

**2015 South Euclid Charter Review Commission**

**February 2, 2015 Meeting Minutes  
South Euclid City Hall Community Room  
349 South Green Road  
South Euclid, Ohio 44121**

**Call to Order**

The meeting was called to order by Dennis Fiorelli, Chairperson and the Pledge of Allegiance to the Flag was recited by all.

**Attendance**

In attendance were: Dennis Fiorelli, Ruth Gray, Marty Gelfand, Ed Icove, ~~David Miller~~, Modestino Romeo, Michael Shaughnessy, Denise Turner and Georgine Welo. Absent: David Miller. No community members present.

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**Approval of Minutes**

Romeo made a motion to accept the minutes of January 2, 2015. The motion passed unanimously.

**Review seven status changes**

Fiorelli distributed a written suggested plan to change and merge/combine various proposals.

A motion was made to withdraw proposals #3, #22, #23, #27, #29, #30 and #32. The motion passed with five in favor and two abstentions.

**Consensus exercise-27 Open Proposed Amendments.**

Fiorelli advised the commission that each proposal must get a vote of five in favor of it in order to move forward in the process. He wants to narrow the list down before the public hearing to a reasonable number of proposals.

Icove stated that he would not be comfortable with moving through the process without the stakeholder information.

Romeo stated that everyone that has submitted a proposal should provide background research.

Gelfand stated that he likes the process of discussing the proposals with commissioners before taking them to the public. All proposals do not have to be presented to the public.

Turner indicated that #1 and #31 were similar.

Commissioners agreed to continue with the proposals presented, getting research on them and discussing them before the vote.

### **Proposal #1**

Icove stated that 10 years ago we opened it up so that people could have public employment and still be on council. Other cities have the same language and other eliminate public employment altogether. If we start eliminating employment of council, we have to do it with the administration too.

Gray stated that this particular proposal is targeted specifically at her. She stated that she has been on council for nine years and for eight of those years she has worked for another city. Prior to accepting the employment at the other city, she had to go through a confirmation process both in South Euclid and the City of Bedford Heights. The Mayor mentioned that last year on the floor of council I asked to abstain from voting. No matter where you work, there are rare occasions where issues arise that put you in direct conflict or you will need to disclose information prior to a vote. That's not because I work for the City of Bedford Heights, it's because that's what you are supposed to do in such matters. I could have been an employee at CWRU applying for the same grant. Your decision to impact a lot of people because of an impetus towards one person is wrong. This decision should be based on what's best for the city moving forward.

Fiorelli stated he proposed this amendment to clarify the language to address potential conflicts.

Turner stated that the word Public could also apply to teachers, coaches....Icove stated that the language is consistent with what other cities do. We did the research. It is not in the best interest of the people, if we eliminate people from running for office.

Welo stated that she did not consider this as a charter amendment until this happened. We have a councilperson who gets \$10 thousand (clarification \$8k+). This councilperson also works for a municipality and collects a salary. Up until now, we have not had any conflicts. A resolution comes up to support a playground in the ward the councilperson represents and the councilperson states on the record that they are writing a grant to Naturesworks and could not support the grant for their ward as they are paid \$8k. Welo stated that council should have immediately done something. There was no problem until she said I am writing a grant.

Icove asked isn't that transparency?

Turner asked for clarification on the term "public" as she defines it to be a coach or someone who works at the school, etc.

Gelfand stated that in the city of Bay Village, a person ran for office and won. The law director challenged his election to council based on their charter provision and as a result the person was not seated. People like myself and Gray would not have been able to hold a council position had it not been opened up. A determination was made that there was not conflict for me to work for Kucinich and be on council as they were two different congressional districts. However, there would have been a conflict if I worked in Fudges office. I would have not been able to sit on council. Gelfand recited the provision in the charter. The charter is clear in that council has the ability to determine incompatibility.

Shaughnessy stated that if there is competing interest continuously outside of council that would be an issue. More information is needed

***Proposal #2***

Fiorelli stated that in reference to #2 the language in the charter needs to be clearer and conform to Ohio regulations concerning this matter. He will contact Lagrasso for a letter advising the commission on this matter.

***Proposals #5, #6, and #7***

Gelfand stated that all are similar in that they expand council's discretion to appoint people to these commissions.

Welo stated the charter framers did really well in writing this document. They knew the distinction between the branches of government. Legislators set alary and budgets. The administration can appoint. They cannot set the budget. If council is doing all functions of government what is the difference? There needs to be a division. It should remain the way it is. It shows good check and balances.

Icove stated that more research to see what other cities do. We need to see if we are on the mainstream. It's good for council to have someone there that we appointed and is a liaison that we can talk to and get information. It does not interfere with other checks and balances that the mayor is referring to. Adding one person to the commission is not going to make a difference. It promotes checks and balances. The problem with our charter is that it was written in the 50s by people who wanted to control the government. It is not a progressive document. For example, the county charter has a lot of checks and balances. Icove will share what Sunny Simon researched on this matter.

Romeo stated that if he had to prioritize these from one to three, with three being the least. He would rate them a three. We have a hard time getting people to recommend. I am not certain that these are the most important proposals to deal with.

Gelfand stated that this is something that has bothered him for some time. A perfect example is the library board. The board is appointed by the county executive, and common pleas court. They each have seven (7) year terms and they are not answerable to the people. So they can sit in a room and decide to close the library and reengineer the county library system with little public input. That's what happen with the Telling mansion. People in public positions who may not be in office ae needed. It needs to be more democratic. We need to open up seats to a wider range of public accountability. By adding a member, council is widening the scope for membership to a larger group of people who are accountable to the public.

Gray stated that she thought the proposal was good. She sees it as more checks and balances and will not hurt the mayor's ability to provide supervision.

Fiorelli stated that we need to look at the root cause of what we want to change. Neither system is perfect. It is easier to hold someone accountable if that person appoints everybody.

Icove stated that it is good to get different ideas on the planning commission. Theoretically, if the mayor appoints everyone, you may get the same view point. We need people with different ideas on the commissions.

Gelfand stated that he observed the chairperson of the planning commission acting with contempt against a councilperson. This is an example of a lack of accountability. To have a planning commissioner berate a councilperson for no cause is wrong. We need to increase accountability of the body.

Turner stated that this is not a high priority and would like to do some research on the matter.

**Proposal #8**

Gelfand stated that as we went through the process of confirming the law director, the public wanted to have a say. He wants to get this out there to see if it is something to consider.

Icove stated that other cities do it, such as the City of Westlake. There are 3 or 4 other cities too. We need to know why they did it. What was their rationale and maybe it is something to consider.

Romeo stated that he is not in favor of electing a law director, but is in favor of a four (4) year approval process. Why not change the charter so that council approves the law director every four years, in conjunction with the election of the mayor.

Shaughnessy stated that there can be a lot of politics behind this type of decision. He will talk with people to get the pros and cons of the matter.

Welo stated that it's not just about electing a law director. Do they have staff? What's the budget? What's the cost associated with this decision?

**Review Calendar of meetings & discussion of Public Hearing**

Fiorelli advised the commissioners that the discussion of the proposals will continue on February 16<sup>th</sup> and March 2<sup>nd</sup>. At the March 30<sup>th</sup> meeting, the commissioners will assess what was learned from the public hearing.

He called for a motion to conduct a public hearing on March 16<sup>th</sup>. The motion passed unanimously.

**Questions, Comments,**

None

**Motion to adjourn at 8:57pm. Motion passed**

**Submitted by Ruth Gray, Charter Review Commission Secretary**