

NOTICE OF PROCEEDINGS  
FRONT CONFERENCE ROOM  
631 PERRY STREET, DEFIANCE, OH 43512  
CHARTER REVIEW MEETING  
TUESDAY APRIL 2, 2019  
5:30 PM

Call to Order

Members Present: Charlie Beard-Chair, Bob Armstrong, Chris Mack, Darrell Handy, Katie Held and Lisa Elders-Clerk. Also, in attendance Sean O'Donnell-Law Director, and Todd Helberg- Defiance Crescent News

Handouts:  
AGENDA

Chair-Beard asked the Committee if they would like to have the Clerk read the minutes, since the minutes have not been sent out yet. It was decided the minutes from the last meeting and this meeting will be brought before the Committee next meeting, May 7.

Information from last meeting:

Mr. O'Donnell noted the Administrative Code is part one of the Codified Ordinances. In Section 2.11, #3 it states Council shall establish an Administrative Code, prescribing the manner of giving notice of all other ordinances, resolutions, orders, proclamations... However, the Administrative Code isn't in the Charter, but is in the Council Rules. Do we put it in the Charter or leave it under the Council Rules. This will be revisited.

Posting of the Agenda, which includes Ordinances and Resolutions. In the Council Rules it does state the publications sites, which does include the website.

Meetings:

April 2 Article III & Article IV  
May 7 Article V & Article VI  
June 4 Article VII & Article VIII & Article IX  
Meeting will be in Front Conference Room starting at 5:30  
Finish by July 1

Article III  
MAYOR/ADMINISTRATOR

3.03 COMPENSATION

Mr. O'Donnell noted Council has asked to raise Council and Mayoral salaries. Change shall be made by Council not later than the first day of January immediately preceding the commencement of a new term of office of the Mayor. Mr. O'Donnell suggest we clarify the language. Chair-Beard asked Mr. O'Donnell to prepare some language.

3.04 FILLING VACANCY

Mr. Mack stated in the event the office of Mayor shall become vacant, it shall be filled within thirty days by the Central Committee. What if the Mayor is independent there might not be a Central Committee, which then there would be a need for a Special Election. Also, does the 30 days include the 6 month period? With Mr. O'Donnell giving his opinion, it was decided

there is no need for clarification.

### 3.05 EXECUTIVE POWERS

Chair-Beard stated it has been suggested to do away with the Strong Mayor/Strong Council form of Government and go with a Professional City Manager form of Government, which there would be a need to hire a City Manager to run the City (could be a out of city person) and the Mayor becomes a part-time Mayor. Mr. Armstrong strongly opposed to that kind of Government, noting what the City of Defiance has now is working well. The decision from the Committee was to leave it the way it is.

#5 Chair-Beard stated, The Mayor shall have the power to appoint the City Administrator, the Law Director and the Finance Director, with the advice and consent of the majority of Council. Doesn't state anything about Compensation for each office. Chair-Beard noted at the beginning of their terms, the appointments are good for 2 years, after that they are appointed yearly. Since Compensation is not addressed in the Charter, how does Council approve Compensation for the BOC (Board of Control)?

Past practice when the Mayor suggest who he wants to appoint for the positions, he states the name and sometimes the dollar amount, sometimes there is no mention of salary. Also, there isn't a motion or a vote, just head-nods. Mr. O'Donnell stated either the Charter needs to be changed or Council needs to follow the Charter.

Clerk Elders noted the Mayor is not making a Motion or asking for a Motion from Council, when he mentions who he wants to appoint, so if there is no Motion on the table, then there would be no need to vote.

Chair-Beard noted when Council approves the Budget the Compensation for BOC members are in the Budget, which would mean Council approved by Ordinance. Mr. Armstrong noted there is negotiations on the salary of BOC members and the public should know the amount. Which, Mr. Armstrong believes there should be a Ordinance for each member, City Administrator, Law Director and Finance Director, which would include the salary amount. Mrs. Held noted the Budget is printed in the paper and by line-items, the public knows the salary amount for each member. Mr. Armstrong said it doesn't say anything in the Charter that Council takes a vote on the appointed members salary and documented by Ordinance. This would help if someone came in to replace one of those positions, a new Ordinance would come before Council and a vote of approval is needed.

Chair-Beard says this will be revisited

### 3.06 LEGISLATIVE POWERS

Mr. Mack asked if this a line-item veto? Yes, stated Mr. O'Donnell. If the Mayor disapproves a line-item and doesn't sign the Ordinances and sends it back to Council, with suggested changes from the Mayor and Council again approves the line-item without the changes, does it become law? Mr. O'Donnell noted by 2/3 vote becomes law, if not by 2/3, then the line-item is void and the Ordinance will become law.

Chair-Beard stated for the record, Charter Amendments cannot be veto by the Mayor or Council, recommendations from the Charter Committee will go to the voters.

### 3.07 CITY ADMINISTRATOR

Mr. Armstrong noted in the Charter it states a different name in Article VI for the City Administrator, Service & Safety Director, which is under the City Administrator duties. Chair-Beard asked for this to be brought up when the Committee covers Article VI.

Chair-Beard asked if removing words or replacing a word with another word, does it have to go to a election. Mr. O'Donnell noted yes, basically it would be under one change, verbal/language change.

NOMINATIONS AND ELECTIONS  
4.04 PETITION SIGNATURE REQUIREMENTS

Mr. Mack asked what the percentage is? Ohio Revised Code (ORC) provides the percentage.  
Mrs. Held suggest removing the word percentage and maybe replacing the word with number.

Mr. O'Donnell Duties:

Article I

- 1.06 – Recommendation was to look over this and possibly striking the last sentence
- 1.07 – Procedure of selecting process and research if Qualified Electors is defined by law

Article II

- 2.07 – Striking the word party, since seats are nonpartisan
- 2.04 – Providing statutes now in effect
- 2.08 – Speak with Mr. Lehner, possibly adding the Clerk in the non-bargaining Ordinance, defining non-bargaining
- 2.11 – Research more ways to publish the Agenda and state the ways  
Locate the Administrative Code

Article III

- 3.03 – Prepare Compensation Language
- 3.05 (5) – Clarify Language, possibly adding by Ordinance

Article IV

- 4.04 – Replacing the word percentage with number

Adjourn: 6:25 p.m.

All Charter Review Meetings are recorded and stored with the Charter Review Clerk

Charter Review Clerk  
Lisa Elders

Chair of Charter Review Committee: Charles D. Beard

Charter Clerk: Lisa Elders

Date: May 7, 2019

