

City of Independence
2022 Charter Review Commission
Thursday, May 12, 2022
Council Caucus Room
6800 Brecksville Road

Minutes

Present:

Council Members:

David Grendel (Vice Mayor)

John DiGeronimo (arrived at 6:07 p.m.)

Tom Narduzzi

Anthony Togliatti

James Trakas

Dale Veverka

Chris Walchanowicz

Charter Review Members:

Chris Walchanowicz

Craig Belec

Deena Rini (Chairperson)

Noelle Ostrowski

Kenn Synek (Co-Chairperson)

Brad Chelko

Meeting called to order:

The meeting was called to order at 5:35 by Mr. Grendel, at which point the meeting was turned over to Chairperson Rini.

Chairperson Rini thanked the Council for making time to meet with the Committee to discuss their suggestions. She then thanked Mr. Greg O'Brien (Law Director), and Michelle Danford. Mayor Kurtz and Vern Blaze (Finance Director) each attended a session and gave input on their respective sections of the Charter, and Chairperson Rini thanked them for their help.

Chairperson Rini explained the process the Committee followed during the past few weeks, beginning with electing a chairperson and vice chairperson. The Committee then focused on each article in the Charter, discussing them in detail during their weekly meetings. Once a summary was comprised of possible suggestions, the Committee then voted on the importance of each suggestion (high, medium, or low) with regard to Council recommendation.

Chairperson Rini pointed out some of the suggestions presented have been presented to Council in the past, some not making it to the ballot and some not being voted in by residents. This Committee felt it important to present the suggestions again, possibly in a different format, because the city has changed and evolved. The Committee believes these suggestions are important for the City as it exists today, but also for the future. Chairperson Rini asked the Council members to keep this in mind when reviewing these suggestions. An important point the Committee kept at the front of their considerations is the proposed changes do not reflect the current administration but the future of the city, and Chairperson Rini asked Council to do the same.

Article II : The Council

Composition and Term of Council Members

- Staggered terms for City Council
- Top four finishers get a 4-year term
- Fourth place finisher gets a 2-year term
 - Vice Mayor position would be replaced by a President of Council
 - President of Council would be decided by a majority vote of the members of Council

The vote to recommend this item was 8/2.

Chairperson Rini said this suggestion is the most complex, and the Committee discussed the possibility of holding town hall meetings for residents. Charter Review Committee members would be available at the meeting to answer any questions residents may have concerning the suggestion.

Concerning the current two-year term limit, the Committee did not feel it is enough time for an incumbent (especially those who are newly elected) to understand their role and perspective, and create change. About one and a half years into their term Council members have to begin working on their re-election campaigns, which shifts focus from the City's business. The Committee feels the staggered terms will allow for more focus on the changes that can be affected during a four-year term.

During their research, the Committee reviewed charters from surrounding cities to gain insight.

Chairperson Rini asked Vice Chairman Synek to speak on this suggestion, as he provided a great perspective to the Committee during their discussions.

Vice Chairman Synek added that the staggered four-year term accomplishes a couple of things, such as having a longer term to accomplish more goals. He went on to say he believes this would make for a higher stakes outcome for Council, with fewer seats up for election at a time, which narrows the voter's

choices. He also believes the stability of the group of Council members will increase with the staggered terms.

Mr. Grendel used himself as an example, stating he has one term left. If he were to finish in the top three theoretically he would be elected to a four-year term, however he is limited to 10 years of total service and a four-year term would push him over that limit. Vice Chairman Synek agreed that once 10 consecutive years have been served you are not eligible for re-election. Changing to a staggered term would open the possibility of a candidate serving 12 consecutive years if they are elected to three consecutive four-year terms. The will of the voters must be respected, and if someone is elected for a four-year term they should serve it. Therefore once a candidate has served 10 consecutive years they cannot run for re-election in the next general election.

Mr. Trakas said he understood there was also talk of having candidates run by precinct, and asked if the Committee had considered what would happen if someone did not run from a precinct. Vice Chairman Synek said while it was discussed it was not incorporated into the recommendations made to Council.

Mr. Trakas asked if the Committee had considered harmonizing the terms between mayor and Council, to create consistent term limitations. Chairperson Rini said while the Committee did discuss having the same terms for Council and Mayor, they felt the focus should be on the Council for staggered terms. However, there will be a recommendation for mayoral term limits.

Vice Chairman Synek mentioned another important point of the staggered terms would be the nature of the vice mayor's position would have to change. When all members are elected in the same two-year cycle, the top vote-getter being the vice mayor makes sense. However, there are significant differences in voter turnout during presidential elections years, governor election years, and off years. Therefore, selecting the vice mayor by votes received does not work with staggered terms. Therefore, in a staggered term situation the vice mayor would be selected by Council.

Article III : The Mayor

Term of Office

Extension of consecutive terms of office from two (2) terms to three (3) terms.

Chairperson Rini noted this was a big topic for the Committee, and there were a lot of discussions on options for this suggestion. What the discussion came down to is; if the people are voting and an option is removed is the outcome of the election what the people want? The Committee originally settled on eliminating term limits, but when recommendations were being finalized there were further discussions and the Committee decided to recommend the change from two terms to three terms.

The vote to recommend this item was 7/3.

Mr. Grendel said this recommendation has been put to a vote before, as recent as within the last 10 years, without success. He said it will be interesting to see if there is a shift in the vote this time around.

Article IV : Administrative Offices, Departments, Boards and Commissions

Finance Director

- The Finance Director shall be appointed by the Mayor subject to the approval of a majority of the members elected to the Council.

- The Mayor may remove the Finance Director with the consent of five (5) members of the Council.

Chairperson Rini said the Committee discussed this a lot, and came to the conclusion that this recommendation would open up the pool of candidates for the position. As this is such a critical role for the City, and they have been very lucky with Mr. Blaze and other finance directors in the past, this may not always be the case.

Mr. Grendel agreed, saying Council has discussed this in the past.

Mr. Trakas asked if there was discussion on whether this position would become a full-time job. Chairperson Rini said this was discussed by the Committee, and although it was not something they could recommend as a change in the Charter they did feel as if the position should be full-time.

Mr. Walchanowicz explained Mr. O'Brien had told the Committee that would require an ordinance change.

Mr. Trakas asked if credential requirements would also require an ordinance change, to which Chairperson Rini said there are credentials listed in the current Charter. The Committee discussed potentially adding a requirement for municipality experience, however it was decided not to make any changes.

Mr. O'Brien explained the requirements in the Charter provide a minimum threshold, but there is nothing precluding Council from passing an ordinance changing the position to full-time and including qualification requirements for the position.

Mr. Trakas asked if there had been considerations on whether or not a candidate would need to be a resident of Independence, to which Chairperson Rini said that would not be a requirement.

The vote to recommend this item was 9/1.

Purchasing and Contracts

- Increase the bid threshold from \$15,000 to \$25,000

This recommendation is based on a comparison to the state of Ohio's limit of \$50,000 as well as communities that do not have a threshold and automatically default to the \$50,000 state limit. Chairperson Rini said there was discussion of making the threshold a percentage instead of a hard dollar amount, but with the possibility of the state limit changing more frequently than the Charter is reviewed, the Committee decided to recommend the \$25,000.

Mr. Grendel pointed out the limit was raised approximately four years ago from \$7,500 to \$15,000.

Mr. Blaze said it has raised over time, saying he remembers in the early mid-1980s the limit was \$2,500.

Mr. Grendel brought up the point that through one consortium or another the need for bids has been pretty much eliminated.

Article V : Nominations, Elections, and Mayor Run-Off

Mayor Run-Off

- In an election for the office of Mayor, the candidate receiving the highest number of votes constituting fifty percent plus one of the votes cast in that election shall be declared the winner. If no candidate received fifty percent plus one of the votes cast, then the two candidates receiving the highest number of votes will run in a run-off election held on the first Tuesday of December following the general election, and the candidate receiving the highest number of votes cast in the run-off election shall be declared the winner.

Chairperson Rini said there were a lot of conversations around the possibility of more than two candidates running for mayor and the possibility of the winner not receiving the majority of vote from residents. Therefore, the Commission felt in this situation there should be a run-off election to maintain the majority vote.

Mr. Grendel said this has been discussed in past commissions, but he is unsure if it was ever placed on the ballot. A second election would cost the City an additional amount of money.

Discussion ensued among Council concerning participation rates during elections.

Chairperson Rini said the Committee had also considered a September election instead of December, but settled in on recommending the December run-off.

Mr. Trakas asked why the Committee felt the December run-off election was superior to a potential primary election in September. Chairperson Rini said the Committee discussed both options and determined there was potential for one candidate to receive a majority vote in the actual election, eliminating the need for a run-off.

Vice Chairman Synek explained the mayoral position is the most powerful and important in city government, and it would be best if the candidate elected to that position received the majority vote.

Mr. DiGeronimo asked, considering the finance director position and the December run-off, does the finance director position need to be a January term position? Then with the December run-off does the Mayor have enough time to put a team together?

Chairperson Rini said the Committee did discuss those subjects, and the importance of having some turnover in case the Mayor chooses to change the finance director. Therefore, while they're not recommending any specific language for the Charter they felt it would be important as an ordinance or a discussion among Council to add in some sort of overlap of finance directors if there is a change.

Vice Chairman Synek added it takes a majority of Council to vote to remove the finance director, which is similar to removal of the fire or police chief.

Mr. Trakas asked if the value of an independent finance department versus an appointed finance director was discussed by the Committee. Chairperson Rini said that was not discussed.

Chairperson Rini opened the floor to other Committee members to add comments concerning the recommendations.

Vice Chairman Synek said as the Charter stands right now if there is a vacancy in the Mayor's position the Vice Mayor will become the Mayor and serve out the unexpired term of the Mayor. Therefore, an appointed Mayor could possibly serve three years and 11 months. This goes back to the original two-year

mayoral term limits. Vice Chairman Synek suggested amending the Charter to state the interim mayor would serve until the next general election, at which point the City would hold a mayoral election.

Mr. Grendel said it makes sense if the terms are going to be longer than two years to consider making the change.

Ms. Ostrowski said she's learned a lot through this process, had lots of conversations, and done a lot of research. She added if there were a forum available to have these types of conversations it would be helpful for voters.

Mr. Grendel said he hopes if those were offered that residents would take the time out to attend.

Mayor Kurtz thanked the Charter Review Commission for their time and willingness to participate in their local government. He said he remembers the first bit of advice he received when he ran for Council as being "read the Charter." He had the privilege of working with someone who wrote the Charter, so anytime a question or concern came up he was able to ask Mr. Briggs (ph) for clarification. He went on to say whenever Mr. Briggs thought the city government was going off track he would remind them "you'd better look at the Charter on that." He went on to say he hopes this experience has stimulated those on the Committee to get more involved with their community. He thanked them for their time, talent, and effort in serving their community.

The Committee was reminded that Council has the ability to accept, reject, modify, and even add to the recommendations from the Committee. The ultimate authority is the electorate.

Mr. Narduzzi echoed the Mayor's appreciation, saying as time goes by fewer residents want to participate in this process.

Mr. Walchanowicz said he'd read the Charter before, but not as in-depth as during the time he was on the Committee. There is a tremendous amount of great information in the Charter, and believes all residents should read it. He went on to say there were a lot of good ideas brought to the table that may help the City in the future. He said he enjoyed participating on the Committee.

Mr. O'Brien was consulted on when Council will need to submit any items to be placed on the ballot. The deadline for delivery to the Board of Elections is August 9, 2022 at 4:00 p.m.. Mr. O'Brien reminded Council it must be certified by the clerk and voted on by a supermajority (5 members). Mr. Grendel suggested inviting the members of the Commission to attend any meetings that Council discusses the recommendations so their expertise can be called upon. Council hopes to have finalized ballot recommendations by the July meeting.

Mr. Grendel also thanked the Committee members for their hard work, intelligent discussions, and remaining focused on what is best for the City.

Mr. Trakas thanked the Committee for everything they've done, saying it shows how well-written the Charter was that the Committee was able to pinpoint five or six issues for Council to discuss.

Motion to Adjourn:

The meeting was adjourned at 6:22 p.m.

Debra J. Beal, Clerk of Council