

MINUTES OF MEETING
2020 CHARTER REVIEW COMMISSION
MAY 28, 2020

Members Present: John Urban, Pat Roberts, Trevor McAleer, Bill Brink, Tony Bucaro,
Steve Polly, Michael Coyne, John Lanning, Linda Bartolozzi

Presence Noted: Andrew Bemer, Law Director
Michael O'Shea, Assistant Law Director

Administration: Mayor Pamela Bobst

Council Members Present: James Moran, City Council President
Christopher Klym, At-Large Council Member
Dave Furry, At-Large Council Member

Mr. Urban opened the May 28, 2020 Charter Review Meeting at 6:00 p.m. via ZOOM virtual platform. He asked if the Commission members have any changes to the minutes of the May 21, 2020 meeting. Mr. Lanning moved to accept the minutes as presented. Mr. Polly seconded. The motion was passed by unanimous acclamation.

Mr. Urban said that tonight is the final meeting of the Charter Review Commission and at the end of the discussion last week, they discussed whether they should consider partisan versus non-partisan elections for the ballot. He was glad to hear from the Mayor and from some Council members regarding their viewpoints about this subject. He said that it is not incumbent upon the Commission to suggest that change today, because City Council has the power to place a Charter amendment on the ballot. In addition, if the public really wanted to do it, they could do an initiative referendum to have it placed on the ballot. He thinks they should have the discussion again tonight to decide what the Commission would like to do with it.

Mayor Bobst said that she talked last week about this being just another element of information that she thinks residents want to know at times. She would like to note that a lot of things that they discuss have consequences or far reaching effects that you don't necessarily see until you operationalize these things. When you run non-partisan, there are many more signatures required. For example, if there was a non-partisan election there would be a requirement for 300 signatures, which is already in place for independents. Because candidates in non-partisan elections can get signatures of democrats, republicans and independents, there is a higher standard for a greater number of signatures. She is not sure how long ago Westlake moved to non-partisan elections, but they require 500 signatures on their petitions. Mayor Bobst said that she has not heard from residents at all about this issue and it was placed on the ballot many years ago but it was not successful.

Council President Moran said that he discussed this topic with the President of Council in Bay Village to see how he felt about their non-partisan elections and he said that this is how it has always been. Mr. Moran said that he does not have an opinion one way or another and that he separates what is good for himself and for Council, the Law Director or the Mayor in favor of what the people of the City of Rocky River want. They look for

candidates who are involved and we are pretty evenly split with republicans and democrats and we have slightly more independents. He said that being a member of a specific party does not give a person any advantage or disadvantage because it is more about how involved the candidate is in the City. Running as an independent currently requires more signatures and he is not sure whether that is the reason they find less people running as independents. There have been very few people running against incumbents and he is not sure whether changing to non-partisan elections would make any difference. Mr. Moran said that he feels more strongly about keeping it the way it is rather than changing it.

At-Large Council Member Furry said that when he is circulating his petitions that they must do every 2 years, he does not find that it is very difficult to get signatures running as a republican because you can also get signatures of independents. He views circulating his petitions as campaigning and he does not know whether placing it on the ballot would cause people to question why they are doing it or whether some would vote strongly for or against it. In local politics, it does not matter what party you are affiliated with because you are there to serve the residents.

Mayor Bobst said she is curious about what the reason is for the discussion of changing to non-partisan elections and what value it would bring to the process. Mr. Urban replied that it was part of a discussion stemming from the general question of why we have partisan versus non-partisan elections. He said because the question was out there, he thought it made sense to poll the Council members and the Administration to see what their feeling is and where the Commission should go with this. Mrs. Bartolozzi said that there was the brief discussion that Federal, City and County employees are prevented from running due to the Hatch Act, but it has been this way for a long time and there is no huge uprising or concern among the residents to change it for any reason.

Law Director Bemer said that because there are only 5 cities in the entire County who hold partisan elections, we are in a clear minority position. He said that from his own experience, he was told he was crazy to run in 2005 because he was a democrat running for office in Rocky River. His Campaign Chairman was a republican, as was his dynamite webmaster. What really mattered was what he had done on the school board and all of the other community activities. He may have gotten 20% of the votes from democrats, but his qualifications were challenged by 2 democrats. It comes down to people looking at who the candidate is, what they have done in the community, what benefits have they brought to the community and why that person should have the privilege of being an elected official in this community. Mr. Lanning said that Law Director Bemer could have run as an independent but he chose to be labeled as a democrat, so there must be some value to having a designation because most people don't run as independents. Law Director Bemer said that he was always a democrat and he chose to run that way.

Mrs. Roberts said that she thinks that when they started this discussion, they mentioned that the preponderance of the communities have chosen to hold non-partisan elections. In order to get things done in the City, like paving streets, etc., it shouldn't matter what party a person is affiliated to because we are all working toward the same goal. The label of republican or democrat does not say anything about how you are going to run the City. She thinks that labels of republican or democrat get in the way of the goal of getting the best qualified person.

Council Member Klym said that most of what he has to say has been said already. He thinks it is very good and healthy to discuss every piece of the Charter when it is reviewed and this is a fairly major piece. Since he has been on Council he has not heard a single resident question why we haven't gone to non-partisan elections. Although it seems that the labels are getting skewed now, he agrees that it gives the voters more information as to who is running and what they stand for. Most of the information that goes out to the residents includes party designations, even in non-partisan elections and you will see both parties making endorsements and sending out slate cards. He does not see a real ground to make a change but it is always nice to consider it. Unless there is some real movement within the community, he does not think it is something to be revised at this time.

Council President Moran agreed with Mr. Klym and added that he does not think party affiliation comes into play in local government and decisions to make improvements to better the city are made based on what is good for the City and do not come from a place of party affiliation. He has not heard anything from the community about a desire for non-partisan elections. Mr. Brink agreed that on the local level, where we get to know the candidates more personally, he is not sure if party affiliation comes into play as much as it does on a state or a national level. He thinks that people look at the specific candidate and that party affiliation does not matter so much.

Mr. Urban asked Mayor Bobst if she would like to share the information she shared with him earlier. Mayor Bobst said that they received the advanced issues of the June Cleveland Magazine and she is happy to report that Rocky River is ranked as number 2 in the Rating the Suburbs piece. She said that Solon is number 1. We raised 2 positions in the rankings, and our schools moved from 7th to 5th. Council President Moran said that there was only one time, which was due to a mistake in the safety numbers, that they weren't rated in the top 10 by Cleveland Magazine and we have already been number 1. He thinks they want to make sure they give that rating to some other cities. If you take our average compared to all of the other communities, he thinks we might be at worst case, number 2. He said our success is due to the residents of Rocky River, including all of the Commission members.

Mr. Urban said he would like to turn the discussion to the terms of the Mayor, City Council and Law Director. Mayor Bobst said that she has already spoken about this but said that thinks that 2 year terms are important in terms of momentum and cohesiveness

of Council and the Administration. She would like to add a couple of things that are important to residents and to potential candidates. She said that 4 year terms cuts the opportunities in half, across the board. Half as many opportunities are presented for people to be engaged in the election process and half as many chances are presented for candidates to be able to pursue elected office. In addition, 2 year terms create more of a level playing field between incumbents and non-incumbents in a community because residents are more likely to give a 2 year chance to a candidate who is an unknown. In her view, this is about a performance evaluation and she does not believe that there is any business or industry that would let the leaders of that organization go for 4 years without an evaluation. She certainly knows that 4 years is a long time in the life of a community and she understand all the other communities have 4 year terms that they probably started out with. She believes that all of the elected officials should have a performance evaluation every couple of years, all at the same time, without staggered terms. It benefits the residents that all of the candidates are focused on the same priorities at the same time. Mayor Bobst continued by saying that she feels very strongly about this and she has seen it in action for 25 years. She has also seen what happens in other communities with longer terms that are staggered, and we are very fortunate to have the focus that we have. They work very closely with City Council to make sure that the priorities the Administration sets are the priorities of Council so that they are all working in the same direction and with momentum. Each elected official will be rewarded with re-election if they have made great progress toward a goal that they promised. It also keeps those who run for elected office honest, because you don't promise anything that you can't keep when you have 2 years to make good progress or accomplish a goal and to see results.

Council President Moran said that he is on the fence on this issue. He has heard from other Council members and has spoken with other communities. Bay Village's Mayor, Council President and Ward Council members have four year terms and their At-Large Council Members have 2 year terms. We currently have a lot of people who have been on Council for a long time. We have two members who are in their fifth term, two members who are in their seventh term, two members who are in their eight term and one newly elected member. Regardless of the length of terms, he does not think that anyone has ever been elected to Council and then sits back and says they don't have to work. He would have no problem with 4 year terms but the last time it went to the voters the notion of 4 year terms was soundly defeated.

Mayor Bobst said that in her eyes, the Charter and the work that they all do is for the residents. When she considers 2 year terms versus 4 year terms, she always comes back to the question of who benefits the most. In her mind, she thinks it is better for the residents to have a voice every couple of years, and if you do a good job then they will re-elect you. She and all of the Council Members are a product of that and the newest member, Christina, is doing a great job and if she continues, Christina will be re-elected if she wants to run again. Mayor Bobst said that 4 year terms gives candidates a longer

time to perform and to serve, however, she firmly believes that this is about the residents' voice and their control of local government and the representation that they have elected.

At- Large Council Member Klym said that if he were designing a Charter and a City government from the beginning, then he thinks that 4 year, staggered terms is the best way to go. Council President Moran's point is well taken in that the last time this came up 18 years ago, it was soundly defeated. The residents of Rocky River are not complaining about 2 year terms. He agreed that it is sort of a pain to run every 2 years, but if they want to do this job, then that is the way it is. He said that Mayor Bobst makes many very good points about it. The opposite side of the coin to consider a little bit differently is that Rocky River has been very, very fortunate to have a City Council, Mayor and Law Director, who work together fairly well on most occasions. In communities where they are constantly politicking, grandstanding and not working well together, it causes a great deal of turmoil. Mr. Klym said that they have been very fortunate that they avoid arguing about that stuff each week and he hopes that continues. Nobody has come up to him and suggested that Rocky River should have 4 year terms.

At-Large Council Member Furry said that he gave his input a few weeks ago. He agrees with everything that Mayor Bobst and Council President Moran said and added that there presently are term limits that are called elections. He still loves the public servant portion but he deeply detests the campaigning portion that he has to do every 2 years, because everyone is chasing the same money to pay for yard signs. For his last 5 plus elections he has pretty much funded it, along with At-Large Council member Klym. He feels dirty asking people for money so he does not do that because he does not want to feel like he owes anyone a favor. The time and energy of campaigning every 2 years takes them away from their families or other things. He added that both sides of the coin can be argued on this topic.

Law Director Bemer said that he is very impressed with the honesty and integrity with the republican officials that have spoken and they have all been right on. He said it is an honor to serve the public and you do have to pay to do that with time and energy. You will eventually be compensated by the pride that you get from being able to represent the community. He said that At-Large Council member Klym was right on with his comments because they work very, very well together. He believes it is the emotional intelligence that the officials in Rocky River bring to the table. They understand that this is not a partisan or a politicking issue. They are working to serve the residents of the community and he thinks there is a lot of nobility in going through the 2-year term process. He said that in the past the percentage of the population that voted against changing the terms to 4 years is somewhere in the 80s. He feels they would be wasting their good time and energy in looking at changing the terms because they have a good system that works well.

Mr. Brink said that as most of the Commission knows, he has been a proponent of letting the people have a say because it has been 18 years since it has been on the ballot.

However, he did some surveying the last couple of weeks and most people he spoke with either don't care or they like it the way it is with 2 year terms. He got a lot of comments about residents wishing the President's term was 2 years but that is another issue. He thinks that most people feel that 2 year terms has served them well, and some of the people like it because they said that it keeps them going back to the polls. He said he thinks that they would be hard-pressed for this to be successful in the polls and he thinks that the terms should stay as they are.

Mrs. Roberts said that she is looking at a bigger picture. With elections being every 2 years, according to our Charter, we can wipe out everybody in City Hall and bring in all new people because they are all up for election at the same time. The Charter should protect the City from that, which is why staggered elections makes sense. If there are 2 year staggered terms then we are having an election every single year. She thinks that staggering is a bigger issues and worth considering. Mrs. Roberts said that she is amazed at the amount of safeguards, check points and fail safes, should there be any misconduct or malfeasance in office. Her concern is that the last time it was on the ballot was 18 years ago and in that time, Rocky River has changed considerably. This Charter is for the City, and the people of the City have a right to vote on what goes on in their City. In 2002 the vote was defeated by a margin of 58% to 42%. She would like to put it out to vote because we are a democratic society and because of the need to stagger terms, the people need to have a vote on it.

Mr. McAleer said that he has laid out his reasons why he thinks it is worthwhile to put this out to the voters. Rocky River has nearly 16,000 registered voters and the last general election there were about 5,200 Rocky River voters who came out to vote for something that was on the ballot. He said that the Mayor has spoken clearly about where she stands and he thinks she is one of the best Mayors he has ever met. Mayor Bobst is incredibly responsive and he appreciates her viewpoint and her passion about this subject. It is very clear that some of the Council members are on the fence on this issue and that if they could start a new government, they would prefer 4 year terms. He thinks the City would be better off with staggered 4 year terms for the reasons they laid out a couple of weeks ago, but to Pat's point, it has been 18 years and a lot of things have changed. He feels that the 9 Commission members should not decide whether there should be 2 or 4 year terms and 18 years is enough time to pass to let voters decide if they prefer 2 or 4 year terms.

Mr. Lanning asked what the compelling reason for doing this is. Terms have been 2 years since the Charter began in 1960 and changing it to 4 year terms has been defeated in the poles three times. He is not sure what they are looking to find out that we don't already know after 60 years. It seems to him that the answer is there. If we let the voters have it, then he questions why they wouldn't also let the voters decide whether we should change other things, such as how many Council members we should have because that would be the same logic. Mr. McAleer responded to Mr. Lanning by saying that the residents could petition to have a Charter Amendment. Mr. Lanning says that he

understands that but we are the number 2 City in Cleveland and he does not understand the compelling reason to change anything right now because the government is working well. Changing the language like they are proposing is important, but he does not see the compelling reason to change something that is working.

Mr. Bucaro said that irrespective of what he thinks, adding that he has weak preferences on this, this Commission seems to be about split on this. He said that if they are supposed to represent the community, then they can assume that maybe the community is about split on this, as well. He would anticipate that asking the voters to make their representatives less accountable will fail, but he can also support letting them make the decision. He added that if they decide to put 7 or so things on the ballot list, then he thinks that this is one of the least important ones. If there are only 2 other things they decide to put on the ballot, then he wonders why they wouldn't do it.

Mrs. Bartolozzi said that she feels that the 2 year terms is part of what makes Rocky River the great City that it is, because there is accountability every 2 years, which is basically a performance evaluation. On the other hand, she does not necessarily object to giving it to the voters to make the decision. She feels that it would be defeated again because you would essentially be taking away their option to make the choice every 2 years. Otherwise, they would have to wait for 4 years to have the opportunity to vote for someone new. Mrs. Bartolozzi said that she objects to introducing staggered terms at this time, whether for 2 or 4 year terms, because she thinks it sort of changes the situation. Staggered terms may be a good idea to some voters, but they may think that if they want staggered terms, then they have to vote for 4 year terms. If the 4 year terms do go to the ballot, then she would prefer to see introducing the idea for staggered terms at a later time. There has never been a situation where everyone in the City has been voted out of office in one fell swoop, and she does not feel that is a pressing issue.

Law Director Bemer said that as a point of correction, the 2002 tallies for the Charter Amendment of the Mayor from 2 to 4 year terms failed from 66% to 34% and for Council-At-Large it was 73.5% to 26.5%. He did not see results for the Ward Council members because it may not have been a ballot issue.

Mr. Urban thanked the Council members for their input and the Council members dismissed themselves from the meeting.

Mr. Urban said that in old business, they had asked Law Director Bemer to come up with a new Article X – General, Section 7. Public Notices. The handout they were provided shows this new Section 7, and he believes this covers what they were discussing. Mr. Bucaro said he would like clarification because he was anticipating that it would somehow reference that whenever communication to the public is referenced in the charter, it will include posting by electronic means or something along those lines. Law Director Bemer said that the more he looked at this, it appears that there is still a need to maintain newspaper notifications, at least for the next 6 years. Otherwise, they could

simply change the 3 sections where newspapers are mentioned. Since newspapers are still a primary mode of communication for some people, then they should keep that in place and add this new provision allowing Council to supplement newspapers with notice via electronic means. He added that the Administrative Code could then be revised in Chapter 125, Open Meetings where he indicated on the handout. Mr. Bucaro said he agrees that newspapers still make sense and that he just wanted to be sure it was not an oversight. He is fine with the way it is written.

Mr. Urban said he will entertain a motion to adopt this as a ballot issue. Mrs. Roberts moved to adopt **ARTICLE X – GENERAL, Section 7. Public Notices**, as written, as a ballot issue. Mrs. Bartolozzi seconded. The motion was passed by unanimous acclamation.

Mrs. Roberts said she would like to ask a question about the recommendations to City Council that they will make and how it will be handled. She wonders if they will get feedback by being notified that these things have been handled in some way. She wonders this because as she looks at the previous Charter Reviews, they had requested some things about changing language and personal versus professional services and they are still written in the Charter. Law Director Bemer said that it is incumbent on him and he will send these recommendations to City Council and the Mayor. Mr. Urban said that these are simply recommendations to Council and the Charter Review Commission has no enforcement power. City Council can decide not to make those changes and there is nothing this Commission can do. Mrs. Bartolozzi said that if it becomes part of City Council's agenda, then it would be posted online. Law Director Bemer said that he will do the necessary communication with City Council on those items.

Moving to new business, Mr. Urban said that he will now move down the Master List of Items for Further Discussion. It was agreed by the Commission that they would vote on the terms of office last, after they decide on the other items on the list.

Regarding Master List Item No. 3, which is to increase the amount of time currently allowing 3 days for City Council to meet for the purpose of organization, Mr. Urban said that the question is whether 3 days is enough time. He added that Law Director Bemer said that it seems like it was worked out over the years because of where the New Year falls and when the first organization meeting is held. Mayor Bobst said that this section requires an organization meeting within 3 days of being sworn in, but the organization starts happening right after the election in November. By the time that they are sworn in at the beginning of the calendar year, this is all worked out. The organization meeting happens on the same night they are sworn in. She said that it has not been an issue at all.

Mr. Urban said that he will entertain a motion to remove Master List item no. 3 from the list. Mr. Lanning moved to remove Master List Item No. 3, **ARTICLE III – THE COUNCIL, Section 4. Organization**, to increase the period of time currently allowing

three (3) days for City Council to meet for the purpose of organization. Mr. Bucaro seconded. The motion passed by unanimous acclamation.

Discussion was had on Master List item No. 4, **ARTICLE III – THE COUNCIL, Section 7. Vacancies.** To modify the thirty (30) day requirement for Council to fill a vacancy to sixty (60) days. Mr. Urban asked Council President Moran for the history on filling vacancies. Mr. Moran said that the process involves getting notice out to the community for applications to fill the vacancy, and then receiving and reviewing the applications, followed by setting up the interview process. It has happened about 5 times and there were 15 to 20 people who applied for the vacancy. He thinks that 30 days is challenging and they ended up being able to give everybody 5 minutes in an interview because Council simply didn't have time to hear long dissertations. If they don't get it done in 30 days, then the Mayor has the opportunity to select that person. He said that it would make it easier if they had 60 days to fill a vacancy and some of the applicants would feel they have a better opportunity to present themselves as a candidate.

Mr. Brink said that they should really look at this because 30 days is an awfully short time to adequately evaluate 15 to 20 applicants. He thinks that extending the time to 60 days would be a smart move and it would not damage anything that the City is presently doing. Mr. McAleer said that if the time to fill the vacancy were changed to 60 days, then it would match the time that the Council has to replace the Mayor if a vacancy occurred.

Mr. Urban said he will entertain a motion to move this item to the Ballot List. Mr. McAleer moved to add **ARTICLE III – THE COUNCIL, Section 7. Vacancies.** To modify the thirty (30) day requirement for Council to fill a vacancy to 60 days to the Ballot List. Mrs. Bartolozzi seconded. The motion passed by unanimous acclamation.

Next for discussion was Master List item #5, **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 3. Department of Finance.** To discuss the CPA qualification of the Director of Finance and the need to change or enhance it, along with the education and experience requirements. The following points were made: Mr. Urban said that he discussed with the Finance Director that the requirement for the finance director to be a CPA should not be deleted and his suggestion was to change the wording to say, "... and be a Certified Public Accountant." This would mean they would remove the word, "or". There are so many challenges that are happening at the state level that we need a CPA's expertise in handling some of the City issues. Mr. Bucaro said that he agrees with that, but the experience requirement needs to be included in there. He believes that there are other certifications that are relevant, as well. Mr. McAleer said he would be worried for the City's ability to get a number of qualified applicants who would apply for the Finance Director's position if being a CPA is mandatory. In his own experience at the County, he has run into problems getting enough qualified candidates for the Director of Internal Audit position because that person must be a CPA. Law Director Bemer said that this is an appointed position and that the Mayor has the ultimate

discretion to choose the candidate who is the most qualified. As the appointing authority, it would be quite a shocking situation if the Mayor did not choose someone who had the requisite qualifications or was the best candidate. Mrs. Roberts said that she thinks they have to be careful about being too prescriptive in the Charter because it is so absolute. She is sure there are administrative guidelines that are followed, and you have to weigh one against the other. Mr. Bucaro agreed and said that leaving it somewhat open and having the experience requirement, which is very important, is probably just fine. He said that there are many ways to be qualified for this position, and adding more requirements would limit the candidates. Mr. Lanning said that these are just minimum qualifications in the Charter for the position of Finance Director and it is up to the Mayor to decide and look for additional qualifications. If she cannot find a qualified candidate, then she can pass and put the job up again to try and draw new people. Mrs. Bartolozzi asked what is lost if they do nothing with the qualifications and Mr. Urban said that it could be that a Mayor could appoint somebody with no experience, which they are confident that this Mayor would not do. It was also discussed that there is a position description that is consistent with the Charter and that has many other additional qualifications. Mayor Bobst added that to hire someone who does not have municipal government experience, along with whatever their education credentials are, would be a huge mistake and the CPA is important for the more formal things that we are engaged in. She described the hiring process for Directors and scoring system they use, and said it is a rigorous process for anyone at that level.

Mrs. Bartolozzi moved to remove Master List item #5, **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 3. Department of Finance.** Mr. Bucaro seconded. The motion passed by unanimous acclamation.

The Commission discussed Master List item #6, **ARTICLE VII – FINANCE, Section 1. Tax Limitation.** Mr. Urban said that they have previously had this discussion and the Law Director has reported the case law that has defined what personal services are and it includes professional and many other services. He would like to entertain a motion to remove this item from the Master List.

Mr. Lanning moved to remove **ARTICLE VII – FINANCE, Section 1. Tax Limitation** from the Master List. Mr. Bucaro seconded. The motion was passed by unanimous acclamation.

Regarding Master List item #7, **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 2. Department of Law,** to consider adding a length of time the Mayor has to fill a vacancy for the Director of Law position, Law Director Bemer said that the first Charter Review Commission probably determined that the Mayor would not go very long without a Director of Law, and that it would be incumbent on the operations of the Mayor, the Land Use Commissions and City Council to appoint another Law Director as soon as possible. Mayor Bobst said that she agrees and that a municipal attorney is a part of everything we do. It is a very important position and a Mayor would

want to give very important consideration in the appointment of Law Director to an unexpired term. Mr. Urban said he would like to entertain a motion to remove this item from the Master List.

Mr. McAleer moved to remove Master List Item #7, **ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Section 2. Department of Law** to consider adding a length of time the Mayor has to fill a vacancy for the Director of Law position. Mr. Polly seconded. The motion was passed by unanimous acclamation.

Regarding **ARTICLE VI – BOARDS AND COMMISSIONS, Section 2(b)(1)(A)**, to repeal this section in its entirety. Mr. McAleer said that were some very good reasons to remove this entire section based on the Law Director's opinion. To repeal this section would remove City Council's ability to review variances that have been granted. Law Director Bemer said that this is a terribly unworkable paragraph, froth with judicial intervention that would absolutely overturn it. It lacks proper standards for City Council to review a variance granted by the Board of Zoning and Building Appeals. It called for a de novo hearing, which is to hear everything anew by Council and he does not believe they have the practical experience to do that. He finds it inimical to normal land use commission operations. Our BZA has people who are experienced on it and they usually have a professional background in land use either through real estate, engineering or City planning and he finds it to be an anathema to proper land use management. Mrs. Roberts agreed and said that she sat on a Zoning Board of Appeals for 9 years and this just opens up the door to all sorts of problems. Mr. Bucaro asked if there is something in this section that makes it illegal and whether it would have to go to the ballot to repeal. Law Director Bemer said that the whole section was ill-conceived from the beginning, but it would have to go to the ballot to be repealed. Mr. Urban said he will entertain a motion to place the repeal of section 2(b)(1)(A) on the Ballot List.

Mr. McAleer moved to place the repeal of **ARTICLE VI – BOARDS AND COMMISSIONS, Section 2(b)(1)(A)**, which would no longer allow City Council the opportunity to review variances that have been granted, on the Ballot List. Mr. Brink seconded. The motion was passed by unanimous proclamation.

The Commission agreed to jump to Master List Item #10 next, which is **ARTICLE X – GENERAL, Section 6**, The discussion whether to add a new section (7) Economic Development, which would allow executive session by City Council for Economic Development considerations. Mr. Polly said that when that section was adopted, this is the one topic that was left out of allowing for executive session and he is not sure why. Mr. Urban said that the state statute contains what the topics are that can be discussed in executive session and for some reason, Economic Development was not included in our Charter. Mayor Bobst said that it may have been that Economic Development was added as a topic permitted for executive session in the state statute after those Charter provisions were adopted in our Charter. She asked Law Director Bemer if this could be an area where we could write language for the ballot saying that we are consistent with

the State of Ohio statute on executive sessions. Law Director Bemer stated that, because our Charter identifies certain items allowed for executive session, it should also specifically include Economic Development.

Mr. Urban said he will entertain a motion to add Master List item #10 **ARTICLE X – GENERAL, Section 6, (7) Economic Development** to the ballot list.

Mr. Polly moved to add a new section (7) Economic Development, to **ARTICLE X – GENERAL, Section 6,** which would allow executive session by City Council for Economic Development considerations. Mr. McAleer seconded. The motion was passed by unanimous acclamation.

The Commission moved back to Master List item #9, **ARTICLE IX – NOMINATIONS AND ELECTIONS** – The discussion of partisan versus non-partisan elections. Mr. Urban said that this topic was already discussed at length.

There being no further discussion, Mrs. Bartolozzi moved to remove Master List item #9 **ARTICLE IX – NOMINATIONS AND ELECTIONS** – The discussion of partisan versus non-partisan elections. Mr. Bucaro seconded. The motion was passed by unanimous acclamation.

Mr. Urban said that they will now move to the first two items on the Master List of Items for Further Discussion which relate to 2 year versus 4 year terms for the Mayor and for City Council. Mr. Urban said that he will entertain a motion regarding **ARTICLE II – MAYOR, Section 1. Term,** to increase the term of office for the Mayor from 2 years to 4 years.

Mr. McAleer moved to add **ARTICLE II – MAYOR, Section 1, Term,** to increase the term of office for the Mayor from 2 years to 4 years to the Ballot List. Mrs. Roberts seconded.

4 Ayes – 5 Nays (Bartolozzi, Brink, Polly, Lanning, Urban)
Motion Failed

Mr. McAleer moved to remove **ARTICLE III – THE COUNCIL, Section 2, Term of Office,** to increase the term of office for Council members from 2 years to 4 years and to add staggered terms. Mrs. Bartolozzi seconded. The motion passed by unanimous acclamation.

Law Director Bemer asked what happened to the information he provided to the Commission relating to **ARTICLE V – CIVIL SERVICE COMMISSION, Section 2. Powers and Duties,** where he proposed new language to adopt home rule authority in giving City Council the authority to adopt the recommendations of Civil Service for revisions to their rules and recommendations. This information resulted from the

discussion by the Commission on May 7th. Law Director Bemer said that his notes do not indicated that it was acted upon, and it must be a Charter amendment to make this change.

Discussion was had by the Commission that this would give City Council the ability to adopt the recommendations of the Civil Service Commission on all matters of examination of merit and fitness for appointment, promotion, transfer, layoff, reinstatement, suspension and removal of officers and employees of the City. The proposed rules and regulations and revisions thereto shall be presented to City Council and they will be obligated to act on it within 45 days or it would be automatically approved.

The Commission discussed the concern about whether the voter would understand what they would be voting for or against. Law Director Bemer said that the proposal eliminates the need to go to the electorate every time you want to deviate from the Ohio Revised Code general laws of Ohio. Mr. McAleer said that for the City to be able to have that flexibility of passage by ordinance, rather than going to the electorate every time they want to make a change would be a good thing.

Mayor Bobst asked Law Director Bemer to provide a couple of examples of what we don't have flexibility on today that this would assist us with. Law Director Bemer used the example of a temporary hire, which are limited under Civil Service to 120 days maximum. He said that we were short firefighters and the union provided an extension. This would allow us to modify our rule that allows for temporary hires for longer than 120 days when necessary. The additional credit given to certain applicants for testing is set by Ohio Revised Code, but we would be able to modify it via ordinance rather than needing to modify the Charter. This would allow modifying by ordinance something that perhaps does not fit our community very well and the Civil Service Commission decided they would like to change it. They could then go to City Council to ask them to legislate it rather than waiting for the Charter process. Mr. Urban said that the language would have to be perfect because you don't want the electorate to think you are saying that we don't want to follow the laws of the State of Ohio and Mayor Bobst agreed that the wording is absolutely critical. Law Director Bemer said that the language will refer to implementing home rule authority over our Civil Service Commission through legislative enactment of City Council. Law Director Bemer said that this is a matter of eliminating the need to go to the voters whenever there is a recommended change in the management of Civil Service. He said that the ballot language would read, something like, "The Civil Service Commission shall adopt rules and regulations in accordance with the powers of home rule authority granted by the Ohio Constitution, and as approved by the City Council, on all matters of examination of merit and fitness for the appointment, promotion, transfer, layoff reinstatement, suspension and removal of officers and employees of the City." Mr. Urban said that he will entertain a motion regarding this issue.

Mrs. Bartolozzi moved to adopt **ARTICLE V – CIVIL SERVICE COMMISSION, Section 2. Powers and Duties**, to allow the Civil Service Commission with the approval of City Council the power of home rule authority to adopt all matters of merit and fitness, with language as presented in Exhibit “A”. Mr. Polly seconded. The motion was passed by unanimous acclamation.

Mr. Urban said that the final item is to call for a vote on the 8 items on the Recommendations to City Council to Remove as Obsolete Language or to Resolve by Ordinance and he will entertain a motion to send these recommendations to City Council as listed on the sheet provided to them, with a revision/correction to Item #4 as explained by Mr. Bucaro.

Mr. Lanning moved to forward the 8 items on the Recommendations to City Council to Remove as Obsolete Language or to Resolve by Ordinance. Mrs. Roberts seconded. The motion was passed by unanimous acclamation.

Mr. Urban said that they had discussed making the recommendation to the Civil Service Commission to review the probationary period. He will entertain a motion to do so.

Mr. Brink moved to forward the recommendation to the Civil Service Commission to review the probationary period. Mrs. Bartolozzi seconded. The motion was passed by unanimous acclamation.

Mr. Urban said that the Charter Review Commission has fulfilled their duties as assigned to them by City Council and he thanked the Commission members for joining him in this effort. He hopes they learned some things and that they enjoyed hearing from all of our City leaders. He said that it is easy to see why we are number 2 in the City. The City is very well run and there are some great leaders who help to make Rocky River a great place to live. He thanked the Commission for all of their attention and acknowledged that everybody did not get what they want but, in the democratic process, you win some and you lose some.

Mr. Moran said he would like to echo what was said by Mr. Urban that we live in a great community and this Commission is one of the reasons why. Council cannot thank them enough for the time commitment that was put forth by each of the Commission members. He thanked Recording Secretary, Kate Straub for her time and effort and Law Director Bemer for his guidance to the Commission. Mayor Bobst said she would like to add the thanks of the Administration for the time and efforts of the Charter Review Commission. The members of the Administration are honored by the time this Commission took and the detail that they went into. She said that the 6 items that they have chosen to send to the ballot are the result of some very detailed work that the Commission has done. Mayor Bobst hopes that this experience has been of great value to the Commission members and that they continue to be engaged at this level in all that we do in the City.

There being no further business, Mr. McAleer moved to adjourn. Mr. Bucarro seconded. The motion passed by unanimous acclamation.

The meeting was adjourned at 8:25 p.m.

Date

John Urban, Chairman

Trevor McAleer, Vice Chairman

Kate Straub, Recording Secretary