

NOTICE OF PROCEEDINGS
COUNCIL CHAMBERS
631 PERRY STREET, DEFIANCE, OH 43512
CHARTER REVIEW MEETING
TUESDAY MAY 20, 2014
6:00PM

- 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, Todd Helberg- Defiance Crescent News, Council Members- Mike McCann-Council President, City Fireman - Chad Brown, and Brandon Case
- III. Handouts:
 - a. AGENDA
 - b. 4-29-14 Charter Minutes; approval Mr. Eureste, seconded by Ms. Savanna, all in favor, Charter Minutes are approved as written.
 - c. Petition for Submission of Proposed Amendment to Charter
- IV. REVISIT SECTIONS:
SECTION 2.01 - NUMBER, SELECTION, TERM
SECTION 2.04 - VACANCIES

Mr. Williams recommends specific language for nonpartisan; staying with the Revised Code and the provisions for the nonpartisan election of township trustees with the exception of figuring out how we fill a vacancy of a Council Seat if Council doesn't fill it.

Mr. Beard sent an email out on the nonpartisan language from Marysville's Charter. Mr. Eureste, Mr. Handy and Ms. Weber noted that the language was good. Mr. Crates is not in favor of nonpartisan, because he believes having a democrat or republican attached to the candidate means something to the voters and if a non-party person wants to run they could always go Independent. Also, Mr. Crates doesn't like the fact that Council can appoint someone for a vacancy seat.

Mr. Eureste made a motion to adopt the suggested Nonpartisan Language for Elections of Council, seconded Mr. Handy, Roll Call Vote: Mr. Eureste - yes; Mr. Handy - yes; Ms. Weber - yes; Mr. Crates - no; Mr. Beard - yes; the motion was carried.

V. ARTICLE V: INITIATIVE, REFERENDUM AND RECALL

Mr. Beard noted in the 2009 Charter Review Commission there was not a lot of discussion regarding Article V. Mr. Williams noted we don't have a lot of discretion about this. The State Constitution guarantee's the public the right to initiate Legislation by initiative to subject to certain statutory limitations to challenge Legislation by referendum. There were some changes in 2009 because the original Charter imposed a lot of duties on the Council Clerk.

VI. ARTICLE VI DEPARTMENTS AND DIVISIONS

Mr. Crates asked why Police, Fire, and Safety Service are required to be electors of the City and why it isn't the same for Department Heads. Mr. Williams noted the City Administrator, Law Director and Finance Director are to be City residents within 6 months of their appointment and there isn't anything else in the Charter that establishes a residential requirement. Also, the City has never required Division Heads to be a resident.

VII. REVISIT SECTIONS:

SECTION 2.06 – President of Council and Duties

SECTION 2.07 – Compensation

Mr. McCann (entered at 6:17) had discussed with Council Members on Council Compensation and Council feels this can be addressed in Council Rules. Mr. McCann personal likes an idea of establishing a Board and the Board Members should hold a position in our Community or it can be done the old fashion way and Council votes on Compensation.

Mr. McCann doesn't believe our system is broken (Section 2.06 President of Council and Duties), which doesn't need fixed. Mr. McCann feels the Council Clerk should report to all members of Council, so Council can have full access to the Clerk. Also, Mr. McCann likes the fact the Clerk is hired by all of Council.

Mr. McCann noted there was a statement made that the Council President is a "powerless position"; however Mr. McCann said this isn't true. Mr. Beard noted there has been many Council Presidents since the Charter was put in place in 1983 and there has not been a problem with President Council duties and compensation.

Mr. Beard asked the Charter Members for their thoughts on duties and compensation; Mr. Handy and Ms. Weber doesn't want it to change, nor does Mr. Eureste; Mr. Eureste stated it is a position of trust. Mr. Crates noted with what happened (referring to the last 4 years that Mr. Holtsberry

was Council President) maybe this should be looked into to prevent issues happening again, but not necessarily what Mr. Holtsberry proposed. Mr. Williams presented Mr. Holtsberry proposal to the BOC and they all believe there needs to be a non-voting member of Council to be a "go-to" person, when the Administration needs to get material presented to Council in a neutral way.

Mr. McCann exited at 6:34

Mr. Crates thinks if Council is going to reduce compensation across the board, then the Council President should have a vote in that. Mr. Beard noted maybe that is something that can be addressed in the Council Rules.

VIII. Continuing with Article VI

Mr. Beard noted he had a question from Judge Ruyle; Judge Ruyle believes there doesn't need to be a provision anymore to give extra points to people that served in the military. Mr. Williams noted it is State Policy. Mr. Brown noted there is more nonmilitary fireman then military.

Mr. Eureste sent out an email of Fostoria Charter and he suggested to add the language to Article 6; addressing the issue of not abolishing the Police & Fire Departments without a vote of the people. Mr. Beard asked if there is anything that should be added since there is something familiar in place. Mr. Handy, Mr. Crates and Ms. Savanna don't believe anything should be changed.

Next Meeting:
June 10 at 6:00pm in Council Chambers
Discussion: Article 7 & 8

Charter Review Clerk
Lisa Elders