

**CITY OF INDEPENDENCE
COUNCIL WORKSHOP MINUTES
JUNE 28, 2022 AT 4:00 P.M.
COUNCIL CAUCUS ROOM & VIA ZOOM**

Vice Mayor Dave Grendel called the Council Workshop to order at 4:08 p.m. Present were Council Members John DiGeronimo, Tom Narduzzi, Anthony Togliatti, Jim Trakas, Dale Veverka and Chris Walchanowicz. Also in attendance were Mayor Gregory P. Kurtz, Finance Director Vern Blaze, and Law Director Gregory J. O'Brien.

Vice Mayor Grendel said welcome everyone to the Council Workshop on Tuesday, June 28th. There is one issue that we will discuss, and it's the Charter Review Commission's recommendations and discuss any other recommendations. I know Councilperson Trakas had a couple that he had sent to us ahead of time. Vern gave us some of his ideas and about the Finance Director position. That is going to be our main thrust. We won't come to a final decision, but at least have a very good discussion and maybe eliminate, or we might decide to send a couple of these to the ballot.

In looking at the presentation that was given to us back on May 12th by the Charter Review Commission, the first article that they had recommendation for is Article II of the Charter. That is the Council, and it's Section 1, Composition and Term. What they had suggested was to have staggered terms for City Council, the four finishers to get a four-year term, fourth place finisher to get a two-year term. This is the Brecksville one that they call the Brecksville set up and everything. That is what they had for years. There are always elections. You are always electing new members of Council every two years, kind of like the School Board does, but in this situation, instead of everybody having a four-year term, they suggest the top three vote getters get a four-year term. The fourth-place finisher would get a two-year term, and I guess we will open up a discussion.

Councilperson Trakas said I generally err on the side of if the Charter Review Commission wants to try to put something on the ballot, I am generally for it. I guess the way this one was constituted, it seemed to be that it would be confusing. I know Brecksville does it that way. I am not inherently against staggered terms, I would like to keep two-year terms. I think the public is more interested in two-year terms. I would like to keep us closer to them. I think the reality is that if we went with something like that, it was hard to follow, and I guess it would be hard for the public to follow. We are really engaged, and I thought it was hard to follow. I thought it was thoughtful, and I understand why they want to do it. I guess I thought if we wanted to maybe look at something like that, maybe we could make some alternatives and some changes to it if we felt that it was compelling enough. I didn't know that there are a lot of communities that did this, and I am grateful for the information that we got on staggered terms. Brecksville seems to be the only one that does something like that.

Vice Mayor Grendel said I think Debi you had sent us an email that had what the Village of Orange had when they instituted the staggered. I guess this happened back in 1985, their first selection was 1985, four members of Council got elected to I guess a four-year term. They kind of staggered it. Like Jim had mentioned, it's very difficult to try and understand, even with meetings and that, it might still be hard for the electorate to vote. Usually, if you don't understand what you are voting for, you are not going to support it.

We did get data that you sent us too Debi that most of the communities, at least most that were polled in the area had four-year terms for Council. There are just a few besides Independence, Lorain, North Canton, Olmsted Falls, Rocky River, Stow, Wadsworth and Willoughby have two-year terms. The rest, and there's probably a list that's three times longer at four-year terms. Most were staggered, and as a matter of fact I think except for Westlake and Broadview Heights, I think they all were staggered. At least that was what was given here. The question is do you want all four-year terms and have them staggered like the School Board has, but then will we have to have an introductory where maybe the first election, the top four vote getters will get a four-year term and the other three get two. Have an election in two years, and then an opening for three at that time for a four-year term. It's a little easier to understand I think.

Me serving on School Board, it was good to know that at any election you aren't going to lose your whole board possibly or have a big turnover, but you will always have a continuation. When I got elected I was in my 20's, so it was kind of nice to know that you had four years to really learn because it takes a year or two to really learn what the position requires. Mike, were you on School Board? It's a transition. Right now the way Council, like John he's learning quite a bit, and next year there's an election coming up again. If you had a four-year term, you could relax more and really delve into learning the job better. I think it helps even with whoever serves as Mayor, knowing you are going to have people here for four years as opposed to a big turnover too. At least my feeling, we would have four-year terms for everybody, staggered like the School Board has. I think it's easier for people to understand, and that they are still voting every two years for Council people. You are not having to wait four years in between elections. They will have elections every two years. It's just staggered, and it might provide, with Council making decisions, not that we are not doing it now, but it's always in the back of your mind, it's human nature that if you have a really tough decision, you think about it. Like when those ladies came to my office back the first go-around and wanted to make the Rec Center a performing arts. They held me kind of hostage in my office, and they said you better do that or we are going to do this to you. It was down to about a 4-3 vote then too. You do a lot of praying that you make the right decision and hope the people understand. This would allow people again who run for office, know it's a four-year term.

Councilperson Walchanowicz said during the meetings I think a lot of the members didn't realize the cost for a candidate to run for election, whether it's Council or Mayor, and for the last couple of years we have been running against each other. So, we are all spending the money. For me, if you are going to spend that kind of money every two years, you are spending that kind of money, and we are running against the same people, it just made more sense to me, it's an easier pill to swallow if you are spending that money every four years than every two years. I wasn't for staggered terms when we were talking about it, I just thought that it was way too confusing. I felt

residents would start to read that, and then they are going to get confused, and they just won't vote for it because it was pretty long.

Vice Mayor Grendel said I do know, and Greg correct my memory, when the Commission recommended a four-year term for the Mayor, four-year term for the Finance Director, I think Council was also at that time recommended for a four-year term, but that went down to defeat while the other two passed. I don't think that was staggered, I think it was four-year terms for everyone. I know people love to vote. They want to vote, and they want to have a say in their Government and everything. Going four years before you can actually take somebody out of office, although it never works for Congress.

Several people began speaking at once.

Councilperson Narduzzi said I agree with Chris, not with the money part of it as much, but I believe if you are on Council, you want to be on there for four years. As a resident, I put my resident hat on, I would say every two years. I think that the residents felt that, it wasn't even close. You are right Dave, people in this town like to vote, they want to have a hand in it, and I agree with them. I don't see the harm in voting, I am going to spend money, and it's not a lot of money.

Councilperson DiGeronimo said it was the most complicated issue, but it's complicated because you have to transition to it; so once you got past this election and say it's going to be four and three, if that's what it became, I think that's easier to understand that. That rotating fourth place two-year term, to me that kind of was going against what the Commission was trying to do and if you have the new guy in, there's a good chance they finish fourth, but then you are only giving them a two-year term, so if it was me, I would probably eliminate that and just go four and once you get there as you were explaining. Also I go back to myself. This was just where I am in my life, I don't know if I would have been able to commit to a four-year term. Definitely my wife wouldn't have, but that's where I am now. I think the point of it is to create the engagement in the community, make it attract good candidates who want to be there, keep it simple for the voters, and I think that's what we are trying to balance. Maybe others would say it would be much more attractive if it was a four-year term. I could do staggered. I could do the rotating.

Councilperson Trakas said I think what you see in some of the communities where there are highly political Councils is sometimes the people just vote them all out. We have had that happen a couple of times where an entire Council got voted out in Brook Park and Seven Hills, Brunswick. These are just some that I could remember in the last couple of years. So, if you go to staggered term type of thing, at least you have some continuity where there's not a revolutionary activity that comes in play. In the 1970's we had some political Councils, and that hasn't really been the case the last dozen years or so. I always call it the Cleveland mentality because you have people that moved in, and the ward Councilman was the alpha and the omega, and some people thought like that when they get elected to Council. If you go with something like this, I like a two-year term, but if they wanted to go with a four-year term, if you do put a staggered term in, at least there's that continuity of leadership that you don't turn over the entire City all at one time. Then it kind of goes back with the Founders of the community and the

founding fathers of the country, so you don't want factions and movements to dictate everything. You kind of want some stability. If you want to throw us all out at one time, and do some of that, and finish the rest of us up at the next time around if we deserve it. It gets rid of that we are all going to come together on one thing and blow it all out. You don't have that type of thing. That's the advantage of having a staggered term, it provides historical perspective.

Councilperson Togliatti said and I do tend to agree with Jim, the stability based on the staggered terms does give you that consistency and avoid a complete turnover like Seven Hills just had a few years ago. Thankfully, we have never had it in Independence.

At the same time, I don't see really anything wrong with the current system we have in place, but historically I have always taken the position that these Charter Review members were representatives of us which are representatives of the people. They spent months coming to these suggestions, and in the past, I have always voted in favor of passing them all on to the electorate and letting the electorate decide. I would probably take that same position this time around.

Councilperson Veverka said I like the current two year because it does give the citizens the opportunity every two years to evaluate, but I do see the advantages of the four-year terms staggered. So, I have no trouble with putting that out there. The only problem I have is what I have heard from a couple of my colleagues that the way it was phrased may make it difficult to understand.

Councilperson Narduzzi said there were a couple of situations, just take mine, I have two years left to get ten years. So, if I was to finish in the top four, I would only get two years, and then mine would go to a four-year by somebody else. It would split, the split wouldn't be equal.

Several people said you would get twelve years.

Councilperson Narduzzi said I thought it said in there you wouldn't get more than ten years no matter what.

Councilperson Trakas said there would be one exception here. I think that's how they did it the last time.

Vice Mayor Grendel asked and Mayor your thoughts?

Mayor Kurtz said having sat on Council, it was no big deal, every two years, four years. I like to attract new people, get a fresh look. John's perspective I think was (inaudible). I am not so sure I want to commit to four years. I think once you get in though, you get more comfortable. So, I think it is confusing the way it is written about the staggered, about the School Board. Two year that's the way it is.

Vice Mayor Grendel said that would be my recommendation to have it like the School Board with staggered. It would just be a one-time deal, the first time you will have the top four vote

getters get a four-year term. Then they would have to run in two year, and everybody is running for a four-year term. It would just kind of be a hybrid for one election.

They did also bring up a good point, the Vice Mayor position then would not be the top vote getter. Council like School Board would have to decide if it would be every year or every two years who would be President of Council. It would be a vote between the seven. I think the School Board is every year.

Mayor Kurtz said keep in mind, it's not clear, it's clear in the Charter, but people don't take the time to understand that the Vice Mayor's position is the same as a Councilperson. There is no more authority attributed to that. We have done that for convenience, etc., but if you read the Charter, there are seven members and the only reason they have a Vice Mayor was to if something happens to the Mayor, it was clear that they won't have seven people trying to jockey to fill that vacancy. It was clear who is going to be in charge, who is going to take over that responsibility for the remainder of the term. How you craft that is going to be important. Now you are changing the whole dynamic of the way the original Charter was written.

Councilperson Veverka said the other thing that comes into play is there is such a variation from one election to the next two years apart, if the Mayor is running, then you have a very large turnout also. That could definitely have an effect if you are relying on who is the highest vote getter as a way of determining. You would pretty much have to throw it out.

Mayor Kurtz said it should be back to the two-year term.

Councilperson Trakas asked should we define the Vice Mayor in the Charter?

Mayor Kurtz said then you are talking about a whole different set up. That would be more than the time we have.

Councilperson Trakas said I think it's fine by rule.

Councilperson Narduzzi said it has worked this long.

Councilperson Trakas asked have we ever had a sussion? Has anyone ever seceded to the office of Mayor from Vice Mayor due to not an election? I don't think so.

Mayor Kurtz said I go back to the 1920's, no; but there's elections.

Councilperson DiGeronimo asked how do you guys think the business of Council, half of the people are running and three are not during an election? Does that hurt the process? We are doing things together, we are all on two-year terms now, or do these get any goofier?

Finance Director Blaze said I think for years somebody doesn't want to have fall meetings because they are trying to get elected.

Councilperson DiGeronimo said we still have that though.

Several people began speaking at once again.

Mayor Kurtz said everybody's in the same boat.

Councilperson DiGeronimo asked does it slow things down at all? Does it hurt?

Mayor Kurtz said there's a period of time from the beginning, I would say the first quarter of election year until election day where you may not make quite the decision you make if it's following after the election. It's just perspective.

Finance Director Blaze said Vice Mayor I don't have a horse in this race, I am not on Council, but no matter what decision is made, I did a little analysis of the last three elections in Independence 2021, 2019 and 2017. It's not hard to reach the conclusion that when they say the residents aren't clamoring to run for public office in Independence. You have either the incumbents only like you had in School Board last fall, or you have one or two other people that either are previous office holders or incumbents seeking office. So, I guess that's my way of saying whatever decision is made at this table to put forth before the electorate, keep in mind that anything that complicates it, anything that stifles the desire of people to get involved is hurting an already low potential pool of candidates to begin with. I would just advocate for anything that doesn't have that result where the residents would be like oh man they just changed it, and now it's this and it's not worth it to me because we have very few people running for public office anyways. Anything we do to make it more complicated, more difficult, will take that small pool and potentially make it even smaller.

Councilperson DiGeronimo said I think the goal of the Commission with the four years is maybe more attractive, maybe not.

Councilperson Trakas said I think running every two years might not be as advantageous.

Mayor Kurtz said we can make it all four-year terms or all two-year terms because two years nobody's going to do anything, and four year terms, ask the people to vote on four-year terms.

Finance Director Blaze said the worst thing that could happen is they say no and it goes back to the existing status quo.

Vice Mayor Grendel said then you wouldn't have to change anything as far as the Vice Mayor is concerned.

Councilperson Trakas said it was six years ago.

Vice Mayor Grendel said whenever the Mayor's term went to four years, I think it was more than that. I think Greg you had the first four year term.

Mayor Kurtz said no Fred had the first four-year term.

Vice Mayor Grendel said he served two years.

Law Director O'Brien said 2002.

Vice Mayor Grendel asked so four-year terms have been in for 20 years?

Mayor Kurtz said I think that was also a Council four-year term, and it was defeated.

Vice Mayor Grendel said pretty solidly too. Any comments?

Mr. Mike Guzi said I think the Charter Review Commission did an excellent thought process. I think to confuse the electorate would not be in the best interest of the City. The more clear and simple you make it, the better it is.

Vice Mayor Grendel said so if we are to present something, now it's been 20 years so it might be the best like the Mayor says to keep it simple and do just a four-year term, although myself I would like to stagger because being on the School Board I kind of liked how that worked.

Councilperson Trakas said I think Anthony and Tom were right about that. People like to vote. If they have nothing to vote for.

Vice Mayor Grendel said four years might be a little bit long.

Mr. Chris Zamobrsky asked how bad did it lose last time?

Several people said 70%-30%, not even close.

Vice Mayor Grendel said if we could explain to people we were going to do a model just like the School Board, they could understand that. I think that wouldn't be too difficult for people to understand. We are going to have a one year transition where you have four people would get the first four-year term, the top four vote-getters, and then after that in two years, then it would be four year terms for Council. Then you would have your staggered terms.

Councilperson Narduzzi asked how do you get the Vice Mayor? You have to change that.

Mayor Kurtz said just to keep things moving, if I understand Council it narrows it down to two issues. Right now you are saying leave the two with one option and change nothing, or four year which means no other change is necessary, just a four-year term.

Councilperson Trakas said there is a change necessary on the term limits.

Mayor Kurtz said only the ten becomes a twelve.

Vice Mayor Grendel said if I read right or understood, they recommend three terms for Mayor and three for Council, so you would have twelve years.

Mayor Kurtz said we can narrow it down to a couple of different choices tonight, and if people had a change to do more research on it.

Vice Mayor Grendel said if we go to straight four-year terms, then you are going to have four years between elections, and people like to vote. They like to have some say in Council and School Board every two years.

Councilperson Trakas said people are used, so for Congress you can vote for a member of Congress and/or Senator every year, every time. The same thing with the State Legislature, you can vote for a representative or a Senator, so I think people get used to that. The Executive runs different than the County Council people, so they are used to voting for that, it's a tradition. I think if you did stagger it, it might be something the public might not have as much of an objection to as perhaps what they did 20 years ago where I don't get a chance to have any say in City government for four years, I don't think that was something that people liked.

Councilperson Narduzzi said you can stagger the Mayor, you can stagger Council. As long as it is staggered that way so they both have two years.

Councilperson Trakas asked so you elect three with the Mayor and elect four without the Mayor running maybe?

Councilperson Narduzzi said no, I am saying if you want Council to have four-year terms, all of Council, you have to split that somehow. So, in two years you are voting for the Mayor, and in another two years you are voting for Council.

Councilperson Trakas said I see what you mean.

Vice Mayor Grendel said the Mayor runs by himself.

Councilperson Narduzzi said correct. Otherwise, you have to change the Vice Mayor.

Councilperson DiGeronimo said I think we can do it. Our system right now it's so simple, it's every two years, top vote is Vice Mayor. You put the new person on, and now I have to vote for Vice Mayor. That's my position being the new person.

Mayor Kurtz said it is interesting the whole complex when you have a vacancy on Council. We have gone through them a couple of times. It is an interesting dynamic.

Vice Mayor Grendel said we had one when Vern stepped up and took the position with the Administration, then it was a 3-3, and then Mayor you cast the deciding fourth vote as far as Jim Piteo getting appointed.

Mayor Kurtz said and then we had when John Nicastro resigned. Council Caucus, it was an interesting dynamic sitting in that room. Eventually everybody said and voted the way it was. It created an interesting dynamic in Council Chambers.

Vice Mayor Grendel said so I guess we need to get a flavor of what Council is thinking. To do nothing is one thing, but I always think about all the hard work. Sometimes it is hard to find people to be a representative.

Several people began speaking at once again.

Vice Mayor Grendel said it's getting hard even as a Councilperson to find somebody. It is a lot of work. You can attest to that being at the meetings and everything too Chris, and just to say thank you but we are dismissing your ideas. Even though we might not be in favor of it ourselves, but we should give it a chance. They actually got mad at the people with the multi-family housing, if we put it to a vote of the people and it loses by quite a bit. Still, you want to get people to have a say in making the decision. I would put it on the ballot only from the standpoint that we had 10 or 11 residents work hard at this, and they had plenty of discussions. Chris, you can attest to that, and they thought this was an excellent idea.

Councilperson Walchanowicz said even if we cleaned up the verbiage a little bit, simplified it.

Vice Mayor Grendel said with the staggered, just to have that short transition, and we could have meetings with the public and explain, this could be identical to what the School Board does, four and three instead of three and two. Then it will be just one election that the top vote-getters get a four-year term. Or we could just say all four-year terms just like we did back 20 years ago and let them decide and keep the Vice Mayor whoever gets the most votes would serve as Vice Mayor. Even though I am comfortable with the two-year terms. I am fortunate that I didn't have to spend much money on campaigns. I spent maybe \$100 the last three campaigns. I get a lot of junk mail from these campaigns, and it goes right in the garbage. I get irate if I get too many of them. I think what the heck why waste our time on the same thing over and over again.

What I do miss is when we had campaign night, back when we had the public there, and we were able to have some dialogue and everything too.

I am comfortable with the two-year term, but I am also cognizant that these people work hard every four years to make recommendations, and if Council gets in the habit of just ignoring them, you are really going to have a hard time finding people.

Finance Director Blaze said they were not warned, but it was explained to them up front what the process is, and there is the possibility that every single recommendation that they make Council might not make it to the ballot. You are going to walk away from that point if those were unacceptable terms.

Councilperson Narduzzi said I don't think we are ignoring them.

Vice Mayor Grendel said my goal is to get some younger people involved because the Charter is going to be for them in the years to come, and that's why chose a young person. You like to have a few women involved too because there are many issues that pertain to them. So, it is good in that regard.

Mayor Kurtz said you made it clear that they knew the process. I think it's educational sitting in Charter Review. I started on Charter Review, so I knew. No matter what, I think it's a great educational experience. You take that with you forever.

Councilperson Togliatti asked whose document is this, the one that was emailed out?

Councilperson Trakas said mine.

Vice Mayor Grendel said we can do a straw vote, do you want to keep it the same, no changes or propose a four-year term. This way if you want to keep it the same, there's no use going any further.

Councilperson Narduzzi said I will start. I say keep it the same.

Finance Director Blaze asked, keep it on the ballot the way it was presented in Charter Review?

Councilperson Narduzzi said keep it the way it is.

Councilperson DiGeronimo said I will go with the proposal, four-year staggered.

Councilperson Togliatti said I would go with that as well. Do we have an actual printed up document of what the Charter language would be?

Councilperson Narduzzi asked what the Charter is now?

Councilperson Togliatti said no, what they are proposing?

Law Director O'Brien said they used the Brecksville model. So, it would be staggered terms, and then the lowest vote-getters, the only differential would be two years, certain members would serve for two years. So, arguably somebody would continue to be, depending on where they are in the vote count, running every two years. What I am hearing is, the vast majority of you believe their proposal is good, except for starting with a staggered and then having thereafter four-year terms. Is that my understanding?

Vice Mayor Grendel said what they proposed was that you have the top three vote-getters have a four-year term, the fourth person gets a two-year term, so you are electing four people.

Law Director O'Brien said eventually after you do the initial two-year run, everybody is running for four years.

Vice Mayor Grendel said that's what I propose, an alternative. It would be a little easier for residents to understand.

Law Director O'Brien said I will draft up that language for the next meeting you have.

Mayor Kurtz said, well, if Council wants it. You don't have to draft it if there's not a need.

Vice Mayor Grendel said so there is 2 in favor of four-year terms staggered.

Councilperson Veverka said we could put that one out there and use the four-year staggered. Let the people respond because it could always bounce back to the two.

Vice Mayor Grendel said and I think I would be in favor of a four-year staggered also.

Councilperson Trakas said I would vote for that too.

Vice Mayor Grendel said well it seems like we have five right there. I think enough years have gone by, if this was only maybe eight years since it got defeated, but now it's been 20 years, we have a whole slew of new residents who are younger. Let's let the residents decide.

Councilperson Walchanowicz said we probably spent three weeks just on this topic.

Vice Mayor Grendel said let's let the people decide on that.

Law Director O'Brien said to the Mayor's point, when you make one change to the document, you have to think about the other change. The other change would be every two years, the way the Charter Review Commission proposes, every two years Council votes for a Vice Mayor.

Finance Director Blaze asked why couldn't the top vote-getter serve as Vice Mayor for two years?

Law Director O'Brien said because the other three wouldn't need to have the opportunity to be the Vice Mayor because they are not running.

Mayor Kurtz said but if the Charter says that after an election whoever gets the most votes will be the Vice Mayor.

Law Director O'Brien said arguably if you do the staggered terms, there could be a majority, if not a minority, not running that two-year term. Once you vet it out, you are always going to have your three or four Councilpersons not running.

Councilperson Narduzzi said but every two years you have a new Vice Mayor, no matter what.

Law Director O'Brien said it's how you get that Vice Mayor is my question.

Mayor Kurtz said keep in mind the Vice Mayor, the only additional power the Vice Mayor has if there's a vacancy in Mayor.

Law Director O'Brien said if this Council runs, and you four get the highest vote, so those three have to run after two years with potentially new members. The top vote-getter of those three is going to be the new Vice Mayor, and you four don't even have a chance to be Vice Mayor.

Councilperson Narduzzi said the only problem I see with that is the turnout and the votes are a lot more when the Mayor runs. So, whoever is running with the Mayor.

Councilperson Walchanowicz said well that was something that was brought up during the meeting. You get your top four vote-getters, what if none of them want to be Vice Mayor, and they say hey I didn't sign up to be Vice Mayor, I only want to be a Councilperson.

Councilperson Narduzzi said if you want to be Vice Mayor, you throw your hat in the ring, and then it's decided.

Councilperson Trakas asked every two years the Council picks a Vice Mayor the way it's proposed?

Mayor Kurtz said the only additional authority the Vice Mayor has is in the absence of the Mayor.

Vice Mayor Grendel said that's why I keep praying.

Several people began speaking at once again.

Vice Mayor Grendel said so I guess we are going for a four-year staggered term, and now is it the Brecksville model, or is it the four and three and just have the one.

Several people said the School Board one.

Councilperson Walchanowicz said I think it's easier to understand.

Councilperson Trakas said I would rather have three run with the Mayor so that the four run so that the people have something to vote on.

Vice Mayor Grendel said then this would be effective the next election, and in that election only the top three vote-getters get a four-year term.

Councilperson Walchanowicz said you have to start sometime.

Vice Mayor Grendel asked is there some consensus with that, and then the Vice Mayor gets selected by the membership.

Councilperson Togliatti said I guess I would like to see the two Charter proposals side-by-side because I think they are both going to be confusing.

Vice Mayor Grendel said well Greg that's your job. I think you know.

Councilperson DiGeronimo asked Chris was there some other, I am not saying the Brecksville model, that's what Brecksville does, the two-year term in the bottom just so you could have four people on every time. Was there some other big benefit?

Councilperson Walchanowicz said no.

Law Director O'Brien said the consensus is that you have a majority of Council running in an off year of the Mayor, but the first term the top three vote-getters will be four years. People will have to run again in four years, so there will always be four people running at a time. That's what I heard.

Councilperson Trakas said I think that would make the most sense.

Vice Mayor Grendel said I don't think anyone else other than Brecksville has that model from what I gathered. Debi, I don't know if you know otherwise, but it seems like Brecksville is unique in that regard.

The Clerk replied yes.

Vice Mayor Grendel said we looked at Section 2, Organization and Term, they had four-year terms for Council and any candidate who has completed ten or more consecutive years of service on Council shall be ineligible to run for re-election in the next general election.

Councilperson Trakas said well that's your term limit.

Councilperson Narduzzi said that's what I was talking about.

Mayor Kurtz said so you are saying three consecutive terms that's ultimately how many you will be able to run. So, you can run for three consecutive terms on Council, no matter when.

Law Director O'Brien said theoretically someone could serve 12 years.

Several people began speaking at once again.

Law Director O'Brien said if someone gets elected, if someone in their third time running for Council gets elected for four years, they will have the 12 years.

Councilperson Trakas said under the standard term thing that we are talking about, I think the term limit is either 8 or 12 years.

Mayor Kurtz said so you have to make a decision, if you want to recommend 8 or 12, two or three.

Councilperson Trakas said I would just say for consistency purposes, if we were going to advance the Mayor to have three, 12 years, I think the Council would be 12 years. If we wouldn't advance the Mayor to have three terms, then I would keep it at everybody gets to serve eight years.

Vice Mayor Grendel said I know a few years back it was the vote of the people having a third term for the Mayor, they voted it down. So, that's been more recent. I think maybe 8 years as opposed to 12 years.

Finance Director Blaze said keep in mind you won't have a ton of people seeking these positions, you are limiting it even more.

Mayor Kurtz said well think about it, it's not something you have to decide tonight. It's an easy insert.

Law Director O'Brien said I will leave it blank.

Vice Mayor Grendel said that is what the Commission recommended.

Mr. Guzi said hearing so much about this Brecksville model. That's saying it's fine in Brecksville. What assurance do we have that it will be fine in Independence?

Vice Mayor Grendel said I think they just used that as an example.

Mr. Guzi said we can be the example. We should not be a follower, we should be a leader.

Vice Mayor Grendel said I don't think anyone wanted to push the Brecksville model.

Mr. Guzi said the people in Independence, we are used to certain things because it has worked for five or six decades, since I have been living here. To do something like this, it might have a negative result. You have to be very careful of that.

Vice Mayor Grendel said yes. They did recommend that the Mayor get extended to three terms, so maybe we could be consistent, and we keep 12 years as the amount.

Councilperson Trakas said that's what I think, you want consistency.

Vice Mayor Grendel said when I ran in 1999, there were about 15 people, the most who ever ran for Council.

Finance Director Blaze said when I ran in 1980 something, there were 18 or 19 for Council. It gets strong as society sees that serving for public office is no picnic anymore. Serving on

Council is no picnic anymore. Doing anything where you put yourself out there, you are nothing but a target, and people are like I don't want to be a target.

Councilperson Trakas said and when things are going well, people don't have to get involved.

Vice Mayor Grendel so maybe Greg you can fill that blank with 12 years which would answer the recommendation on the Mayor's term of office to 12 years also, consistency.

They did recommend that Council consists of five members elected, they talked about precincts.

Councilperson Trakas said it didn't go forward, it was discussed.

Vice Mayor Grendel said it was one of their recommendations also in Section 4, if there's a vacancy in Council. The current Charter language talks about that it would be Council has a vote. They talked about automatically whoever was the last person out of the last election would get the appointment with the vacancy.

Councilperson Narduzzi said if it happened the month after the election, yeah, but if a year and a half passed, I think it's up to Council to pick somebody.

Law Director O'Brien said they discussed that, but they didn't recommend that. They recommended the same process we have that Council vote and fill the vacancy, but the only change they recommended, the Charter Review, if the vacancy occurs and a four-year term was approved by the voters; and if Councilperson Togliatti vacated his position, and Council voted in a person to fill it. If Councilperson Togliatti had three more years left, that person would have to go to the voters in the next election. They wouldn't serve the three years. Only in that exception where there's more than two plus years left.

Several people began speaking at once again.

Mayor Kurtz said your colleagues are voting you in, so you have enough respect for the remaining people that are here to say these six people should be able to make a good decision for the next three years or whatever it is. I'm not so sure you have to compound the situation.

Councilperson Trakas said that wasn't proposed, it was just talked about right?

Law Director O'Brien said wherever the Vice Mayor is getting this information, that was a talking point. They were discussing that.

Councilperson Togliatti said if we had the actual Charter language that they proposed, that would be wonderful.

Councilperson Walchanowicz said I can't find it.

Several people began speaking at once again.

Councilperson Trakas said I understand the perspective if someone is in the first month of their four-year term, I understand that. It's consistent with other legislative bodies, but they did not propose that.

Law Director O'Brien said the Charter Review Commission's proposal to change Section II, Article 2 was just that every two years the Vice Mayor would be elected by the body as opposed to by vote, and if you are going to do the staggered term, that candidly is the only practical approach which is a statutory approach.

With the vacancy in Council, the only change that they made functionally is to the Mayor's point, and I agree with wholeheartedly, is if someone were to be appointed by the remaining members of Council to a vacancy in Council, if that vacant position was longer than two years and 120 days, which is specific because you have to get it down to the Board of Elections, that person has to run, doesn't fill out the remaining three plus years in the next general election. That's the only change they recommended.

Councilperson Trakas said I could support that, it makes sense.

Vice Mayor Grendel asked do we have language if there's a vacancy in the Mayor's office? If the Mayor leaves right within the first year or two, and the Vice Mayor takes over, isn't there language that the Vice Mayor has to run at the next election?

Law Director O'Brien said no in your current.

Vice Mayor Grendel said so the Vice Mayor could actually get in a few months after the Mayor is elected and serve the rest of the term.

Law Director O'Brien said I heard from the Mayor (inaudible).

Vice Mayor Grendel said and consistency too, if you are going to treat one, have one rule for the four-year term for Council and a different rule for the Mayor. I think it's more important for the Mayor to have somebody in the election with him.

Councilperson Trakas said that would attract some controversy if that happens.

Vice Mayor Grendel said if the Mayor was elected, and then within a few months, he has to leave office, the Vice Mayor would step in and handle the full three and half years.

Finance Director Blaze said the Mayor said that the colleagues are voting to fill an unexpired term.

Vice Mayor Grendel said I just want to make it consistent so that if we are not going to force the Vice Mayor to run for office, then why have the Councilperson run that hasn't finished the four-year term. It's consistency in the application of the rules.

Councilperson Trakas said and I think that attracts a few who want these to pass that attracts people. I think it would be consistent.

Vice Mayor Grendel said well I guess the next we go to then would be the recommendation of the Finance Director.

Finance Director Blaze said in the Charter it goes Mayor next. They have that proposal about the Mayor if they don't get 50% of the vote.

Vice Mayor Grendel said I think that is really confusing. You would have to have two elections, one in November and one in December.

Councilperson Trakas said there are a number of municipalities, I know Olmsted Falls has that, and on two occasions they elected a Mayor in December.

Finance Director Blaze said if you turn over the sheet, I address that issue too. Councilperson Trakas is correct, Olmsted Falls, but all that December election did one month later was given the winning candidate 94 votes more than they received in the November election; and in the Mayfield Heights example in 2013 is even more telling that the Mayor ended up getting less votes in the December election than he did in the November election, calling in the question, what did you need that December election for. The turnout falls significantly in that December election, and then you have less people actually choosing your Mayor then.

Vice Mayor Grendel asked what is the cost of having a special election?

Mayor Kurtz said thousands.

Councilperson Trakas said it's at least \$20,000.

Finance Director Blaze said fortunately we are down to one polling place, not three like it was in the past.

Vice Mayor Grendel asked would they have absentee?

Councilperson Trakas said you would have to do everything the same way, so the only issue that comes with that is if you have a November election, then have one a month later, you don't have enough time to have people register. So, you can register to vote 30 days before an election, and you couldn't under this scenario if you did it within 30 days of the other election. The absentees would be pretty tough. If you were an immediate absentee, you would have to certify to the ballot. It would be challenging. They usually need 90 days to do all the process.

Finance Director Blaze said and in both of those examples, I found in Cuyahoga County where there was a special December election, the candidate who received the most votes at the November election ended up receiving the most votes anyway at the December election. Now I

can't say that will happen every time, but in the two examples I could find, when there was a December election, it happened.

Councilperson Trakas said there was an election back in the early 2000's in Olmsted Falls, and I think it's almost the same thing. It's interesting, it was almost the exact number too. So, the people got their votes out each time.

Finance Director Blaze said it was a very low turnout. There was 12,000 registered voters, and at the December election 3,000 voted.

Several people began speaking at once again.

Councilperson Walchanowicz said I don't even have it.

The Clerk said I emailed everybody that copy on Friday.

Mayor Kurtz said we have had a number of them, most of them. We always had Leo, but I think the concern was if you got three candidates, and they all get 33%, 34% or 35%, I don't believe anybody has gotten less than 45%.

Vice Mayor Grendel said I think when you Fred and Patti ran, it was Patti had just enough votes.

Mayor Kurtz said it was 48% or 49%.

Councilperson Trakas said the Cleveland model could do better what I think this would do because at least you have a primary, and then it would give everybody enough time to turn it around for a general election. You don't have to vote in the middle of December.

Vice Mayor Grendel said I think the timing of this, November and December.

Councilperson Trakas said or you have an earlier primary or something like that.

Resident Chris Zamborsky asked what if you listed it by percentage? In other words, this is what you are saying Mayor Kurtz, if you don't have over an "x" percentage, it kicks in the next election.

Mayor Kurtz said all I was doing was giving you a fact, I am not giving you a position on it.

Mr. Zamborsky said okay, but I'm throwing it out there.

Councilperson DiGeronimo said I think that is what it is, if you don't have 50%.

Mr. Zamborsky said I am saying 40% if three people ran. I agree with what you are saying.

Councilperson Trakas said then again, the thought is to have somebody who has a majority of the support.

Finance Director Blaze said you have that 59%, and it's a December 2013, but they actually got more votes at the November election, and he didn't get the 50%. So, what are we shooting for, the 50% or the vote total?

Vice Mayor Grendel said I wouldn't recommend it. This would be really confusing for the public to vote on.

Councilperson Trakas said just to be consistent, I would put it on the ballot, but I don't necessarily support it.

Councilperson Togliatti asked then for consistency, would you do the same thing for the Finance Director?

Law Director O'Brien said that would need to come before you, and then whatever the Charter reads. The Charter says after Council discusses it, then it will be decided what goes to the ballot.

Vice Mayor Grendel said let's go around the table, and Tom what would you think?

Councilperson Narduzzi said I cautiously disagree, I would just leave it the way it is. It has worked so far. How long have we been doing this? We are trying to tweak things, and I think tweaking sometimes creates havoc. It could turn people away from the voting process. Leave it the way it is.

Councilperson DiGeronimo said I'm new, so I don't have a precedent, then I can say no to this. I think it's overly redundant for our size community.

Councilperson Togliatti said I think it would be pretty simple as far as the Charter verbiage, although I haven't seen it, and it's not as confusing as terms and things like that. So, I don't think it would confuse the electorate, and as I stated earlier, I think I would just be in favor of passing these on to the electorate and letting the people speak.

Councilperson Veverka said I think we should include it.

Vice Mayor Grendel said I remember the one election of the two judges, and they had to flip the coin. So, Jim you want to pass it on?

Councilperson Trakas said I would.

Vice Mayor Grendel said it's 3 to 3, Chris, what do you think?

Councilperson Walchanowicz said I would keep it the same, do it the way it is.

Vice Mayor Grendel said so the Mayor runoff, we have four opposed to sending it to the voters.

Now the Mayor's term of office, I guess we will go around the table too. Tom, your feeling on that?

Councilperson Narduzzi said if you do it for Council, you do it for the Mayor too to be consistent.

Councilperson DiGeronimo said I'm for it.

Councilperson Togliatti said and that is the consistency we talked about, pass it on.

Councilperson Veverka said well 60% of the people voted it down the last time. It was strong opposition to it then, and then put it back on again after only five years?

Vice Mayor Grendel said it was eight years probably.

Councilperson Veverka asked how often do they do Charter Review, every four years?

Councilperson Togliatti said it was an initiative petition in 2016.

Vice Mayor Grendel said it wasn't the last because you had to know whether you could run or not. It was voted down, and that was when you and Jim ran for Mayor.

Councilperson Veverka said over 60% was opposed to it.

Councilperson Trakas said I would put it on the ballot.

Vice Mayor Grendel said for the consistency just put it on the ballot.

Councilperson Trakas said let's let the voters decide.

Vice Mayor Grendel said if they want it, they certainly should decide. Does that take everything as far as Council and everything?

In Article IV, Section 2, the Finance Director, and they are recommending that the Finance Director shall be appointed by the Mayor, subject to the approval of a majority of the members elected to Council. The Mayor may remove the Finance Director with the consent of five members of Council. So, I know Vern you sent us your thoughts on that.

Finance Director Blaze said it was just pros and cons of the options before you, and don't have a preference, it's your decision.

Vice Mayor Grendel said there are very few communities that do have the Finance Director elected, most are appointed I believe. Just like the Law Director, I think most communities.

Mayor Kurtz said Seven Hills and Westlake has an elected Law Director.

Councilperson Trakas said Rocky River.

Vice Mayor Grendel said I think the Law Director there's more of a pool to choose from than Finance Director. It's highly specialized as far as, you certainly don't want to have an incompetent person in that position more than anything else.

Councilperson Walchanowicz said my biggest thing with this one was if you are going to appoint somebody, you have a bigger pool of people, how many people are going to want that job at the salary the City pays a Finance Director. Where you are a resident and a candidate for the position, you know going into it what the pay is.

Vice Mayor Grendel said it's more of a part-time position.

Several people began speaking at once again.

Vice Mayor Grendel said I think to me, along with that and the Mayor, are the two key positions, and you need to have highly qualified people, especially knowing not only the municipal, but also what the trend is going on in the country. You need to really provide because Council are part-timers, but we rely on the expertise. We make our decisions on the information we receive, and it has to be accurate.

Finance Director Blaze said the part-time, full-time thing, I never confirmed with it the Law Director, but I am of the opinion that could be done by ordinance, that the Charter doesn't have to deal with full-time, part-time for Mayor, Council or Finance Director. That could be done by ordinance, but the Charter is for elected or appointed; and if appointed, by the Mayor or Council. That is the decision and the options.

Councilperson Narduzzi asked who wants to speak first?

Councilperson Walchanowicz said you have been doing good at it.

Mayor Kurtz said if I understand, two members have said whatever was recommended, that is what you are going to put on the ballot. So, you have two people who have already said that.

Councilperson DiGeronimo said I was glad to see this go forward. I think that is an important position, but I would treat it like our City Engineer, like our Law Director. You don't ask people to vote for it. It's hard to understand exactly what the Finance Director is doing all the time. It would be hard for that position I think to report to Council. You are here all the time Vern, but still even everything that you are responsible for, we don't see it day-to-day. So, to keep it an appointed position by the Mayor like the other departments, I think it makes the most sense. I see the checks and balances side, so if there was some way to define the position more, to say we have a Finance Committee. Could the Finance Committee with the Mayor kind of understand, here's what Council is expecting. Council and the Finance Committee come up with here's what

we wanted to see presented from the Finance Director, on what kind of basis, what kind of reports we want to see. Whoever is in that position, it's pretty clear what Council is going to be expecting, and then it should be clear to us whether that Finance Director reporting is doing the job or not.

Councilperson Trakas said I kind of look at how State government operates to look at this model. So, you have a Governor who appoints the Office of Management and Budget, which is what this kind of really is in a sense. It's a budgetary office, and so from the Legislative branch's perspective, you also want to get information on your own. So, you want to make sure there's a sharing of information, and so we have the Legislative Budget Office, and the Office of Management Budget, both branches have that. As long there is a free flow of information, and you can trust that information, that's what I think you are looking for.

Where communities get in trouble, whether they are appointed or elected, is the Finance office. So, when the auditors are doing audits, what do they look at? The Finance office, so it's a critical job, and you have to do it. I think the reason it is set up the way it is because we like those checks and balances. We want to make sure that there are different people, and we as the citizens have a say in it. The position has evolved to the point where is it important to have those checks and balances as it was in the past? Well, you certainly want legislative and executive checks and balances, and you want to be able to get good information that way. So, if you were structuring this thing, and you probably want to do it by ordinance if some of this would pass, you would have to make sure that you are getting good information. That is really critical, and that there are checks and balances on all of those things. You have a lot of assumptions in budgeting. Maybe there are other assumptions other than what the appointed person wants to do. Those are all things we have to keep in mind if we go down this path, and they are complex.

Finance Director Blaze said what is required recording wise is somewhat spelled out in the Charter right now as far as documentation that the Finance Director should be getting to Council on a regular basis. I know the previous Finance Director always argued to keep the position elected to keep that little wall of separation between being appointed by a Mayor and then being kind of you have that line of recording between the Finance Director and the Mayor being elected. To your question Councilperson DiGeronimo, how would that work out if the Finance Director reported to Council? Look right now, the Finance Director since day one has reported to the people because it's not Council's appointment, and it's not the Mayor's appointment. So, that Finance Director threaded that needle pretty good as far as serving Council and serving the Administration at the same time. I think there is some legitimacy to that separation of having the Finance Director not be appointed by the Mayor, and I think you see in the document that I sent out yesterday, the original drafters of the Charter which was passed in 1958 did not have the Finance Director reporting to the Mayor. It has never been that way, and I think that was maybe one reason they did that was to keep a little bit of separation between the two positions so that the Finance Director could be a little bit independent in their decision making and not always have to worry about that.

Councilperson Narduzzi said so I am running different scenarios through my head, even though I shouldn't be. You take the personality and the people out of it, in my mind it makes more sense

to be appointed because the Finance Director is a reflection of the Mayor. So, everything ends at the Mayor no matter what. So, I would think he would want somebody that represents him and the Finance Department that could work with him and be a helping hand to him rather than them battling each other. The City is going to be the one that's hurt. So, it's a fine line for me there. I don't like change, so we would be changing something if we went that route, and we would have to have something in there that appointed by the Mayor, but a majority of Council has to approve it because, and then would that person be a resident or a non-resident if they are appointed.

Councilperson Trakas said we asked them that, and they did not have an opinion.

Law Director O'Brien said I could tell you it could be either or.

Councilperson Narduzzi said that's fine with me because I am thinking you are pooling from a small pool of people in Independence. In our City if somebody is good enough to be a Finance Director like Vern, they are either working at a high-class firm already or they have their own firm. They are making a ton of money, and they are going to take a step backwards. So, if it does become appointed, I would think that the dollar value has to be raised way up to get somebody to be competent to take that office. That's just my opinion.

Finance Director Blaze said one reason to make it appointed would be to increase the potential pool, and by definition that would open it up to non-residents. That's one of the reasons, otherwise if you are only going to deal with residents, then maybe just leave it alone, take your chances.

Councilperson Narduzzi said I'm just trying to work out both scenarios, and in this case, we have been blessed. It has worked for us. We have not had a problem. Way back when, when a couple of them got at the end and got elderly, but for the most part, the Finance Directors been top-notch, A-1. So, we can't complain about them.

Councilperson Trakas said I do think if we did go with some of this, we would want to have where it's not just a lifetime appointment. I think it has to be something where there's a concurrence vote every four years kind of like the Law Director or something like that. At least you would have a say in how that goes so that there is that ability to have that. It was not written into the original proposal, but I think it's important.

Finance Director Blaze said if you do that Councilperson Trakas, then it opens it up to non-residents, and you are going to elevate the compensation and seek true professionals, somebody that wants to make a career in the position might be a little hesitant if they know that there is a term certain. In a couple of years, I have to be re-upped and re-appointed, especially if somebody is younger and they are looking to make a career of it with the City of Independence, that could serve as a deterrent people seeking the position out if the position is constantly subject to re-approval over time. I just throw that out there.

Councilperson Trakas asked how long have you been the Law Director now?

Law Director O'Brien said since you asked, Vern was saying that, and I was saying to myself that's a valid point. But for me working for a law firm, I don't know if I would take the risk of my career of being on whoever is sitting in that chair. So, therefore, fundamentally knowing my industry very well, I don't think you would get the caliber of lawyer that you want. That's not a reflection on me, I am just saying.

Councilperson Walchanowicz said one of the bigger questions when it came to this that the Charter Review had, and hopefully I can word it the same as they did. So, if you have Mayor A, and he appoints the Finance Director, and he gets re-elected and is in for 8 years, and then he is out and Mayor B comes in, Mayor B doesn't get along with or doesn't like the Finance Director, and then Council says no he's done a great job the last 8 years, we are going to overthrow you or not removing him as Finance Director. What kind of work relationship are the two going to have with each other if the new Mayor wanted to appoint somebody else, but Council did not want to let him go? What kind of relationship would there be there? That was talked about quite a bit.

Councilperson Trakas said I just think if you are elected Mayor, you should be able to control your Administration, and this is an administrative function. I think at the same time, it's (inaudible). I don't believe in lifetime appointments.

Vice Mayor Grendel said I know when I was on School Board we had two or three different Treasurers I think. As a matter of fact, I remember being President, and the Treasurer left, and I was writing checks. It's such an important position. I think it's more difficult now than say when George Spilker was Finance Director in the 1990's. Now we have a whole new with TIF financing and so many different things to keep up with. We need a person there that's the highest quality to make recommendations. I look back at the recommendation to consolidate our short-term, and I am glad we did it with the interest rates going up now.

Finance Director Blaze said at that time the talk was hey the Fed is keeping the interest rates low, and it was kind of a contrary decision, but it turned out, at least currently, to be the correct one. You really can't measure it until the 15 years are up. Right now at 1.59%, that's a lot better than the short-term rates at 2.4% that's out there for one-year notes. You need somebody in the position that's all in for the position, all in for the community; and it doesn't have to be a resident. It would be great if it is, but making it appointed just opens it up to a wider talent pool. I think Vice Mayor your point is correct. I date myself going to the Yellow Pages and look up Attorneys, and there are pages and pages of them; but go look for Governmental Finance and Accounting Specialist, and it might be a few on a page. So, the pool of people that know this subset of accounting and finance is relatively small compared to the private sector.

Vice Mayor Grendel said it's so important. I think it should be an appointed position, and I think having a Mayor appoint with the Council having the right to remove that with a 5-2 because the Mayor has to be comfortable. You are proposing different projects and things, and you have to have data that you are getting from the Finance office which is almost as accurate. My biggest fear is that somebody would get elected that's really not, they might be qualified as far as what education they have, but they might be the wrong person for the job. The public doesn't really know, and they are just going by personality maybe.

Councilperson Narduzzi said they can't take care of their own finances, how are they going to pick a Finance Director? This is a totally different ballgame. (Inaudible) said he can never do Vern's job because even though he has huge accounting firm, and he is very successful, it's a totally different ballgame.

Vice Mayor Grendel said and no offense to Patti Wisnieski, she's a friend, but if she would have gotten in that position with some of her tendencies to be combative, we would be in a world of hurt, just like when we had that feud between Don Elewski and John Veres. I don't know how many times we sat through battles going over various things. As a Councilperson you came out of a meeting just drained because they are not doing the City's work, you are trying to settle a dispute between the City office and another person. I think we should let the people vote for that because it's getting more and more critical to have the right person and that. I think the Mayor and Council want to have the best possible person, and the other thing to is to change it to full-time. Your Finance Director should be paid commensurate with what you are paying your Police Chief, otherwise a really qualified person will be picked up by another community. That is why Macedonia picked up John, at least in their mind they said we have a better candidate here for our community. You want the best possible person in there, but yet you still want to have control, not just carte blanche; but you want to have somebody there that's highly qualified.

Mr. Guzi said I totally agree with you David. The Finance Director is one of the most important positions here in Independence. The chance that there is experience by election could be negative.

Vice Mayor Grendel said so Mike you are in favor of having someone appointed.

Mr. Guzi said no question about it. If you have a good one, you don't want to lose them.

Several people began speaking at once.

Mr. Zamborsky said I have one comment and then I am leaving. All I would say is in my opinion, some of this is being looked at backwards. If you double or triple the salary you are paying the Finance Director today, you would have candidates in town, as many as you can deal with. In a free market world, that pay, Vern and I respect the job you are doing, you are doing a good job. I like the stuff you are doing, but I think that you are underpaid based on the nature of the job, and you would draw candidates if the salary was \$125,000 which would be similar to the private sector. Mr. O'Brien wouldn't work for a third of his rate for the City. I guarantee that.

Law Director O'Brien said I actually do.

Several people began speaking at once again.

Mr. Zamborsky said maybe your firm is, but you aren't getting paid that way.

Law Director O'Brien said I guarantee you I am. You brought it up, it's not about me.

Finance Director Blaze said Mr. Zamborsky I agree with you 100%, if the pay was raised you would get a lot more candidates, but one qualifying word – qualified. There are a lot CPA's out there, there's a lot of people that do books in the private sector, but are they qualified to do public sector governmental accounting? That's the kicker.

Mr. Zamborsky said respectfully I disagree with you. Their jobs are way more complex than your job, but I will just leave it at that. I hope you guys make all the correct decisions. Thank you. You are doing a good job.

Vice Mayor Grendel said then our feeling is, if I am reading it correctly, is to put this on the ballot and have it voted on. I think the Commission felt pretty strong about this. Very few communities have elected Finance Directors.

Councilperson Narduzzi said we are going to look at this again right, but that position should be looked at.

Several people began speaking at once again.

Vice Mayor Grendel said the State Auditor would see if there was something going on. I think that would be a warning sign if your Finance Director is not doing the job.

Finance Director Blaze said the State Auditors are still on site. It's been six months. We don't have the private sector auditor, we have the State. It's a whole different process.

Councilperson Trakas said as Governor Rhodes told me once, he loved being the State Auditor because there was someone with their hand in the cookie jar somewhere, and he was going to find it.

Vice Mayor Grendel said so we decided to have the recommendation of the Commission then to go the ballot.

Councilperson Trakas said that confirmation every four years, right.

Councilperson Narduzzi replied yes.

Law Director O'Brien said so the tweak will be, similar to the Law Director, that the person appointed will serve the term of the Mayor, and they will have to be re-appointed every four years.

Vice Mayor Grendel said to be confirmed by a majority of Council.

Finance Director Blaze said I will look and see how that language is actually drafted and ponder it. I just put you on notice I reserve the right to go to the public between now and November, and I am not so sure that requiring an appointed person to be subject to a four year re-

appointment, it kind of negates the need, the purpose of doing an appointment. Again, I don't know if you are going to get professionals to leave a good job to come to Independence if it's only for a time certain.

Mayor Kurtz said it's almost like they are elected with the Mayor. The Service Director is not that way.

Councilperson Narduzzi said if you are appointed by the Mayor, you are appointed until.

Finance Director Blaze said it's either you leave or you die. Requiring Chief Rega or Chief Butler to be re-appointed every four years, like I don't know if I want to go to Independence. I could be bounced out.

Mayor Kurtz said you have to be competitive. Look, are you looking for a controller or are you looking for an accountant? Vern with all due respect, he plays a role of a controller more than he does an accountant, making recommendations for changing policy relative to long-term financing.

Councilperson DiGeronimo asked so the Engineer doesn't get, only the Law Director?

Finance Director Blaze said because the Law Director isn't an employee, he's an independent contractor. Everybody else Engineer, Fire Chief, Tech Director, Service Director, all these people who have some quasi protection, they are employees, but they don't have this four year re-up.

Councilperson Togliatti asked didn't the Law Director used to be an employee, and the Charter was still written the same way?

Finance Director Blaze said there was a hybrid where they would get salary to get some OPERS.

Law Director O'Brien said I took myself out of it. I didn't think it was a fair deal for the City. I wish I wouldn't have.

Vice Mayor Grendel said I remember that.

Councilperson DiGeronimo said well Council is much more dependent on the Finance Director for information than any other of those directors. I guess if you eliminate that four year confirmation, we still have that majority to remove him. If the Finance Director wasn't doing the job.

Mayor Kurtz said as long as you have the same protection in there for the City, and if five members of Council; if you don't have five members of Council, you probably are going to go.

Councilperson Trakas said so here's the thing I think about. So, first of all, I think it's consistent with the Law Director which is a professional position. Being a Police Chief is a different type of

job, it's not an inherently, it's more of a professional thing licensure wise; but I think of it this way, if you go back historically when Joe Kotabish was our Mayor, would he have wanted to have the same Finance Director. He didn't have a good relationship with the Finance Director. So, if we are saying this is important to have a relationship and the Administration proposes budgets and the legislative branch supports budgets, or makes whatever changes they want, I think the Mayor should have whoever they want as the Finance Director.

Mayor Kurtz said it was an elected Finance Director.

Finance Director Blaze said the Mayor has never had control over his or her Finance Director in the 60 years plus of the Charter being in existence.

Councilperson Trakas said we were talking about what an important job this is, and you want to have the people get along.

Mayor Kurtz said any way you look at it, it's over 70 years old.

Finance Director Blaze said I don't know if any Mayor and Finance Director have butted heads that much that their relationship didn't work, and that's without the Mayor ever, ever having the ability to appoint a Finance Director.

Councilperson Trakas said there were Mayors and Finance Directors who didn't talk to each other very frequently.

Mayor Kurtz said you still have to get elected then too. So, if you don't get along with the Mayor, you are probably going to do something to make it work. You don't have to have a symbiotic relationship, you just have to have a relationship that functions. It's never going to be perfect.

I will say this, what's a Finance person in school make?

Vice Mayor Grendel said a lot more.

Mayor Kurtz said either you are going to do something on the ballot, or Council is going to have to do something before the filing deadline of the next election with respect to the Finance Director's compensation if it gets turned down. In other words, if it gets turned down, whatever goes on the ballot, then I am going to sit and recommend that there be a relationship the income for the Finance Director and the position responsibilities.

Councilperson Trakas said I think we should do the same thing for the Mayor.

Several people began speaking at once again.

Mayor Kurtz said it was proposed at one time, which I don't care about. The Finance Director is focused on one thing, watching money.

Vice Mayor Grendel said that's the most important thing.

Mayor Kurtz said if the Finance Director stays in that position until such time that five members of Council, if he doesn't resign or retire, then five members of Council can eliminate him.

Councilperson Trakas said if you have a confirmation vote every four years, it keeps everybody on the same page. If you have a thing where you have to have someone removed which would be a pretty hostile act. I am not going to give you guys information. I am an employee, I don't have to do anything; that's what you can get. I'm not saying that has happened with anyone in this room, I am just saying you can get those. I have seen it happen in a lot of communities where you have situations like that. I think you avoid it by having everyone's feet to the fire at the same time.

Mayor Kurtz said I have been in situations where I have had to had a conversation with people that are in positions that weren't part of the five vote removal. Somehow it never got to that point. If you are not having a good relationship with somebody and it's obvious, it's not good for the organization, you find a way to fix the organization's issues. That is the extreme measure.

I didn't hear if it's going to be continuous like a Department Head with a five vote removal, or is it going to be a vote, Council will have to approve every four years. That Council could change too if you don't get the four-year terms. Then you can have a different Council too.

Councilperson Narduzzi said then it becomes political. That's what I don't want. I would rather have it just like the other directors are.

Councilperson Trakas asked have you ever been stonewalled by the Finance Office? I have been stonewalled by the Office of Budget Management. They gave bad information.

Councilperson DiGeronimo asked Jim what did you do wrong?

Councilperson Trakas said it was a \$2,000,000,000 that they didn't want to talk about, everybody's taxes. I had to go back and talk to my constituents about what a great idea that was. I have a different perspective on it.

Vice Mayor Grendel asked what is our feeling on this? I would like how it exactly reads there, how it was proposed. If the Mayor approves, they could be removed with a consent of five members of Council.

Councilperson Narduzzi asked but is that saying that the Finance Director goes with every new Mayor that comes in?

Councilperson Trakas said for the rest of eternity until he retires.

Councilperson Narduzzi said he should have his job for a lifetime, if he's doing a good job.

Mayor Kurtz said you have a Police Chief and you have a situation or a Fire Chief, and it's not working out, you have a conversation. They find a way to move on.

Councilperson Togliatti asked should it be consistent with an approval of a majority and removal of a majority rather than five?

Mayor Kurtz said I think you want five to get rid of somebody. You are not always going to get five votes. You will get four votes, the majority. The majority of the people vote for you if you are elected Finance Director.

Councilperson Narduzzi asked what happens if you don't get five votes?

Mayor Kurtz said then you are not going to get appointed.

Vice Mayor Grendel said I would go 5-2.

Councilperson Veverka said or 4-3.

Vice Mayor Grendel said I think 5-2. This way, the person who gets appointed would have to have a strong resume, and then to get rid of them you would have to do something. I would go with a 5-2 vote, approval by Council and removal.

Councilperson Veverka said that's one part of it. We are going to offer the residents the opportunity to give up their opportunity to vote for a Finance Director. Now that may be the way that some of the residents will view it. They will not view it as an advantage or disadvantage of what we talk about, but rather wait a minute, if I vote this way, I won't have the opportunity to vote for the position anymore. They may not view it the way we view it.

Mayor Kurtz said they are ultimately the decision makers.

Councilperson Veverka said right.

Councilperson Narduzzi said but we as leaders are trying to make a decision that is better off for the community. Sometimes people have to be told that they would be better off, even if they don't like it. That's what we were elected to do, and it might be hard saying it, but that's the bottom line. It is what it is. We are trying to protect the community, we are not trying to hurt anybody.

Councilperson Veverka said I understand totally. I am just saying that might be the perception of some residents.

Vice Mayor Grendel said I think we need to again look at the compensation and look at the position. It's much more important now. Look at when John just got up and left. At least I was

surprised. We have been through that before. That's the worst to lose your financial guy, the guy who specializes.

Councilperson Trakas said I think it was finances clearly, but he was only a certain age and he wasn't going to be able to retire anytime soon. Regardless of what happens with the election this year on these two issues, I do think we have to address the compensation issue.

Vice Mayor Grendel said most definitely.

Councilperson Trakas said we have people willing to serve. John did it for a long time, but John also did a lot of outside work. I got worried about some of that stuff when you are working with the Economic Development offices in other cities, are there compromises that could come from that? I don't know that any ever manifested itself. You have multiple priorities that could impact your main job. So, I think having a full-time position regardless is important for us and paying that person appropriately.

Councilperson Narduzzi said I could say the same thing about Council too. If you want to get educated, high-quality Councilpersons \$10,000 don't cut it because we are not here for the money, but maybe that's why there's only six or seven people running every year. Why would somebody want to do this? You can't go to Drug Mart.

Vice Mayor Grendel said I wonder if they know the spouses have to have an understanding too.

Councilperson Narduzzi said you do it for the community. If you want to get more people running that's, one way to do it.

Vice Mayor Grendel said I think we will put this on the ballot. We need to be consistent with that, 5-2 to approve, and 5-2 to remove.

I guess the last one is the purchasing, Section II. It's under (c) Purchasing and Contracts. Increase the bid threshold from \$15,000 to \$25,000. It was just approved for \$15,000 the last go-around. I think we are members of so many different consortiums, we don't have to have as many go out to bid as we have had before. It seems like the bidding, when I was on it first time we were going out to bid for everything, and now it's just for the Engineer and a few other. What is the consensus? To increase it to \$25,000?

Councilperson Narduzzi said I would say increase it to \$25,000 in this day and age.

Councilperson DiGeronimo asked what was your discussion and methodology Chris?

Councilperson Walchanowicz said the State is at \$50,000, and originally it was going to be like 50% of the State; but if the State went to \$100,000, then it would be okay that the Mayor could spend up to that. They just locked it in at \$25,000, which is half of what the State is right now.

Vice Mayor Grendel asked Greg do you know what most communities have?

Law Director O'Brien said if it's a statute, then they go by the statutes, and they are at \$50,000.

Vice Mayor Grendel said I think there are very few that are at \$15,000 I would imagine.

Mayor Kurtz said all I can say is this is a marathon and not a sprint. If we have to go incrementally, we have an engine, a motor that has to be replaced, it's still not going to be enough. There are a number of things, you can't buy much for \$15,000.

Councilperson DiGeronimo said most of them have been in the \$40,000 to \$50,000 range.

Councilperson Trakas said keep in mind that the State budget is \$74,000,000; so they have a \$50,000 threshold.

Finance Director Blaze said the State statute says communities short of you having it in your Charter, \$50,000 is your limit. I don't think that is the State of Ohio.

Councilperson Trakas said the State agency standards, and if you need more you have to go to the Control Board in order to get it.

Finance Director Blaze said the controlling board, not the legislative body.

Councilperson Trakas said it takes a couple of months to do. If you use that logic, then ours should be \$3,175.

Mayor Kurtz said we will make it work.

Several people began speaking at once again.

Vice Mayor Grendel said so the consensus is to send this to the voters.

Now that's all. I know Jim you had a few.

Councilperson Trakas said I know it's getting towards the hour, but I have a couple of suggestions that I would ask you to consider. I put them in writing.

The first one was on the authority to levy taxes, and I would not consider wanting to go under 2%. I think finances are one of the most important things any business that come into a community or stay in a community. So, my thought was if we could put it in the Charter that said that we would have to have the lowest, basically retain one of the lowest tax rates in the County. We already have that on property taxes. By doing it this way, one of the things you see with inflation because of the oil and gas problem, is that the oil and gas companies don't want to invest because they think there's not consistency, and they think there's going to be wild changes in policies. To extrapolate that to tax policies. I think if we go on record as saying hey we are going to be one of the lowest taxing communities in the County, and you put that in your

Charter. You make it so that there is stability on taxes. We know that tax rates and finances are one of the key reasons anybody locates or relocates to a community, whether it be both cost of living as a resident as well as for businesses. So, I don't think this would have any negative impact at all, and I think it would have a positive impact. We could go out and say hey look if you are going to go to a business to try to lure them to come here or they are contemplating it, and they know that it's difficult to go more than the lowest tax community that is over 2%. There's only two that are under 2%, and they could appreciate that research being done. That is some stability. That shows that there's an incentive here to retain that policy, and that stability helps attract business I think.

I thought when you looked at Cleveland going to a 2 ½% rate, they may not have said why they were coming, but we got about a half dozen within a couple of months of that rate going up of businesses that wanted to come here. I think if you had an honest conversation with them, the tax rate had something to do with it. It's not a negative, it's obviously workforce issues and location issues and that type of thing, but I thought this was something we could examine as well.

Mayor Kurtz said normally residents have to approve the income tax matters. So, it's pretty consistent, and the fact that we still have to go to a vote of the people. They also control that. I think there is a built-in mechanism consistent with your recommendation.

Councilperson Trakas said I just thought if we went on record with that kind of a statement that could bolster us.

Mayor Kurtz said if we were going to change it, we would have to warn people anyway.

Councilperson Trakas said that's how it's currently written right now.

Mayor Kurtz said none of us have any authority to change that. There might be a dynamic out there that forces us to do that, remember that, positive or negative. Ultimately, we just have to rely on the people to make appropriate decisions when it comes time for taxes.

Councilperson Togliatti asked but doesn't the Charter allow us to go up to 2 ½%?

Councilperson Trakas said it allows us, and this would change that.

Mayor Kurtz said you can't change it.

Councilperson Trakas said currently we are at 2%.

Mayor Kurtz said I know, but we can't change that unless we go to a vote of the people. The Charter says we can't exceed the City of Cleveland. That's not consistent because we vote on it. If they voted on something, they would override the original Charter.

Law Director O'Brien said if you wanted to go to 2.75%, you could put that.

Councilperson Togliatti asked if we would go to 2.5%, we would have to go to a vote of the people?

Mayor Kurtz said yes.

Law Director O'Brien said that's my understanding.

Councilperson Trakas said the way I read the Charter is the way you read it, you could go to 2.5%, and if you went over 2.5%, then you would have to go to a vote of the people. I think that's what it says.

Law Director O'Brien said I'm not a tax person, but I will find out.

Councilperson Trakas said okay, thank you. Maybe we can consider that. We have until July or August.

Law Director O'Brien said yes, August 10th.

Councilperson Trakas said I would just ask that we consider that.

Secondly, as it relates to what we just talked about for purchasing and the expenditure of funds, I guess I approach this from a perspective of an old Materials Manager in Purchasing. I always felt that the highest value was related to having the most robust bidding process. So, with respect to what we just talked about, there are a couple of recommendations that I would have to supplement that separately so it doesn't have to affect the \$25,000 versus \$15,000; but I was hoping that we could publicize a little bit more. So, it says when you do make the best, when you go out for bidding, you have to put it in a newspaper of general circulation, and that is what State law says. I would suggest that we also have the City's website so that vendors get used to looking at the City's website. I don't know if there really are newspapers of general circulation anymore, you have to put it in for at least a month. It costs money to do that, but you might attract more bidders, or you might get more people interested if it's on the City's website as well. So, that would be in there.

The Council may contract for personal services that are related to proprietary services. So, in other words, when you say proprietary, you had the situation a couple of years ago when John Veres attributed to originally that we were trying to buy equipment for a fire truck, you have to go out and bid it. That wasn't the intent of what we have done through ordinance. The intent was to try to have anything that was non-proprietary. So, for proprietary reasons, you don't have to go out for bidding. I think that would help. Some departments say well if you do informal bidding on the processes, then it takes a lot of time and extra money. I understand that, but so there are things that are proprietary, you are always going to buy American Lafrance products from American Lafrance approved dealers, and that's a proprietary situation.

You are going to buy Microsoft software from a Microsoft approved dealer. Those types of things wouldn't be subject to competitive bidding, but what I do look at is for example, personal service contracts should be bid either formally or informally, and we can set that by ordinance. The reason I say that is because just look at the road maintenance stuff that we do, and in terms of inspection. I think you raised this. One inspection contract calls for \$50, \$60 an hour. We have so many of those out there now that I think if you bid them formally or informally, and if we could set policies on how to do that without being a pain in the neck. We should be getting some value. Why is one inspection better than the other inspection? So, that's just one example of this, but we are spending millions of dollars on no-bid contracts. I think it's to the point now where we kind of made a philosophy of that's how we want to do it. We would rather go with contractors than hire employees. I understand that, but at the same time, maybe we should be looking at the overall value of those two and have some type of informal policy on where we would be able to say what those bidders are and list them publicly and then go with the best value. Even if it's not a public bid, it could be an informal bid, where at least you would know what the informal bid is going to cost you. So, if you have general construction maintenance, maybe you have three firms that you go with, and they all have to have a public bid. People can see what they are.

So, to your point earlier John, the reason we don't see these is because it just happens without Council approval. That's why you don't see them. I think you want to have a more robust thing.

Law Director O'Brien said the reason that you have this is that Council keeps voting the ordinance to pass them forward. If Council were to say we would like to see this, this and this, or if Council were to pass an ordinance saying before we consider this, we would require this, this and this; but with all due respect, I would say to you, you are right. It happens, and an ordinance comes, and the majority of Council passes it.

Councilperson Trakas said yes, right, absolutely.

Councilperson DiGeronimo said the maintenance, I think we do bid those.

Councilperson Togliatti said the maintenance contracts. I think he's talking more about the engineering inspections.

Councilperson DiGeronimo said oh the third-party consultants. It's even like our IT, Fairsite, should we have called four other people?

Law Director O'Brien said candidly the inspections should be done on an RFQ, and there is a statutory provision, and Don has assured me that he follows it. I am not part of the process. I just ask Don periodically, and I have given him the statutory framework. It really is just an informal proposal, you need the qualifications.

Councilperson Trakas said I think those things should be held in public, you should report to Council on anything that is under the threshold on a regular basis, so we know what's happening.

Law Director O'Brien said it should be a public record.

Several people began speaking at once again.

Vice Mayor Grendel said so Greg you will put these together.

Law Director O'Brien said I will put these together. I don't remember them voting on wards candidly. They discussed it.

Councilperson DiGeronimo said those were just ideas, I think.

Law Director O'Brien said so I have the four year staggered, the top three vote getters will get the four years, and then after that it will be four years staggered. Council President will be voted by the Council every two years. Mayor three years and a maximum 12 years. Council will be a maximum of 12 years. The Finance Director five members to be appointed, five members to be terminated. Mayor wanted some research on salary adjustments, and I need to find out if Council can unilaterally increase the municipal tax without a vote, and then the \$25,000. Did I miss anything?

Vice Mayor Grendel said no. Any other comments before we entertain a motion to adjourn? There were no other comments.

Moved by Veverka, seconded by DiGeronimo, to adjourn the Council Workshop of June 28, 2022 at 6:02 p.m. Voice Vote: 7 yes/0 no; motion carried.

Debra J. Beal, Clerk of Council
Minutes Unapproved at Time of Release 07//06/22
