CHARTER REVIEW COMMITTEE MEETING
MONDAY, MARCH 15, 2023 – 6:00 PM

Call to Order

Chairperson Jan Clair called the Charter Review Committee Meeting to order at 6:01 PM. Committee members convened in Courtroom #1.

The following members were present: Kevin Bogdanski, Jan Clair, Kelsey Fischer, Michael Jackson, Katie Jenkins, Dan Nicholson, Joan Pouewells, Steve Vellenga, and Maribel Young.

Others city staff in attendance were Assistant City Manager Tony Zampedro, Law Director Jim Lyons, Council Vice-President Jim Fodor, and Clerk of Council Samantha Danielson.

Joan Pouewells introduced herself to the other members giving a brief explanation of work/life experiences, and her interest in serving on the committee.

Approval of Minutes – February 13, 2023

Chairperson Jan Clair asked for a motion to approve the minutes for February 13, 2023. Kevin Bogdanski moved to approve the minutes for February 13, 2023, seconded by Dan Nicholson. All members were in favor by answering "Aye". Motion carried.

Discussion Items – New Business: Discussion of Articles 1 through 3 & 10 of the Charter

Article 1, Section 2:

Submitted by Kelsey Fischer: City-Manager Form of Government: While I support our City-Manager form of government, I would like to discuss at the March meeting. This is a significant item worth reviewing as a committee.

Discussion ensued about clarifying the difference of having a City Manager form of government versus a Mayor form of government with the committee members. It was clarified the City Manager was the most used form of government in the State of Ohio, due to Council being the legislative body, and the City Manager serves for the Council and the voters. Other members agreed this is the better form of government because of strong managerial experience and the specialization, understanding and knowledge needed for a community.

Submitted by Kelsey Fischer: "Any Charter reference to a particular gender shall be deemed as reference to either gender." - I would like to discuss alternative ways to make this document gender neutral. Can we change all references to "councilman" to "councilperson," etc.?

The Chairperson sited several surrounding communities who have changed their charter to reflect gender neutral language. Our charter already states "Any Charter reference to a particular gender shall be deemed as reference to either gender." (Amended November 3, 1993). It was brought forth about the inconstancies of words such as councilman and council members. Discussion ensued about gender neutral language and changing the wording councilman to councilperson and other gender wording, the number of amendments that would be needed to update gender language of the charter, if the amended language needs to appear in the charter, and the ballot language. It was clarified this would be a charter provision to instruct how the charter is supposed to read. The current charter reads as such:

ARTICLE I: FORM OF GOVERNMENT
SECTION 2. COUNCIL-MANAGER.

> The form of government hereby established shall be known as the "Council-Manager" form of government. All powers of the City shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, then in such manner as shall be provided by ordinance of the Council. The qualifications for legislative and administrative office holders, as set forth in this Charter, shall be free of invidious discrimination. **Any Charter reference to a particular gender shall be deemed as reference to either gender.** (Amended November 3, 1993)

Committee's consensus was that the wording would be as follows: Article 1, Section 2 would remain to say "Any Charter reference to a particular gender shall be deemed as reference to either gender" and add "The Charter shall be amended to change any gendered-language present in the charter to a non-gendered phrase or term".

A motion was made by Kevin Bogdanski, seconded by Kelsey Fischer. Kevin Bogdanski, Jan Clair, Kelsey Fischer, Michael Jackson, Katie Jenkins, Joan Pouewells, Steve Vellenga, and Maribel Young were in favor by answering "Aye". Dan Nicholson was not in favor by answering "No". Motion carried.

Article 2, Section 2:

Submitted by Kelsey Fischer: "Council shall be the judge of the qualifications of the members." How does this process work? Is it conducted before the individual is placed on the ballot, or after they are elected?

Chairperson Jan Clair stated the clerk, on behalf of Council, does determine whether or not a candidate has filed a petition to meet the residency requirement and the law director does a follow-up. The Board of Elections is responsible for issuing a petition to run for office but whether or not they meet the qualifications of the charter is determined by the city. The Board of Elections has a filing deadline, then the law director and clerk of council makes sure the person who files meets the requirements to run for office before the individual is certified to the ballot. City Council ultimately determines the qualifications. Discussion ensued about the definition of residency and the length of residency for wards.

Article 2, Section 5: 2nd Paragraph

Submitted by Kelsey Fischer: At the last meeting, it was suggested that we review the process for electing At Large Councilmembers. Currently, candidates choose a specific seat to run for. An alternative could be that all candidates run as a single group, and the top three vote getters win the three seats. I would like to discuss as a committee.

The committee members discussed this issue at length by reviewing the history and election process of At-Large Councilmembers prior to the amendment of 2013, and the current process of running for office. In prior time, the top three votes became the representatives for the At-Large seats, whereas, currently At-Large candidates must choose a specific seat to run for and stand on their own merit. Discussion ensued on the advantages and disadvantages of our current process, about the importance to have equitable opportunities for our diverse community, and how the candidates are elected by the voters. Also, brought to the committee members' attention were the several surrounding communities and whether they have specific terms or not for at-large seats. The members agreed to return to this topic after reviewing the other items for tonight's discussion.

Article 2, Section 5: 3rd Paragraph

Submitted by Ed Zivkovich: Says something about if the population of the city has not yet reached 25,000 there shall be only 5 members of Council, one from each precinct and 1 at-large. Seems like this language in Section 5 should be deleted or changed to allow for expansion or contraction of the number of Council Members based on future population changes.

It was clarified this section has historical meaning from 1963 and should not be removed or changed. Members agreed to leave this section as is.

Article 2, Section 7:

Submitted by Ed Zivkovich: Regarding the removal of Council president from office. It currently says a vote of 2/3rds of Council Members is needed to remove him/her. To me, it is not clear whether or not that includes the Council President herself/himself or not (I'm assuming here they would not vote to remove themselves). 2/3 of 7 would require 5 votes for removal from office, 2/3 of 6 would only require 4 votes. I think it deserves clarification.

It was clarified that Council President does have a right to vote and the assumption is that she/he would not vote to remove herself/himself. Members agreed to leave this section as is.

Article 3, Section 3 B:

Submitted by Tony Zampedro: The Administration would propose the Charter Review Committee examine the Council vote requirements for the suspension of the three reading rule [Charter Article III, Section 3 B] and the vote requirements for the emergency clause [Article III, Section 3 E].

The current language requires a supermajority of a three-fourths vote, or 75%, of all of members elected to Council. In our seven member Council this requires six out of seven affirmative votes in order to suspend the three reading rule and which at times can be difficult or impossible if only one or two councilmembers are absent from that particular meeting.

Article 3, Section 3 E:

The emergency clause requirement is a supermajority of two-thirds (66%) of all members of Council thereby necessitating five out of seven affirmative votes.

The Administration would propose that the suspension of the three reading rule read the same as the emergency clause provision on votes needed and while still requiring a supermajority that number would now be reduced to five affirmative votes. We believe this would provide increased flexibility to Council while still maintaining a greater than simple majority vote threshold in order to accomplish passage of legislation in a single or second reading should the need arise. It is my hope to provide some language after consultation with the Law Director in advance of the March 15th meeting.

Assistant City Manager Tony Zampedro spoke on this matter. He stated as for the suspension rule, a problem can occur if Council has less than six required voting members to suspend the three reads and pass legislation. This is important when legislation needs to be passed due to timing, deadlines or loss of opportunities to wait. Mr. Zampedro looked into surrounding charter cities in the county and 7 out of 10 have adjusted their suspension from 3/4 to 2/3. This still requires a supermajority but offers consistency.

The current Charter reads as such:

ARTICLE III: LEGISLATIVE PROCEDURES

SECTION 3. LEGISLATIVE PROCEDURES, ORDINANCES AND RESOLUTIONS.

B. Three Readings.

No by-law, ordinance, or resolution, of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a

tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless it has been fully and distinctly read on three (3) different days, and with respect to any such by-law, ordinance, or resolution, there shall be no authority to dispense with this rule, except by **a three-fourths (3/4)** vote of all members elected to Council.

Committee members agreed to change the three-fourths (3/4) vote of all members to be changed to two-thirds (2/3) vote of all members for the amendment, and further clarification of the ballot language was discussed.

Chairperson Jan Clair asked for a motion to amend Article 3, Section 3 B to read in its entirety and replace two-thirds (2/3) vote of all members instead of three-fourths (3/4) vote of all members.

Dan Nicholson moved to amend as such, seconded by Katie Jackson. All members were in favor by answering "Aye". Motion carried.

OTHER TOPICS:

Submitted by Ed Zivkovich: Finally, there seems to be no mention anywhere about conflicts of interest and how that should be handled by Council members when voting. I think there should be some guidelines in the charter about that. I didn't read the whole thing, but this website seems to have some good ideas about that: "Managing Conflict of Interest in the Public Sector: A TOOLKIT".

Article 2, Section 2, 2nd paragraph does speak to this issue.

Discussion resumed about Article 2, Section 5: 2nd Paragraph. Discussion was held at length for this to amend or remain as written for At-Large Councilpersons. Concerns about clarity and history of At-Large office terms for the voters were expressed. Six of the committee members' were in favor of keeping the language the way it is, whereas, three committee members' were is favor to amend the language to remove the terms. Decision was made to remain as is by a 6-3 vote.

Chairperson Jan Clair provided the committee members with additional information regarding initiative, referendum and recall. She explained the difference between a referendum petition and an initiative petition. Mr. Lyons explained an exception of when referendum goes in effect on an emergency. Emergency clause versus a 30 day effect period and a repeal process was explained, as well as a recall issue and process.

Public Comments

Mr. Fodor thanked the members for their participation and dedication to the process, encouraged them to have a conversation with each other and listen, and looks forward to the end results.

Adjournment

Katie Jenkins made a motion to adjourn the meeting, seconded by Joan Pouewells. All members were in favor answered "Aye". Motion carried at 7:36 PM.

Meeting adjourned at 7:36 PM.

Samantha Danielson
Clerk of Council

Jan Clair
Charter Review Committee Chairperson