

**2015 South Euclid Charter Review Commission
February 16, 2015 Meeting Minutes
South Euclid City Hall Community Room
1349 South Green Road
South Euclid, Ohio 44121**

A. Pledge of Allegiance

Meeting called to order by Dennis Fiorelli, chairperson and the Pledge of Allegiance to the Flag was recited by all.

Present were: Dennis Fiorelli, Ruth Gray, Marty Gelfand, Ed Icové, David Miller, Modestino Romeo, and Georgine Weló. Absent: Michael Shaughnessy and Denise Turner. Public Present: Robert Frye and Robert Schoenewald. Linda Pagan came in later.

B. Discussion February 16, 2015 minutes

Fiorelli stated that he did not know we would not have the minutes until earlier. Keith said he would have the tape ready tomorrow.

Ruth Gray stated that the minutes would not be available until the next meeting. There was a delay in getting the tape and it caused a delay in preparing the minutes.

C. March 16, 2015 Public Hearing notification

Fiorelli stated that he spoke with Keith and the notice was not in last Thursday's Sun Messenger. He has made arrangements to post in the Plain Dealer. A copy of the public hearing notice is attached.

D. Review and accept three status changes (25 open proposals)

#24 and #25 have been withdrawn by Romeo. Fiorelli called for a vote to accept the changes. The vote passed 7-0.

E. Adoption of Rules of Debate and Decorum

Fiorelli stated that Icové sent him an email with the city's 111.10 and 111.13 Rules of Debate.

F. Discussion on amendment selection process

February 23rd, is the closing date for new proposals, unless we learn something from the public hearing. CRC members should feel free to submit additional proposals until 2/23/15.

Fiorelli stated that on March 2nd, the commission will again hear everyone's proposal. Then call for a vote to go forward to the public hearing. Proposals that do not get five votes will get withdrawn. Hopefully, the list will be dwindled down to those that have a chance to gain consensus or a majority. Proposals that have enough votes will go forward to the public hearing.

On March 30th, the CRC will consider the public hearing input going forward for a vote or debate. After March 30th, if more information is needed, we may need to have a meeting in April. Ilove asked if there was a way to get public input first before narrowing the list. He stated that he did not think the CRC should remove anything until everybody hears all of the proposals. Fiorelli stated that he was apprehensive about bringing all 20 proposals to the public hearing. We have a duty to do some screening and want to get balance. We need to prioritize them. The public would have a hard time with 20 proposals. Gelfand agreed.

Fiorelli asked for a vote agreeing to move forward with the process. All voted in favor of the process as described by Fiorelli.

G. Review and discuss proposals C#9-#34

Welo stated that the group received an email from Gray to withdraw #9, #10, #14, #15 and #18. Gray stated that she is withdrawing these proposals in that some of them can also be introduced by legislation. Gray stated that she would support proposal number #19 in lieu of #18. Gelfand stated he was going to oppose #18 and support #19.

Romeo asked for clarification on #19. Does that mean that the Mayor and Council President are on the commission automatically? Ilove stated, yes, they are ex-officio members and as such, are not voting members. Romeo asked if that meant eleven members and only nine would actually vote. Ilove stated, yes.

In reference to #9, Romeo stated that he found that language concerning job postings was not in the Charter, but, this may be something that the administration wants to look at. Gray stated that the Federal government has recommended language. She stated that she found that a lot of cities do not have the language. However, the Federal government is very clear on what they believe to be the recommended language for an employment policy.

Fiorelli stated that when proposals are withdrawn, it does not mean that they are no good. Everybody agrees that posting jobs is a better policy.

Ilove stated that in reference to #14, he knew that the Mayor stated that she tried this and it did not work out, but we should host a State of the City. Welo stated that they did not work because of the Ward meetings. People are apt to go to a Ward meeting instead. Miller stated

that technology is a good way to post notices. Gray suggested that she and the Mayor could co-sponsor legislation to conduct a State of the City after passage of the budget. It could be held the last week of May. Therefore, this does not need to be in the Charter. Romeo suggested that we put notices in the magazine. Miller suggested that after the budget is passed, it could be put on the website. Therefore, if there are any questions, technology can be used to provide information. Gray suggested that the State of the City can be hosted by SE businesses. She stated that it is good for the City. It puts a face on who we are and what we are doing. It demonstrates transparency and residents get to learn what's working and not working. We can address this in the form of legislation. Welo stated that she does this at Hillcrest Hospital twice a year. Fiorelli asked for a vote to accept the withdrawal of proposal #12. It passed.

Fiorelli asked that the CRC take the initiative to identify for the public what type of follow-up will be done for those proposals withdrawn and provide an alternative plan. Welo indicated that everyone does not need an alternative plan in all cases.

Gray withdrew #13 in support of proposal #19. Gray stated that she is still researching proposals #11 and 16. She suggested that there may be a way to merge the two into one proposal.

Concerning proposal #17, Gray stated that she is putting together a chart.

Icove stated that proposals #19, 20 and 21 deal with the makeup of the Charter. A Chart was distributed comparing the confirmation of other directors. With exception of the law director and finance director, I am proposing that they be confirmed once.

Welo stated for the record that she believed that the CRC was blurring the administrative versus legislative. If we are going to be transparent, there are three (3) branches of government. That means it is city council that approves the position, confirms it. They also approve the budget, the personnel and the salary. I think that the way it is set up when the administration approved the person, council then approves the budget and salary ordinance. It shows a division between the branches. When you remove the branches, then council is confirming the position, the salary and the budget.

Romeo stated that he removed #22 and #23.

Romeo stated in reference to #26, that if we are going to continue to do this, it should be done every 4 years and it should commence when the mayor is elected. Every two years seems to be a waste of time. Romeo asked to withdraw #26 in support of #8.

Romeo stated in reference to #28, that he believes that anyone running for CRC should be a resident for three (3) years and be aware of what's going on in the city.

In reference to #31, Welo stated that she really looked into this and asked is this a conflict occasionally or is it more likely a real conflict or problem. A conflict that happens repeatedly should not occur and is a problem. So I ask myself the following when I look at the minutes. What is the job description of the position that the councilperson holds. How could you figure if this is a real conflict. You could look at the job description, the grants, that this person wants to pursue and you could put it against how many the city applied for and say to yourself if this councilperson competed against the City of South Euclid, this one time. If there are several things the city competed against, then there is a true conflict and that job description, unlike a coach or a teacher would be in conflict. I said to myself, the City of South Euclid could handle the matter and it would not have to go on as a Charter Amendment. Council can ask for the job description. Council can determine if there is a conflict. Council will need to do its due diligence.

In reference to #33, Welo stated that the judge and the mayor need to have the same requirements. I don't know if we can't have a majority to win the race. I would like to remove it.

Fiorelli called for a vote to remove #33. It passed.

In reference to #34, Welo distributed the original resolution passed by city council to go from a part time court to a full time court. The City of North Olmsted left their court and went to a Mayor's court. They lowered the cost to the residents. Welo also distributed the Judicial Codes.

Icove stated that with all due respect to Welo, but this last minute stuff is not good. We need to look things over beforehand. He asked Fiorelli to ask the law director for an opinion and whether the letter is correct.

Welo stated that she called the Governor's office and asked them to verify the procedure. When our court changed, City Council sponsored a resolution. The CRC can ask the city for a resolution to combine courts with Lyndhurst. The Lyndhurst Court returns all fines to the municipality. It is important that you look at the body of the original resolution because there is a lot of data. No matter how much do you there is no way. It is no reflection on anyone, it is just the times. \$1.8 million that the City of South Euclid did not receive from the court. I took S.E. fines collected from the courts and I subtracted A and B. So that means that in 2007, if in 2009. So if we had gotten all our fines, we would have added another \$189,000 in 2008. We would have added \$129,000. So what it shows that if we had the true potential of our fines, it would be an extra 1.7 million dollars in our general fund. This is why there are only a few independent courts left. The second sheet shows you where we are going. Welo stated that she knows what the process is and that we are able to talk about it. She distributed copies of

the Judicial Code. Welo stated that the judge put herself in the discussion and put an unfair burden on the community. I have a right to bring these types of discussions. We are close to bringing regional dispatch and I believe these types of collaborations will be more. It is a matter of time before you will see these types of collaborations for rubbish, parks, fire. I know that most of you don't want to talk about combining our court. It can be done at the end of this term. The community really needs to see returned fees. It is irresponsible to say we are going to keep our own little court when we know it has an impact of 1.7 million dollars. Returned costs to our community will help us. This is money we could have.

Icove asked that all the documents presented be placed on the website. He also asked that the law director review the January 15th letter and give us an opinion as to whether or not this law firm is correct.

Gelfand stated that he appreciated all the research that the Mayor has done on this subject. He stated that a small city like South Euclid having its own court is something that should be discussed. As the State has chosen to cut back on local funding, regionalism makes sense. Whether or not we are going to put this in the Charter is another question. I would direct council to pass a resolution and as a member of council, I don't feel that I can be directed to vote one way or the other on these things. I don't feel that I should be forced to vote for it by a provision of the Charter. I read the letter from the law firm and our law director thinks it's incorrect. Based on what's in the letter, it would take an act of the State legislators and we can discuss that as council. I don't think this is right for the Charter.

Icove stated that he and Welo went through this in 1997. Part-time courts and mayor's courts do not do well. If you are a part time judge, you get to practice law. In effect you have two jobs. I have been in a judge's court room in the morning and in the afternoon that same judge is on the other side. It is not right. I don't think it is legal for a Charter provision to tell council they have to pass legislation.

Gray stated that this should be addressed from the administration to the legislators. She questioned whether the roles were being muddled. She stated that the law director should advise the CRC as to whether we have jurisdiction to discuss in the CRC.

Miller stated that he believes this is the place for the discussion and it deserves discussing. I don't think we should be hindered from having a discussion. We are not voting on something, we are discussing it. It behooves us not only to have Michael's opinion, we should also have another independent opinion.

Romeo stated that we should have the law director look into this. We are talking about a process to be put in place and whether or not this should be put in the Charter. It is a legal issue. We have the right to discuss how to remove the court because of the expenses it incurs.

Welo stated that she didn't want to bring the law director into this issue. She thought that the CRC was just going to discuss it. She spoke with the regional director and he said that council could sponsor a resolution and then it goes to the legislator and then it goes to the Ohio Supreme Court and they can take it from there. This was for discussion only.

Romeo indicated that one thing the commission must think about is 10-15 years from now. It will be another 10 years before this commission will discuss the Charter. A lot can happen in 10 years.

Fiorelli stated that he would get the law director involved. He would formulate the questions to the law director and get them out to everyone.

In reference to #8 Gelfand stated that he changed the language as we have been going through this process. This is how democracy works. Every two years is too frequent. Romeo's recommendation for four (4) years is a good one.

Welo stated that she also served on council. The law director represents council, represents the residents too.

Welo introduced a new proposal for the CRC- under Article XI-A "At the November general election of November 2023 and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected. The purpose of the change is to not have the CRC on a local election year. This would remove any implications dealing with politics and/or local elections. It would make the process independent of the local election cycle.

Icove stated that one could be on the ballot for CRC and council at the same time.

Gray stated that the political overtones come from the fact that most of the CRC are elected officials. If the CRC was mostly non-elected citizens, it would be different.

Gelfand stated that one point he sees in Sara Dorn's articles and he is hearing from Gray is concerning citizens. We are all citizens. We choose to run for office in our government. We serve our city because we are citizens. The people voted and elected us. We also happen to be citizens. Gray stated that when the City became a Charter city, most of the people were also running the city. Because this is how it used to be does not mean that it should be the same moving forward. Most cities have a citizen ran charter commission and it does not include elected officials. While we are debating the CRC issues, we should be focused on the budget.

Miller stated that Gelfand's point is well taken in that we have to as elected officials sometimes multitask. We have a meeting on the 19th to look at the budget. We are citizens. It affects us just like it affects residents. We shouldn't focus on who sits on the CRC. It should be about what's best for the city. As Romeo said, where are we going in 15 years? We can't get caught in the minutia.

Fiorelli asked that proposal number #35 be accepted. It passed.

Comments from citizens in audience

Bob Schoenewald

As you look into the flexibility in the future other potential areas of conflict that you should be considering is what happens if a councilperson owns some rental property. Does that mean that every time a housing ordinance comes up or a spouse of someone on council wants to open a business and it requires a zoning change, does that require withdrawing that person from elected office. I think you are probably better served with that person stating that there is a conflict of interest and not voting on that particular issue.

Fiorelli asked that Miller and Gray consult to determine if #11 and #16 can be combined along with COI. Gray and Miller stated that they will make a recommendation to the CRC.

Miller stated that at his place of employment, they are required to sign a Conflict of Interest statement. We have to do it every year. We have to say if there is a conflict of interest, even if it is remotely possible.

Robert Frey stated that he would like to see the CRC put into place an ethics policy. This would make your confirmations a lot simpler. It may eliminate having to look at someone every two years. It would help keep people from being put in certain positions. It would prevent you from hiring people like the law director due to not paying taxes.

Linda Pagan stated that the CRC should have one lawyer, the mayor, and one elected official from the city, and a city employee. Notification of the CR process should be provided a little earlier. The public announcement was only in a council meeting. There is also need to clarify the petition issues.

G. Next meeting March 2, 2015 7pm

Respectfully submitted, Ruth Gray, CRC Secretary