

NOTICE OF PROCEEDINGS
COUNCIL CHAMBERS
631 PERRY STREET, DEFIANCE, OH 43512
CHARTER REVIEW MEETING
TUESDAY APRIL 29, 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, Tim Holtsberry, Council Members- Mike McCann-Council President, Mike Ketcham, John Hancock and Pete Lundberg
- III. Handouts:
 - a. 3-15-14 Charter Minutes; approval Mr. Eureste, seconded by Mr. Handy, all in favor, Charter Minutes are approved as written.
- IV. REVISIT SECTIONS:
SECTION 1.11 REMOVAL FROM OFFICE

Mr. Williams noted the malfeasance & misfeasance in the Section is clear and there is no reason to amend this Section.

SECTION 2.01 NUMBER, SELECTION, TERM & 2.04 VACANCIES

Mr. Beard has contacted several communities for nonpartisan candidates and all felt partisan politics doesn't belong in small City Government. Mr. Beard asked Mr. Williams if 2.01 or 2.04 would address the nonpartisan issue. Mr. Williams said there was two issues from last meeting; 1) if Wards could be abolished and go with all at-large? Mr. Williams found a couple cases that this couldn't be done. Mr. Handy asked why Wards can't be abolished. Mr. Williams stated Wards have been determined fundamental that you have to have some members elected by Ward. 2) To the manner of elections, a Revised Code Section was Amended a couple months ago in the manner you fill the election with the seat 3513.01 of the ORC now says: In Townships and Municipalities of less than 2000 population the election shall be nonpartisan unless the majority of the electors sign a petition asking for partisan election in which case they shall be partisan in the Primary. In cities of 2000 or more they shall be conducted as they were in 1989.

Mr. Eureste is in favor of proceeding with nonpartisan. Mr. Eureste asked if the Charter Commission approves to put this on the ballot and it does pass by the electors and someone comes back the following year and puts in an initiative petition to change it, who pays for that to be on the ballot? Mr. Williams said there would be no cost.

Mr. Handy is in favor of proceeding forward with nonpartisan election. Mr. Crates doesn't know yet and needs more information at this point. Ms. Weber asked if the Central Committees are not inspired to be involved, then how do we get candidates. Ms. Weber also would like more information.

Nonpartisan will be revisited and Mr. Williams will do more research.

SECTION 2.06 PRESIDENT OF COUNCIL AND DUTIES

Mr. Beard referred to Mr. Holtsberry Charter Proposals.

Mr. Holtsberry noted because of the lawsuit Council attempted to take away the responsibilities of the Council President and because the way the Charter is written, the President doesn't have say-so. Mr. Holtsberry feels the President of Council is a vice-Mayor position and there should be designated powers for that position, the job needs to be clearly defined. Mr. Holtsberry feels the President of Council position is unfair; no vote, no veto and if Council wanted to take away the President's salary, there is nothing the President could do. Mr. Williams thinks in Section 2.07 it does address the President of Council compensation; the way the Charter is written in order to reduce the President of Council compensation (in-term), majority of Council would have to cut their own pay.

Mr. Eureste noted he has always been opposed to Council making the decision to give their selves a raise. Mr. Eureste thoughts; compensation should be addressed by the Charter Commission or at least someone on the outside making the recommendation of compensation vs. Council doing it.

Mr. McCann suggested a Compensation Committee that would make a recommendation to a full board (having the Finance Director involved) and then Council would still have to approve the recommendations.

Mr. Ketcham noted last year Council did not pass Compensation Increase that would have met State Requirements to obtain PERS.

Mr. Beard noted Section 3.03 will be revisited. Also, Mr. Beard asked Mr. McCann to look at Mr. Holtsberry recommendations, to see if it would better fit under Council's Procedures rather than a complete Charter Amendment.

V. ARTICLE III: MAYOR/ADMINISTRATOR

NO DISCUSSION ON SECTIONS: 3.01 3.02 3.04 3.06

SECTION 3.02 QUALIFICATIONS

Mr. Handy asked if the Mayor could hold a full-time job and also be Mayor. Mr. Williams stated this Section prohibits a full-time job while being Mayor.

SECTION 3.05 EXECUTIVE POWERS

Mr. Beard noted the key point in this Section is that the Mayor is the Chief Executive Officer of the City. A full-time Mayor has been questioned, however the Charter states the Mayor's position is full-time.

Mr. Beard asked Mr. Williams to explain Section 3.05 Number 5. Mr. Williams stated the Mayor announces his determination to renew the appointment or not renew. If anyone member of Council disagrees with the Mayor's decision, then the Council is required to schedule a Special Meeting at which the only subject to discuss is rather the Department Head is reappointed or not and then a vote.

VI. ARTICLE IV NOMINATIONS AND ELECTIONS

Mr. Williams noted if the Commission wants to do something with nonpartisan ballot, this would be the section to do it in, Section 4.01 Conduct of Elections.

REVISIT:

Nonpartisan

President of Council duties and compensation

2.12

3.03

Next Meeting:

May 20th at 6:00pm in Front Conference Room

Discussion: Article 5 & 6

Charter Review Clerk
Lisa Elders