

DEFIANCE CITY CHARTER REVIEW COMMISSION MINUTES
JUNE 15th, 2009

The fifth meeting of the Charter Review Commission met in regular session in the Charles D. Beard Community Room of the Municipal Annex.

The meeting was attended by: Chairperson Beard, Marc Warncke, Bob Lawson, Mike McCann, David Williams and Lisa Elders, Clerk

Absent: Pete Lundberg

Others in attendance were: Todd Helberg, Daniel Gray and Steve Vandemark

The meeting was called to order by Chairperson Beard at 6:35 p.m.

Chairman Beard called for a motion to approve the minutes of May 18th, 2009 as written, Mr. McCann moved and Mr. Lawson seconded; Voice vote, Motion carried.

Chairman Beard stated Mr. Gray spoke to Chairman Beard before the meeting, in which Mr. Gray had some concerns. Chairman Beard stated the concerns were Ordinance issues not Charter.

➤ **Article VII**

❖ **BOARDS AND COMMISSIONS**

- **No discussion Sections:**
 - 7.03, 7.04, 7.06, 7.07

✓ **Section 7.01:**

- Mr. McCann asked if there was a different way of appointing the Civil Service Commission? Chairman Beard believes it is consist with the Charter. Mr. McCann noted in other Commissions it says the "Mayor Appoints", in appointing Civil Service it doesn't say the Mayor. Mr. Williams states "any position filled by appointment of the Mayor required conformation of Council by majority". Mr. Williams also stated the general provisions says whenever there is a vacancies to be filled by appointment of the Mayor. Chairman Beard states it doesn't say by the Mayor Appointment, but it is assumed. Chairman Beard asked Mr. Williams if it is by Statutory Law. Chairman Beard stated it should specifically state the Mayor. Mr. Williams will check the statute.

✓ **Section 7.02:**

- Mr. McCann states 7.02 and 7.05 intertwine, simply because the Chairman of the Park Board is automatically a member of Planning Commission. Mr. McCann thoughts are; there is no term limit on Park Board or if you're the Chairman of Parks, doesn't necessary mean you're part of the Planning Commission. Mr. McCann asked why there is a term limit on Parks and not the other Commissions. Mr. Lawson stated at one time the Parks needed a total replacement and there were reasons at the time to only have a two year term. Chairman Beard asked who gets appointed to the Park Board Chair. Mr. McCann stated the Park Board chooses their own Chair yearly. Mr. Warncke doesn't think it is an issue.

- *Chairman Beard asked for any recommendations to 7.02. Mr. Lawson suggested to revisit it and if there is a solid recommendation at that time, then decisions can be made. Mr. McCann also would like to expand the size of members for Planning Commission.*

✓ **Section 7.05:**

- *The discussion earlier on the term limit. Chairman Beard asked if a term limit would be a pro or con for someone who wanted to service. Chairman Beard stated 7.05 will be revisited, (strike language out).*
- *Chairman Beard asked if there was any discussion over Article VIII taxation or Article IX, Transitional Provisions.*
- *Mr. Warncke asked if the language; limitation of City Income Tax above or below one percent needed to be stated. Mr. Williams stated it doesn't need to, but it doesn't hurt anything.*

➤ **REVISITING SECTIONS (1.06, 1.11, 2.04, 2.11, 5.04)**

✓ **Section 1.06:**

◇ **CLARIFICATION**

- *Chairman Beard stated Mr. Warncke wanted some clarification. Mr. Warncke stated in reading it now, there isn't any problems. Mr. McCann asked when the election occurs, because it doesn't state when. Mr. Williams stated it refers to amendment referred to by the Constitution of the State. With further discussion clarification isn't needed.*

✓ **Section 1.11:**

◇ **ADDING LANGUAGE**

- *The language that Mr. Warncke wanted added is "Failure to maintain qualifications while in office". With some discussion this will be looked at again.*

✓ **Section 2.04:**

◇ **NON-PARTISAN SEATS**

- *Mr. McCann stated if going to non-partisan, the Courts of Common Pleas appoints replacement of vacancies. Mr. Warncke asked why Napoleon is going back to partisan?*
- *Chairman Beard asked the Committee how they felt about making Council a non-partisan position. Mr. Lawson stated at one time was in favor of non-partisan, however Mr. Lawson feels the people need a voice and the people can hang there "hats" on a partisan position. Unless, there is a compelling argument, Mr. Lawson wants to keep it partisan.*
- *Mr. Warncke stated before eliminating partisan, Mr. Warncke would like to know why Napoleon is going back to partisan.*
- *Mr. McCann is concern the people vote Democrat or Republican, because that is how they are condition to vote and not electing the best people for the job.*

- *Chairman Beard would like to hear from Mr. Lundberg before anything is done. Mr. Williams was to contact Mr. Grahn from Napoleon and email the Committee the reasoning why Napoleon is going back to partisan.*

✓ **Section 2.11:**

◇ **NEWSPAPER NOTIFICATION**

- *Mr. Williams looked at Napoleon's Charter and their Charter requires publication of abstract. Theirs is different from ours, because we require publication in full text unless it is over 1000 words.*
- *Mr. McCann asked when they are published in the newspaper? Mrs. Elders stated the Ordinance are brought to Council on Tuesday, if they are passed, that Wednesday they are sent to the paper and usually the following week they are in the paper. Mr. McCann asked what day? Mrs. Elders stated it is never the same day. Mr. McCann stated if the passed Ordinances where in the paper a certain day and in a certain area of the paper, Mr. McCann would be more incline to read them. Mrs. Elders stated the Ordinances have to be signed by the Mayor, Clerk and President of Council and sometimes someone could be absent and that would put a delay on when they are sent to the paper.*
- *Chairman Beard stated Mr. Hubbard sent out a email basically stating the State Law doesn't require a full Ordinance and it should be limited to what is published.*
- *Mr. Vandemark stated the amount that has been spent has been reduced. The rate was changed and the type setting was changed which reduced the cost per year. Mr. Vandemark stated money aside the General Public needs to know what the Government is doing.*
- *Mr. McCann and Mr. Lawson would like to continue the publishing. Mr. McCann would like a specific day. Mr. Vandemark stated if that is a issue that can be arranged. Mr. Warncke doesn't mind the publishing, however less text if possible, maybe putting the full text on the City Web Site. Chairman Beard stated to leave as is.*

✓ **Section 5.04:**

◇ **THE CLERK'S POSITION ON PETITION FOR RECALL**

◇ **PUBLICATION OF THE RECALL**

- *Chairman Beard asked Mr. Williams to look at Section 5.04 and come up with some different language for that and finding out the clerk's position.*

➤ **Discussion for Next Meeting will be Revisiting Sections:**

1. Section 5.04

Next meeting July 15th at 6:30 p.m. in the Charles D. Beard Community Room.

Meeting was adjourned at 8:32 p.m. motion made by Mr. Lawson, seconded by Mr. McCann; Voice Vote, Motion carried.

Respectfully submitted,

Approved: _____ 2009

Attest: _____ *Chairman Charlie Beard*

Attest: _____ *Clerk, Lisa Elders*