

**NOTICE OF PROCEEDINGS  
COUNCIL CHAMBERS  
631 PERRY STREET, DEFIANCE, OH 43512**

**CHARTER REVIEW MEETING  
TUESDAY MARCH 25, 2014  
6:05PM**

- I. Call to Order
- II. Members Present: Charlie Beard-Chair, Clayton Crates, Joe Eureste, Darrell Handy, Savanna Weber and Lisa Elders-Clerk. Also, in attendance David Williams-Law Director and Todd Helberg- Defiance Crescent News
- III. Handouts:
  - a. 2-25-14 Charter Minutes
  - b. Council Member's suggestions from 2009COMMUNICATIONS RECEIVED FROM LAST MEETING:
  - a. Mr. Holtsberry proposals
  - b. Establishing a retire/rehire Rule
  - c. Person having a college degree vs. military veterans
- IV. ARTICLE I: INCORPORATION, POWERS, FORM OF GOVERNMENT, GENERAL PROVISIONS

*NO DISCUSSION ON SECTIONS: 1.01 1.03 1.04 1.05 1.08 1.09 1.10*

*SECTION 1.02 FORM OF GOVERNMENT*

Mr. Eureste asked within different municipalities is Mayor-Council their type of government? Mr. Williams noted city's that don't have a charter by statute are Mayor-Council and the City of Defiance has a Mayor-Council Plan.

*SECTION 1.06 AMENDMENT TO CHARTER*

Mr. Beard noted in 2009, 1.06 was discussed and the question in 2009 was initiative petition.

Three ways to amend the charter:

- 1) Initiative petition of the public

- 2) By an ordinance of council at anytime
- 3) Wholesale Review ( this is done right now with this Charter Committee)  
Under Council Rules if the Charter Review Committee amends changes, then council is required to certify the changes to the Board of Elections.

#### *SECTION 1.07 CHARTER REVIEW*

The discussion in 2009 was to have at least 2 women, 2 men, 2 Democrats, 2 Republicans and 1 Independent. The Charter Committee decided not to proceed with the recommendations. Mr. Crates noted there isn't a lot of detail 1.07; what if 2 people are absent (quorum rule applies) and are you allowed to replace someone.

#### *SECTION 1.11 REMOVAL FROM OFFICE*

This was discussed in 2009, Malfeasance and Misfeasance are two reasons to be removed from office and Mr. Warncke suggested putting in place "Failure to maintain qualifications while in office"; however the Charter Committee did not move on that.

Mr. Crates noted Bryan & Napoleon Charter is in a lot more detail with their Removal from Office. Mr. Williams noted malfeasance & misfeasance are in the context of Civil Service Law, what constitutes malfeasance & misfeasance been developed through common law. Mr. Beard asked Mr. Williams if the rules should be expanded under section 1.11, Mr. Williams believes it is sufficient.

### V. ARTICLE II: THE CITY COUNCIL

#### *NO DISCUSSION ON SECTIONS: 2.03 2.05 2.09 2.11 2.12*

#### *SECTION 2.01 NUMBER, SELECTION, TERM*

This was discussed in 2009 and Mr. Williams discussed what Wards are.

#### *SECTION 2.02 QUALIFICATIONS*

Discussion in 2009 was rather an 18 year old could run for City Council. The Charter states you have to be a resident for a year, so the answer would be no, being a resident for a year would make them 19. Mr. Williams agreement to that; if a young adult (18) has lived in Defiance for a year and once they register then an 18 could run. This doesn't stop an 18 year old who has lived here for a year to run for office. It's a 1 year resident requirement and qualified elector.

#### *SECTION 2.04 VACANCIES*

Mr. Beard would like to discuss nonpartisan for City Council Members. Mr. Williams noted the nonpartisan has come up in Charter Review meetings before.

- 1) Partisan politics (at this level) should not be influencing governmental discussion
- 2) Organized parties recruiting candidates to run for City Council; there could be a possibility without a quorum because there aren't enough people running.

#### *SECTION 2.06 PRESIDENT OF COUNCIL AND DUTIES*

Previous discussion what constitutes an absence by Mayor. In 2009 Mr. Williams assumed it met some level of incapacity. Mr. Beard noted in his tenure and President Oberhaus has never assumed the duties of the Mayor. The proposed changes that Mr. Holtsberry emailed for Section 2.06 was not emailed to Mr. Eureste, Mr. Handy or Mr. Williams. Mr. Beard would like everyone to review the proposals and this will be discussed further. Ms. Weber noted in 2.07 any changes in the salary of members of council shall be effective commencing with the terms of office; Mr. Crates noted that was for Council Members not the President of Council, Ms. Weber through the President is a Council Member.

#### *SECTION 2.07 COMPENSATION*

Mr. Beard noted that in 2009 the Charter Committee discussed PERS Rules on minimum pay. Mr. Williams noted you could get a full service credit under PERS serving as a Council Member. The State is required in the pension plan, you have to be a full time employee; requiring a certain minimum number amount of earnings each quarter to get full credit for the quarter. If you earn ½ then the amount you receive ½ credits. Mr. Williams noted that Mr. Holtsberry advocated to have in the Charter; the salary of members of council should never be less than the minimum earnings required to qualify for full service credit, the last time this was brought up to council about council pay it was denied. The objection; if you put that in the charter it would increase elected officials pay during term, by a pre-existing rule.

#### *SECTION 2.10 MEETINGS AND SPECIAL MEETINGS*

Mr. Williams noted the charter requires 2 meetings a month, our council rules state Council will meet every Tuesday at 7:30 Regular Meeting and since council is meeting so frequently there is no need for a Special Meeting. Mr. Williams noted this Council might have an interest in Meeting every other week. Mr. Beard noted Council added study Sessions to the agenda, so whatever the Study Session was could be part of the legislations.

Mr. Beard noted if this Committee wanted Randy Buchman to speak to this charter Commission. Mr. Buchman was one of the writers of the original charter.

REVISIT:

1.11, 2.06, 2.07, 2.08, 2.10

TABLED:

2.04

Next Meeting:

April 29<sup>th</sup> at 6:00pm in Council Chambers

Discussion: Article 3 & 4

Charter Review Clerk

Lisa Elders