

CITY OF TWINSBURG, OHIO
CHARTER REVIEW COMMISSION MINUTES
May 10, 2018

Meeting was called to order by Dean Martin at 6:07 pm

ROLL CALL Kathi Procop, Susan Johnson, Dan Sypen, Dean Martin, Adam Gockowski, Dwayne Smith

ABSENT: Brian Davis, David Post, James Shafer

ALSO PRESENT: Sam Scaffide – City Council Representative, David Maistros – City Law Director

AUDIENCE PARTICIPATION

No audience participation

APPROVAL OF THE MINUTES

Approval of the April 26, 2018 minutes. There was a motion to approve the minutes. Mr. Sypen seconded the motion. The approval of the minutes was unanimous.

OLD BUSINESS

They are reviewing recommended changes from the May 3, 2018 meeting. The Board looked at Article 7 “Administrative Departments, Commissions, and Boards.” Mr. Maistros mentioned that everyone had in front of them revisions to Article 7, which they have now finished going over.

Section 3.02B – The wording “excepting there from members of the Twinsburg Development Foundation” has been removed.

Section 7.01 – 4 paragraphs down in that section where it reads “The City shall invite eligible persons to apply for available appointments...” This was discussed at the May 3, 2018 meeting and has not changed since then.

Section 7.02 change was in paragraph B “Until other provisions are made by Council...” The word “is” was changed to “are”. In Section 7.02 paragraph A, the last two sentences were removed, so it now reads “The Mayor appoints, with Council approval, the Finance Director.”

Section 7.03 starting with paragraph B (Police) & C (Fire). There was clarification in the previous meeting that the Mayor appoints the chiefs, Council determines the number and structure of each department, and then Civil Service will be responsible for the actual hiring of the individual. After discussion, it was pointed out that it should read “As recommended by the Mayor and approved by Council.” This would replace wording in “B” (Police) and “C” (Fire). This wording was agreed upon. Section 7.03 paragraph D was confirmed to be removed since this information is in Employee Personnel Manuals as well as various rules that are established for each department that the chiefs put in place that really controls and governs the discipline and conduct of its members. Human Resources and/or the Chiefs along with Civil Service are the ones who establish the rules for Police and Fire.

Section 7.05 revisions - Mr. Maistros pulled the revisions from the Civil Service recommendations. There is a Public Hearing on May 17th. This language is identical to what they have discussed and approved. The wording “excepting there from membership in the

Twinsburg Development Foundation” has been removed. The following language was also removed - “A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment” because this wording was changed early on in the Charter as to how unexpired terms were filled and it would be redundant as well as a conflict if it were to remain.

Section 7.05A #2 - Directors of Departments. The term “Golf Course Superintendent” was corrected to reflect “Golf Course Maintenance”. Also added was “Restaurant Operations Director” as well as “Banquet Operations Director” that are new. The rest of the language is clean up that the Civil Service Commission requested so that it is consistent as to what titles those individuals really are. Everyone was good with all of the changes so far. Civil Service has approximately 30 pages of rules and this language is at the beginning section that references the Charter. In Section 7.05B, the wording was added “that are not covered by collectively bargained agreements” to the language in the paragraph just after “The Non-Competitive group shall include...” This wording has been added at the recommendation of the Civil Service Commission.

Section 7.06 – Department of Law – The language was changed from “The appointment shall be concurrent with the Mayor’s elected term and shall expire at the end of each such term. Said appointment shall be made within 60 days of the commencement of the Mayor’s term and the previously appointed Director of Law shall serve until the appointment is confirmed by Council” to “Said Director shall serve at the pleasure of the Mayor. The Director of Law shall act as legal advisor to and attorney for, the City and for all board and commissions of the City.”

Section 7.07 – Removing the wording “excepting membership on the Twinsburg Development Foundation.” Also removing the following wording - “A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment” because this has already been covered. There was a lot of discussion regarding the recommendation about taking out the wording “Planning Commission.” It was further discussed and agreed to leave it in.

NEW BUSINESS

ARTICLE VIII – NOMINATIONS, ELECTIONS, AND QUALIFICATIONS

Section 8.01 – Nominations – This section was read out loud. The question in the first paragraph that was raised was that they thought that the Board of Elections set down the rules and regulations as to how many signatures there are needed for a petition, etc. Mr. Maistros mentioned that that is correct but they also have to defer to City Charters as well. Twinsburg currently states that there is a certain window that petitions can be circulated pertaining to running for Council. The City is looking to change this section to move the primary back based upon prior discussion. The Board of Elections are the ones to provide the forms needed to file petitions, etc. As far as the dates and the number of signatures, that can be decided in the City Charter. If there is a challenge in an election, then The Board of Elections can determine if everything was followed properly. Kathi Procop thought that having a time window was unfair to the person who is new to the process of government in Twinsburg. She was questioning the window of time. Mr. Maistros said that the 90 days prior is standard, but the 150 days does not make any sense to him. Mr. Maistros agreed with Kathi Procop as to being unsure why they have the window. The suggestion was to revise the wording in the first paragraph to include “in conjunction with the Board of Elections.” It was agreed that the wording for nominating petitions should coincide with that of the Mayor – “filed with the Board of Elections no later than 4:00 p.m. 90 days prior.” It was agreed that the rest of the paragraph looked fine.

In Section 8.01, paragraph 2, it was discussed to move the primary election for Mayor from the first Tuesday after the first Monday in May to the first Tuesday after the first Monday in August of each year in which an election of Mayor is conducted. It was unanimously approved to change the primary election date in the Charter from May until August each year there is an election for Mayor. It was agreed that all other wording Section 8.01 was fine.

Section 8.02 – Ballots - This section was read out loud. There was no discussion or changes for this section.

Section 8.03 – Elections - This section was read out loud. There was no discussion or changes for this section.

Section 8.04 – Qualifications - This section was read out loud. The time period of residing in the City prior to running for a City office was discussed. This time period for residence is currently set for two years for the Mayor. “Each elective officer of the City shall be a qualified elector of the City and shall have resided therein or in territory annexed to for at least two years...” This is contrary to Council. It was suggested to change the wording as follows: “Each elective officer of the City shall be a qualified elector of the City and shall have continuously resided therein, or in territory annexed to, for a minimum of one (1) year, and two (2) years for Mayor, and shall continue to reside therein during their term.”

ARTICLE IX – NOMINATIONS, ELECTIONS, AND QUALIFICATIONS

Section 9.01 – Initiative - This section was read out loud by Susan Johnson. Mr. Maistros explained that this is a resident essentially initiating doing Council’s function such as passing an ordinance citywide by putting it on the ballot with the proper amount of signatures or they can initiate a referendum petition to remove something Council has passed. It makes reference to state law where the petition has to be signed by 10% of the electorate of the residents who voted in the last gubernatorial election. It governs the number of signatures you have. State code is followed on this. The revised code lays out all of this language. The Board of Elections is very specific.

Section 9.02 – Referendum - This section was read out loud by Susan Johnson. There was no discussion or changes for this section.

Section 9.03 – Recall - This section was read out loud by Susan Johnson. There was no discussion or changes for this section. It was confirmed that someone has to be in office 6 months before they can be recalled. If a person in office is really not favorable, Council has the authority to remove that person from office at anytime, but for there to be an electoral recall that is six months. This does not include the Mayor. The Mayor can face a recall petition by the public. Mr. Maistros posed the question that the charter states that if it is a recall of a Councilmember, you have to have 25% of the signatures on the recall petition, but it does not say if the recall goes to the ballot if it is for that specific ward or not. They agreed to add the wording “to be voted on by the members specific to that Ward” at the end of this sentence “At such recall election this question shall be placed on the ballot.” The rest of the language in this section was good to go. The question was posed if the Board of Elections has different rules in place for a recall. Mr. Maistros said that it is just a special election to them. Our charter provides all of the mechanics and then it is a special election if it is a recall.

Section 9.04 – Removal - This section was read out loud by Susan Johnson. There was no discussion or changes for this section.

ARTICLE X – AMENDMENTS TO THE CHARTER

Section 10.01 – Methods and Procedures- This section was read out loud. Mr. Maistros explained this section. There are three ways to get Charter changes on the ballot:

1. Council can make a recommendation to change the Charter on its own as long as there are five or more of its members and put it on the ballot.
2. The Charter Review Commission, every five (5) years, can review the Charter and make recommendations to Council to have it changed and it can go on the ballot unless five or more members of Council override it.
3. 10% of the electorate signs a petition started by a resident.

The only real way the language at the end of Section 10.01 would kick in is if Council or the Charter Review Commission to put something on the ballot and then a community group put an opposite amendment on the ballot and that is how you get the competing amendment and then the highest one who gets the majority prevails. This is very recent language.

Section 10.02 – Clerical and Non-Substantive Rearrangements and Amendments for Reprinting of Charter- This section was read out loud. There was no discussion or changes for this section.

ARTICLE XI – CHARTER REVIEW COMMISSION

Section 11.01 – Charter Review Commission- This section was read out loud by Susan Johnson. There was no discussion or changes for this section.

ARTICLE XII – GENERAL PROVISIONS

Section 12.01 – Effective Date of Charter- This section was read out loud. There was no discussion or changes for this section.

Section 12.02 – Effect of Partial Invalidity- This section was read out loud. There was no discussion or changes for this section.

Section 12.03 – Effect of the Charter Upon Existing Laws and Rights- This section was read out loud. There was no discussion or changes for this section.

Section 12.04 – Use of Electronic Notification- This section was read out loud. There was no discussion or changes for this section.

The next meeting will be May 17, 2018 at 6:00 p.m. There was a motion to adjourn by Dean Martin and the motion was seconded by Dwayne Smith. Motion passed unanimously.

ADJOURNMENT

This meeting unanimously adjourned at 7:30 PM (?)

Approved as written:

David Post, Chairperson

Shannon Collins, Secretary