health insurance shall not be considered compensation.

SECTION 3.04. COMPENSATION.

Council shall establish the salary of the Mayor by ordinance. The salary of the Mayor shall not be changed during the term of office. Non-monetary benefits, including but not limited to, health insurance shall not be considered compensation.

Westerville

SECTION 11. SALARIES, COMPENSATIONS AND BONDS. The Council shall have the power to fix the salaries of its members and of all other officers and employees of the Municipality whether elected or appointed and to establish such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees. The salary of a member of Council shall not be increased during the term of office, nor shall such salary be decreased during such term except with the consent of the member of Council involved. (Amended November 2, 2010)

Oxford OH

SECTION 2.05 SALARY.

The salary of Council members, other than the Mayor, shall be at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take effect during the term of a Council member in office at the time the ordinance is adopted.

SECTION 2.08 SALARY OF MAYOR.

The Mayor shall be paid a salary at a rate established by Council, until changed by ordinance adopted by Council. No increase in salary shall ever take place during the term of the Mayor in office at the time the ordinance is adopted.

Pickerington, OH

SECTION 3.04. COMPENSATION.

Council shall establish the salary of the Mayor by ordinance. The salary of the Mayor shall not be changed during the term of office. Non-monetary benefits, including but not limited to, health insurance shall not be considered compensation.

MEMORANDUM

To: Charter Review Commission
From: Mayfield Village Law Department
CC: Diane Wolgamuth
Date: March 25, 2020
Re: Distinction between the meaning of “Elector” and “Qualified Elector”

We have been asked to determine if there is a distinction between the meaning of an “Elector” and a “Qualified Elector”. Based on our review of the relevant Ohio Revised Code sections, Mayfield Village Charter, and case law, it does not appear that there is a distinction between an “Elector” and a “Qualified Elector”.

The Ohio Revised Code uses the terms interchangeably and R.C. 3501.01(N) provides, “Elector or qualified elector means a person having the qualifications provided by law to be entitled to vote.” Further, R.C. 3501.01(O) provides a “Voter means an elector who votes at an election.” Therefore, there is a small distinction between an “Elector” and a “Voter” but practically speaking a “Voter” would have the same qualifications as an “Elector”.

R.C. Chapter 3503 provides the qualifications to be an elector in Ohio. A person is qualified to register to vote in Ohio and therefore be an elector if they meet all the following requirements:

- (1) citizen of the United States;
- (2) at least 18 years old on or before the day of the next general election. (If the person will be 18 on or before November 2, they may vote in the primary election for candidates, but cannot vote on issues until they are 18);
- (3) resident of Ohio for at least 30 days immediately before the election in which they want to vote;
- (4) not incarcerated (in prison or jail) for a felony conviction under the laws of Ohio, another state or the United States;
- (5) Not been declared incompetent for voting purposes by a probate court; and
- (6) not been permanently disenfranchised for violating the election laws.

A person is eligible to vote in elections held in their voting precinct 30 consecutive days after they are duly registered to vote in Ohio; however, a person may request an absentee ballot during that period.