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MINUTES OF THE CHARTER REVIEW COMMISSION MEETING

Wednesday, February 18, 2015 – 7:00 p.m.
Mayfield Village Main Conference Room

Present: Vetus Syracuse
James Sheridan
Merv Singer
Paul Fikaris
Albert G. Hehr, III
Ron DiNardo
Mr. DiFranco

Also Present: Diane Wolgamuth
Mary Betsa

Absent: Tom Piteo

The Meeting of the Charter Review Commission was held on Wednesday, February 18, 2015 in the Main Conference Room at the Mayfield Village Civic Center. Chairman Fikaris called the meeting to order at 7:00 p.m.

Approval of Minutes of Regular Meeting of Wednesday, February 4, 2015

Mr. Dinardo, seconded by Mr. Syracuse, moved to approve the Minutes of the Regular Meeting of Wednesday, February 4, 2015.

ROLL CALL: Ayes: All
Nays: None

Motion Carried
Minutes of Wednesday, February
4, 2015 Approved as Written

Responses from letter to Mayor, Council, Department Heads, Commissions and Boards

Chairman Fikaris stated, all Commission members received in their packets responses from the letter by the Commission to the Mayor, Council, Department Heads, Commissions and Boards. We also received two additional ones today. Most of these apply to Article V. We are not there yet. The Commission should review them and compare them to be addressed when we get to the review of the respective Articles.

Mrs. Betsa stated, Chief Carcioppolo and Chief Edelman advised that they will be in attendance if needed when it comes to the review of Article V.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 2

REPORT OF DR. KELLER

Chairman Fikaris stated, if you have not had a chance to read the report of Dr. Keller, a Professor of Cleveland State University, it was prepared during the 2005 Charter. There's suggestions he makes, such as in the introduction where he talks about what the Charter can be in terms of the language. We took that into consideration in 2010. His point was to filter out the legal ease and get it so most individuals will be able to understand it. We determined last time it was almost impossible and would take a re-write of the Charter. But, even if we are not going to propose a change to a section, maybe we can make it sound better. Another thing to keep in mind would be that we are not only reviewing this for how these are written, what it says and what the Charter is, but maybe some omissions as well. Instead of just reviewing bit by bit, keep an open mind, thinking that maybe there's something that needs to be here and should be discussed.

Chairman Fikaris referred to the "Notice to Voters" that is in everyone's notebook. Taking as an example, Section 8, Vacancies in Council, you can see how it read previously in the 2005 version of the Charter and how we read through it and changed it to what it says today. The Charter is being added to all the time. We can refine the language as we did in the example pointed out in Section 8.

Mr. DiFranco stated, one of the things I did in reviewing the sections here is I went to another municipality and looked at their Charter. I thought, what community would we want to model after or see if there are any omissions. I looked at Beachwood's. It's clearly written differently than ours. It's organized differently. There are some omissions or components they have in their Charter that we don't have in ours. My suggestion is that we take a look at some of the other model communities and their Charters. It might jog some thought as to what we are missing or give us suggestions for rephrasing. If you don't have something to compare, how do you know if we have a good one to compare? Most Charters are available on-line.

. **Review and discussion of Articles I, II and III of the Charter**

. PREAMBLE

Chairman Fikaris defined "home rule" as the power of a constituent part of a state to exercise the state's powers of governance within its own administrative area that have been decentralized to it by the central government. Dr. Keller suggested to emphasize this idea of home rule. You will see in the Charter there's a portion where it says we exercise our home rule as it applies where the State of Ohio and U.S. Constitution do not overlap.

. ARTICLE I – THE MUNICIPALITY

- Section 1 – Name and Change of Name

Chairman Fikaris stated, I don't think there's any risk in the near future of us becoming a City. The definition in Ohio is 5,000 or more residents. Mayfield Village is around 3.96 miles. You have to have 4 miles and a population of 1,000 persons per square mile. We have less at 875.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 3

- Section 2 - Boundaries

Discussion ensued whether there is an ambiguity relative to two-thirds of the electors voting on such question. Does that mean voting yes or just voting? Is that clear enough? It was decided that it meant upon the consent of Council and two-thirds of the electors voting in the election.

It was pointed out by Chairman Fikaris that Dr. Keller's report suggested to add in whether we think the Charter needs language specifically concerning giving Council the authority to discuss annexation of services. It's not in the Charter. Does that fall into something Council would be or do we need language that would empower the Council to join other Counties and local governments in cooperative activity? Is that an omission we did not talk about? Should we look into this?

The Commission discussed the ability for Council to handle shared services. Should that require a vote? Should regionalization be left up to the electorate? The Commission decided to leave that up to Council. Dr. Keller's report stated that if you put it in the Charter, you avoid a judge making that decision for you. Council was elected to make the decisions for us.

Ms. Wolgamuth pointed out, because we are talking about the regionalization of dispatch right now, the Law Department has recently looked at the Charter and given us their opinion that under Article V, Section 9.1 of the Charter which is the Regionalized Districts section, it talks about Council determining that if in the best interest of the municipality, if they want to join or participate in regionalized public service, other than police or fire district. The Law Department's view of that was dispatch is not a police or fire district. Under the Charter, the Village could regionalize dispatch. That's a paragraph you would want to look at as you are talking about this. If the Village were to regionalize police or fire, it would have to go to a vote.

Mr. Hehr stated, we are addressing the suggested language later on in the Charter.

ARTICLE II – FORM OF GOVERNMENT AND POWERS

- Section 1 - Form

Chairman Fikaris stated, Mayor-Council form of government is proper. Council has the power. This was discussed at the last Charter Review. Are there any questions? There were none.

- Section 2 - Powers

Chairman Fikaris stated, this is pretty straightforward. Are there any questions? There were none.

- Section 3 – Manner of Exercise

Chairman Fikaris asked, are there any questions on this section? There were none.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 4

- Section 4 - Interpretation

Chairman Fikaris asked, are there any questions on this section? There were none.

ARTICLE III – FORM OF GOVERNMENT AND POWERS

- Section 1 - Composition and Term.

Chairman Fikaris stated, at the last Charter Review, we discussed the necessity and merits of having wards. No changes were made. It's interesting that our three at-large councilpersons are all in Ward 2. We discussed that we have a really qualified Council. We are fortunate to have their dedication.

There was a question relative to the history of wards. Mrs. Betsa was asked to check when wards began. The advantage to wards is that the residents have good representation. It's more restrictive than if everyone was at-large. If there's apathy, you could get a group of individuals close by geographically not being responsive to the needs of the neighborhoods.

Mr. Hehr stated, the historical significant of wards versus all at-large is service of different socioeconomic and geographic districts in different fashions. We are so small that it's hard to argue that someone in Ward 2 doesn't know what someone in Ward 4 is talking about. What is the disadvantage to having Wards? If everyone was at-large, arguably you would get the best people in the city, it's hard to say that one ward may not know what another ward is doing. Is this where we want to discuss, do we need wards at all? That's going to be on a future date, so keep that in mind as to whether they are a necessary piece because we are so small both geographically and socioeconomically.

Chairman Fikaris stated, it represents neighborhoods.

Mr. Hehr stated, historically that's absolutely true. Cleveland has to have different Wards. Those are distinctly different communities, both geographically and economically we are substantially similar.

Mr. DiFranco stated, the Wards are based on population. It indicates that from time to time Council could redraw the boundaries.

Mr. DiFranco stated, it seems like an absolute run-on sentence. Is there a way to reformat it? I thought about it when I saw Beachwood's similar section. They had it broken out a little differently, in table format. It's a suggestion to make it read a little better. It's a lot to swallow in one big paragraph. I don't have a good suggestion other than to say is there a better way to reformat it?

Mr. DiNardo asked, is that something we can do to the Charter at any time based on the words?

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 5

Ms. Wolgamuth asked, if you don't make any changes in the content, do you have to take that to referendum?

Chairman Fikaris referred to Issue 82 in 2010 to correct and clarify all grammatical and definition irregularities. We gender-neutralized a lot of terminology. In this case, we can almost rewrite it better.

Mr. DiNardo suggested the Commission make a recommendation to let the Law Department look at the possibility of rewording this similar to, but not exactly like, the content you saw in the Beachwood Charter. Let them come up with something. You can definitely take this run-on sentence and create a couple line items and charts. We shouldn't do it here as a group. We should recommend that the Law Department look at it.

Mr. Hehr asked, are we creating a change without a difference?

Mr. DiNardo replied, that would be the goal.

Mr. Hehr stated, the language is not unclear. It has to be read. It's doesn't appear to be confusing.

Mr. DiNardo stated, it's how it's presented in the Charter.

Mr. Hehr asked, is it pagination?

Mr. Sheridan stated, if we are going to change it, you are still going to need to have a beginning reference point. If we are doing it just to make an omission and make it clearer, it would not change the substance at all. I don't have a problem with what's in here.

Mrs. Betsa referred to a letter dated March 23, 2010 from Law Director Diemert relative to a question on removal. His response was "we have always put grammatical changes on the ballot as well as gender changes and as I indicated above this would probably be one of those we should just include under a general clean-up amendment rather than a separate question." To correct grammatical irregularities.

Chairman Fikaris stated, we should ask the Law Department if they have any suggestions. Does it make sense to update it to say it better?

Mr. Syracuse stated, it lays out an unambiguous formula. It's a reference point. I don't think it would make sense to try and change it. It's going to say the same thing regardless. Unless there is an actual way to reword all of this to say the same thing, I don't see it being necessary, but it's worth bringing up. I see the merit if there is something we can do.

Mr. Hehr asked, when it was contemplated in 2004, are there any notes relating to the change?

Mrs. Betsa will check and advise the Commission.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 6

Mr. Hehr stated, they had the opportunity and made the distinction to make that amendment in 2004, but elected not to make the date and formatting changes.

Mr. DiNardo stated, I would be curious to see what was in front of the voters. We have to be careful how we present it.

- Section 2 – Elections

Chairman Fikaris stated, this is pretty straightforward. Are there any questions? There were none.

- Section 3 - Qualifications

The idea of 2 years as a qualified elector is defined as someone qualified to be registered to vote.

Mrs. Betsa stated, this was discussed at the last review because it was confusing. The definition was provided by the Law Department. An individual would also be disqualified if they move wards. We discussed continuous years and whether that is restrictive. We agreed that should stay as is.

Mr. Hehr is pretty comfortable with the rules of government going slowly. An individual should reside in the Village for at least 2 years so you know what is going on in the Village. If you are moving from one ward to another, you are still two years in the Village and could serve at-large. In order to understand how a ward operates, do you lose your position? You are physically locked in. This will be discussed later on.

Mr. Sheridan asked, with regard to Council training, when does that take place? 20 hours during the first year in office. What kind of training?

Ms. Wolgamuth pointed out, there are all these miscellaneous provisions at the end of the Charter. There's one about that. Can we move those to the appropriate sections? There is one that says Council may require first-time newly-elected members of Council and Mayors to attend courses or seminars related to municipal government. Can we move sections without going to referendum? That may be a question for the Law Department.

Chairman Fikaris asked, should we discuss that at the end when we are familiar with the Charter?

Mr. Hehr agreed. Let's go through it and see if we need to reorganize it and seek Mr. Diemert's assistance.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 7

Mr. Syracuse stated, Section 2 of Article XII, Education for Council and Mayor and says Council may require first-time newly-elected members of Council and Mayors to attend training. If we were to move that into Section 3 of Article III, we would have to split that up for the Mayor and add a second provision. Being in the miscellaneous provisions, it may make more sense. That's probably why it's there.

Mr. Hehr stated, unless we are changing both of those sections to allocate the same language to each one.

Mr. Syracuse stated, where it's at now actually makes sense. We shouldn't change it unless we decide to clean it up by making it two separate provisions, one under Council qualifications and one for the Mayor. Since it is covered in the Charter, it wouldn't make sense to split that up and put it to referendum if it's already in here. We will get to that when we go through the rest of the Charter.

Mr. Hehr stated, it says a member of Council shall not hold any other elected public office or other employment with Mayfield Village. Why? Do you remember any discussion?

Mr. DiFranco stated, there's a conflict of interest there.

Mr. Hehr asked, would there be? A Cuyahoga County Judge also holding a Council position? They would have to recuse themselves anytime a conflict existed, but that's not a conflict that would be inherent and it would add a certain quality to the Council's position. There would be something valuable to be added. Or our policemen and firemen who live in the city. Why wouldn't we want them? They would have to recuse themselves from voting on police or fire issues, but now we are getting more quality integrated people into the Council positions. It opens up the seat.

Mr. Syracuse stated, I think there's a conflict there. I understand what you are saying. They would have to recuse themselves, but there would be a more frequent chance of having to recuse yourself from any kind of voting. There's also a perception issue that if I am a fireman for example, I am certainly going to drum up whatever I can to get a new fire station or fire truck. There's a conflict there even if you are not voting on something. There's chances for distrust there, even if there's no conflict, there's a potential in any situation. Without having looked at too many other charters, I believe that's pretty standard that you are not allowed to hold elected positions if you are an employee. We can look into that further. There are a lot of other municipalities where that is the case. If you are on Council, you are not allowed to be employed by the city. It could produce a conflict of interest if you are a judge or something and are sitting on Council. You may run into a conflict of interest as a judge, not just necessarily for Council where you would be violating some kind of ethics laws.

Mr. Hehr stated, as a member of the judiciary, your biggest issue would be whether or not an event which occurred within the city would come before you, whether it be an arrest or an event that occurred in your city. However, again, we have a large enough judiciary bank that I don't

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 8

think it would have a substantial impact whereas we can bring in additional valuable people to act on Council by removing that sentence. I would definitely see an inherent problem if, for example, the County Executive wanted to sit on Council. I don't know how to clean it up to open it up to additional people but still have the exclusion of others. A County Auditor would be conflicted every time they had a dollar vote.

Mr. DiFranco stated, if I were a public official, I would not want to be on Council in my community. I don't think anyone would want to.

Mr. Hehr agreed. The likelihood of it occurring is pretty low.

Mr. DiFranco stated, there are ethics issues that have to be thought through there. There's many opportunities for conflicts of interest when you have a scenario whereby you have local people that are within the community and acting as a representative for the community. There's too many opportunities for a conflict. I don't think it's bad the way it is written.

Chairman Fikaris agreed. If you err on one side, there's certain things that if you are such you have to eliminate yourself from another situation. For example, a school board employee who has interest within the community as well is not addressed. We can certainly ask Joe. I would think that is a good sound thing to have in there.

- Section 4 - Organization

The Commission discussed the possibility of changing "Village Hall" to the "Civic Center". Although there is an ordinance defining Village Hall, it might be suggested to clean it up under the general ordinance. Village Hall is also defined as the Civic Center. Mrs. Betsa will send the ordinance to the Commission. Keep in mind that years from now, someone might not know what Village Hall is or that an ordinance exists defining it.

Recommendation will be made to Joe to eliminate ambiguity and change it under general language.

- Section 5 - Clerk of Council

Education requirements were discussed for the Clerk. Are there any additional duties omitted? Mrs. Betsa replied, this falls under general.

Electronic communication was discussed. Does that incorporate all the new technology and things Council would want you to include? For example, the hard copy of the Minute book. Are you moving toward electronic and away from hard copies?

Mrs. Betsa replied, not the Minutes. Something like that would fall under the Records Schedule. Revisions to that schedule would have to be approved by the Records Commission, forwarded to the Ohio Historical Society for approval and then to the Ohio State Auditor for approval. Minutes under schedules are required to be kept permanently on paper. At this time, that has not

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 9

changed. It's highly doubtful that a change to electronic would be approved. There is a boundary. We can try it, but it would probably not be approved.

Mr. DiNardo asked, does it help with this process?

Mrs. Betsa replied, there would be no change. We would still have to obtain original signatures. At times, I am asked to provide certified copies of the original excerpts of Minutes for specific things. I can check with other municipalities, but I am sure they are still using paper Minutes.

- Section 6 - Salaries, Bonds and Compensation

Mr. DiNardo stated, the last raise the Mayor and Council received was in front of the voters over 10 years ago. It has to be submitted to the electorate for approval by a majority vote. My feeling is it should be tied to some index of inflation. Right now, it's not. It just carries over and we have to wait until it is brought up at Charter Review. Council should be increased based on inflation at a percentage.

Mr. Hehr stated, it reads that Council can put it on the ballot every year if they want it.

Mr. Syracuse stated, you are saying to put something in the Charter that says they would receive an increase irregardless of voting.

Mr. DiNardo replied, exactly. If they really want to increase it higher than that, then bring it to the electorate to vote on. It's such a small amount. The amount of time and effort our Council and Mayor spend in this community and all they do.

What we could do is put in a provision that says Mayor and Council will look at pay of Mayor and Council on an annual basis and determine whether or not increases are necessary. How do they do it now?

Mr. DiNardo replied, they bring it to the vote of the people.

Who's going to bring it up at Council? If you put it in the Charter and says it has to be done on an annual basis so Mayor and Council has to review it annually and if it is necessary, put it to the vote of the people.

Mr. DiNardo replied, above a certain number, whether it's 2% or something. We have to provide wording for the electorate to vote on. What is it that we are going to ask them to do? Remove it from their ability to give any increase and we give a certain amount of increase based on whatever we determine. I would like to know what other communities do. I want to offer it to the people that serve us for them to not have an increase whatever miniscule amount it is for the last 10-15 years.

Chairman Fikaris stated, I like your idea. There's some inherent issue with making it an automatic thing. I wonder if this is within our charge to call for a bi-annual commission, like a

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 10

Citizen's Review Board, to empower them to review that. It would look bad if finances went dry for a while. I appreciate what these folks do. It would not be prudent for them to bring it up so therefore it goes over 10 years. Review other Charters and ask.

Mr. DiNardo stated, I would be curious to see when the last time it went to the voters and also check other communities situated close to us with similar populations.

What do we want to model our community off of?

Mr. DiNardo asked, has this been brought up to Dr. Keller?

Did his report say we had a bad Charter?

Mr. DiFranco stated, just recommendations.

Chairman Fikaris stated, he talks about clarity and cleaning up physical aspects of the Charter.

Mr. Sheridan stated, he also mentions a Model City Charter. We should refer to that. We should all get a copy of that and review it to compare it to ours.

Mrs. Betsa will get it off-line and send it to everyone.

Mr. DiNardo stated, that's something we should look at, the Model City Charter.

Mrs. Betsa will also send an e-mail to the Ohio Municipal Clerks asking how they compensate their Mayor and Council.

Mr. DiNardo stated, we should look at that. We can make the recommendation. Ultimately Council will have to agree to what we send to them.

Mr. Sherman asked, how much do they get paid?

Mrs. Betsa replied, Council members, \$7500, Council President 8,000

Ms. Wolgamuth stated, and the Mayor is at \$19,000.

Mr. Sherman asked, do we pay into PERS?

Mrs. Betsa replied, PERS. No benefits.

Mr. DiNardo stated, this would be strictly for their salary. No benefits. We can approach that at another Charter Review. At least they should be compensated through whatever mechanism we agree to present to them. Whatever index.

Chairman Fikaris asked about the bond. Do we do that?

DRAFT

Minutes of the Charter Review Commission
Wednesday, February 18, 2015
Page 11

Mrs. Betsa replied, yes. There's a bond for the Mayor and Finance Director.

Chairman Fikaris asked, do we need to define the Mayor's spending limit?

Mr. DiNardo replied, it is defined by ordinance.

Ms. Wolgamuth replied, it's currently at \$4,999.

- Section 7 - Council Meetings

Chairman Fikaris asked, do we need to add any clarity relative to recent issues with Sunshine Laws? Would this be a place for that? There were some issues with neighboring communities on meetings.

Mrs. Betsa replied, they did not provide proper notice within a certain period of time.

Mr. Sherman asked, aren't Sunshine Laws defined in the State?

Mrs. Betsa replied, 121.22 of the Ohio Revised Code.

Mr. Sherman asked, you would be suggesting we add additional language.

Chairman Fikaris replied, if everything's covered and it's all clear, that's fine.

Mr. Hehr stated, we could only be more restrictive. We can't go outside the Ohio Revised Code.

Mrs. Betsa replied, the communities that did not provide proper notice did not know what the rule. Some clerks from outside communities do not receive proper training and are not aware of the open meetings laws and notice requirements.

Mr. Hehr asked, should there be Clerk of Council training built in to this under Section 5? Would it be pertinent? You have training. It's not about you. But when you leave, how do I ensure a person of similar ilk sits in that seat next time?

Mrs. Betsa replied, my job description requires that I maintain my CMC status and further education. The Clerk of Council who takes my place should be required to do the same.

Mr. Hehr stated, if that's in the job description, that's excellent. But I should put it in here.

Ms. Wolgamuth agreed. We have job descriptions, but it's not in an ordinance.

Mrs. Betsa agreed. You and I know about the job descriptions and so does everyone here, but what if through the years, it isn't brought up.? It's a safeguard. I am not going to name communities, but some of the clerks are just put in their chairs and are frustrated because they

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 12

are told they don't need to know anything. But you really do. Education and continuing education is vital.

Mr. Hehr asked, would you list specific requirements for your successor?

Mr. DiNardo replied, things could change. You should leave it as you need certain training and further educational updates.

Shouldn't the accreditation be required? You might add in there whatever additional training.

Mrs. Betsa replied, frankly speaking, if 121.22 or 149.43 for example is not followed, the Village loses monetarily. It would be a good safeguard to require ongoing educational training.

Mr. DiNardo asked, so are we making a recommendation to add language to the Clerk of Council?

Chairman Fikaris replied, yes.

Mrs. Betsa will obtain language from other municipalities that require ongoing training.

- Section 8 – Vacancies in Council.

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

Mr. DiNardo stated, we just went through that this past year. It worked out.

- Section 9 – Powers and Duties

Mr. Hehr stated, this would be an example of cleaner pagination, making it a section rather than block print.

Chairman Fikaris stated, does this seem pretty general to what we would find, at least the intent in other Charters? Are there any questions or comments? Dr. Keller said Section 9 is important. That might be the idea, take Section 9 and make it new Section 1. It would outline the duties and then the details would follow.

Mr. Syracuse stated, for me personally it is difficult for me to say yes, I don't think we should just make a recommendation without looking at the Model City Charter. We should look at it before the next meeting before making recommendations on changing this Section. I have nothing to compare this to to say here's how it really should be laid out rather than how it is. Looking at it, I don't have a problem with what he says. Previous Charter Review Commissions have not amended this or changed it. We should look at the model charter. He mentioned combining part of Section 9 with Section 1. If we are going to look at his recommendations, let's look at what he based those on. If it's something we want to do, we can pose it all in one amendment.

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 13

Chairman Fikaris stated, if we were restarting over, that would be a good idea. How do we engineer this? It's really for clarity. If it takes a lot of movement to move a section for clarity, it may not be worth it. That's not what we are here to do.

Mr. Hehr stated, in the Charter each section is read independently. Since it's not read in succession, the impact of one section on another is nominal because each section has to be adhered to specifically, correct?

Chairman Fikaris asked, is there any other further discussion on Section 9 for now? I agree with Vetus that we should take a look at the master city charter and some other examples of how they set that up. For clarity purposes, it's pretty straightforward. We can always look back on this as well.

Mr. Hehr stated, there is confusion. It says the Council shall by ordinance make provisions for the time and place of regular meetings of the Council, but Section 7 says Council meetings shall occur at this time and place. The method of giving public notice, it says the Council shall make an ordinance for the method of giving public notice, but again, we already have how notice has to occur in Section 12. You can tell me we were being redundant. Section 12 says they don't get to make an ordinance about it because we did it here in the Charter. We are eliminating portions of 9. The Council may by ordinance make provisions for the form and method of enactment of ordinances but we also talk about how do you enact an ordinance and when does it become effective. So which is it? Section 9 B, C and D are not redundancies. They are not otherwise stated. If we are cleaning up the pagination question, is that what we are looking at right here?

When you look at Section 9 Powers and Duties it says the council shall make ordinances A and then they talk about another A. One says the Council shall by ordinance make and one says may.

Mr. Hehr stated they are substantially different but they shouldn't both be.

Mr. DiNardo stated, they should be 1 and 2.

Mr. Hehr asked, when you cite Section 9A, which one do you do?

Mr. DiFranco asked, shouldn't it be Section 9 and then 1, then A, B?

Mr. DiNardo stated, it goes back to the previous amendment to the Charter that we can fix this by putting 1 and 2.

Mr. Sherman stated, your initial statement as that under Section 7, Council shall hold ...and then in Section 9 it is redundant. It is really not. It maybe could be included in Section 7A. It could say, "Council shall hold at least one regular meeting in each calendar month and establish a time and place for it."

DRAFT

Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 14

Mr. Syracuse stated, they are establishing it by ordinance. That's what this is. It says they shall by ordinance.

Mr. DiNardo asked, do you need that ordinance so everyone in the Village knows when and they can come? Or do you just put the sign out at the Gazebo?

Mrs. Betsa replied, I send a calendar to the paper annually and fax the notice to them the week before each meeting. Meetings are also posted on the web.

Mr. DiNardo asked, that's set by ordinance at the beginning of the year?

Mrs. Betsa replied, it's done by law. Council receives a draft of the calendar and upon discussion, it is prepared in final format and sent to the newspapers.

Mr. Hehr stated, Section 7 says you have to do it once a month. Section 9 A says, we will decide what day and time and where by ordinance. There is enough difference to the two that I understand why it ended up in two spots. Could it be combined? Obviously the pagination is an issue.

Mr. Syracuse agreed the pagination is an issue. I see your point about it. One is just about Council meetings and the other is powers and duties. That's a duty of Council because they shall by ordinance make that. Putting it in the Council meeting section would not be in the right place for explaining what the duties are. I can see how it was written in two spots like that. Try to combine it? We could. I don't think it would make a difference to do that. I don't see why we would want to.

Mr. Hehr stated, you are right. A lot of what we are doing is a change without a difference.

Mr. Syracuse replied, exactly. At which point, there is no point in changing it.

Mr. DiNardo asked, do we add the 1 and the 2 for definition purposes?

Mr. Syracuse replied, I like that. We definitely need to fix Section 9 so it is not confusing.

Mr. Hehr stated, I would like to know whether the Commission has the ability to do that without referendum because it is grammatical.

Chairman Fikaris asked, how would you suggest to do that? It states, "the Council shall" and "the Council may"?

Mr. Syracuse replied, before "the Council shall" could be A and then 1 and 2. Right before "the Council may", that would be B, 1, 2, 3 and 4 instead of A, B, C and D creating uniformity of outline set up for consistency.

DRAFT

Minutes of the Charter Review Commission
Wednesday, February 18, 2015
Page 15

Chairman Fikaris stated, let's think about that. Request a recommendation on the uniformity of the pagination and outline set up for consistency purposes. Would that make it easier to read?

Mr. Sherman replied, I think it would make it much easier to read.

Mr. Hehr agreed. Again, it's a change without a difference.

Mr. Syracuse stated, if all we are making is those kind of changes, I think it still has to go to the vote of the people.

Mr. DiNardo stated, and that would be confusing. That's probably why it has not been changed since 1984.

Chairman Fikaris replied, there were some understandings we could combine these under one single vote.

Mrs. Betsa added, it didn't describe what changes were being made. It just clarified that there were gender and grammatical errors which needed to be fixed.

Chairman Fikaris stated, so that should fall under that. We can take a look at this. We are going to encounter this some more.

- Section 10 – Effective Date of Ordinances and Resolutions

Mr. Syracuse pointed out that the second paragraph has to do with emergency action. It has nothing to do with the effective date. In Dr. Keller's analysis, he says Section 10 and the second part of Section 9 should be part of one section detailing the lawmaking process. It doesn't seem like it's the right place to go. I don't have a problem with what it says. You could change the second paragraph of section 10 and have it be a new section in 11. I don't know whether it's necessary. Just bringing it up to see what everyone else thinks.

Mr. DiNardo asked, again, should it be A, B? One is a regular ordinance, the other is an emergency measure.

The Commission agreed that they would like to take a look at the Master City Charter first. That would make the most sense. It doesn't seem like the second paragraph belongs in Section 10.

Mr. DiNardo stated, we consistently run into an emergency measure. There are times where things have to be voted on quickly. I think it's okay to leave it there. I am not a fan of the fact that it's not listed as 1 or 2 or A or B, but I don't know if it needs to go in a different location.

Mr. Sherman asked, does it have anything to do with the effective date of the resolution. It seems to have nothing to do with it.

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Minutes of the Charter Review Commission

Wednesday, February 18, 2015

Page 16

Mr. DiNardo replied, if it's an emergency measure, they vote that day. Otherwise, the Ordinance goes through three readings.

Ms. Wolgamuth asked, does it say that an ordinance has to go through three readings? Is there a provision? That's essentially how it works.

Mrs. Betsa replied, there is certain legislation that definitely has to go through three reads, for example, appropriations, tax levy. That is defined in Section 12.

Mr. DiNardo asked, so it becomes effective that day if it is an emergency?

Mrs. Betsa replied, upon signature by the Mayor.

Chairman Fikaris stated Mrs. Betsa will forward the Model City Charter to the Commission tomorrow. We will come back to Section 10.

. **Next Meeting**

The next meeting is scheduled for Wednesday, March 4th at 7:00 p.m. in the Main Conference Room. At that time, we will discuss whether or not to start the meetings at an earlier time in the day, for example 6:00 or 6:30, with a two-hour limit.

Chairman Fikaris stated, we will finish Section 10 on in Article III. Let's then go through the Model City Charter and Article IV.

. **Any Other Matters**

Chairman Fikaris asked, is there any other business this evening? There was none.

. **Adjournment**

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

Mr. Syracuse, seconded by Mr. DiNardo, made a motion to adjourn the meeting. There was no opposition.

The meeting concluded at 9:00 p.m. The next meeting is scheduled for Wednesday, March 4th at 7:00 p.m. in the Main Conference Room at Mayfield Village Civic Hall.

Respectfully submitted,

Mary E. Betsa, Secretary
Charter Review Commission