



Charter Review Commission Minutes

Boards & Commissions Room, Thursday, June 3, 2010, 7:00 p.m.

Prayer was given by Brian D'Antonio, and Pledge of Allegiance was given.

Members Present: Brian D'Antonio, Christina Gary, Doris Stewart, Jack Dodgson, Gwen Heeney, Elgie Underwood, David Renninger, and Mary Botts

Members Absent: None

Meeting called to order at 7:00 p.m.

Motion to Approve Minutes: Motion to approve minutes of the May 27, 2010 meeting by Brian D'Antonio, seconded by Dave Renninger, minutes approved.

Mr. Underwood asked the Commission members if everyone had received the e-mail from Brian Reali regarding the reason to repeal residency and why it needs to go forward through us.

1. **Term Limits for Council – Should we set term limits for Council** – Ms. Gary said she reviewed the minutes that were taken so it appears that this was a tie. Ms. Gary said as far as what went through or what didn't get voted on to go through, she agreed with the majority. Mr. Underwood asked if they wanted to discuss item #1. Mr. Dodgson wanted to discuss this. Are we saying there is going to be term limits or are we setting the amount of years? Mr. Underwood said his understanding is we are taking the question as verbatim. Mr. Renninger said so it would be, do you want term limits for Council, yes or no? Mr. D'Antonio said I voted against it. Ms. Gary said so Brian you want to keep it the way it is currently? Mr. D'Antonio said correct. Mr. Underwood said so the vote will be again as the way we are taking it to the electorate in the fall, so we are going to say term limits, yes or no. Mr. D'Antonio said my vote would be we don't take it to the electorate to change it. Ms. Gary said in regard to when they were discussing last week item number three last week in regard to consistency and it said that you all agreed that it should all be consistency between Finance and Law, so now you are split on the consistency now between Finance and Law and Council? So now we are not in favor of consistency? I was trying to read between the lines and it seems like everyone was okay when it was Law and Finance being consistent, either yes term limits or no term limits, but doesn't matter as long as it was consistent but now we are divided. Mr. D'Antonio said I am not okay with consistency because I don't think there should be term limits. I am not okay with them. Ms. Gary said then you are consistent though because you don't want term limits for anybody. Mr. Underwood said okay for those that want to see this on the ballot for the electorate in the fall imposing term limits for Council. Ms. Stewart said did we go over the numbers the last time this was put on the ballot? In my mind it came down to how it was worded. Mr. D'Antonio said some people said it was because of the wording, that they were confused what they were voting on. Ms. Gary

said if this moves onto the electorate, would the wording be “amending the current charter provision that has no term limits for council?” Regarding terms, Mr. D’Antonio said deciding on total years, it doesn’t matter if it is two four year or four two term, it is still eight years. We could put it on there and it could still lose anyways so it is going to have the same years. Mr. Underwood said by a show of hands, who would like to see this on the ballot before the electorate in the fall? Ms. Gary said would it be amended to add term limits to Council? Mr. Underwood said we will come up with the diction, we aren’t coming up with the verbiage yet. The vote was 5-2, this will be considered on the ballot.

2. **Council term – two years versus four years** – Mr. Underwood said now we have question #1 going before the electorate, we don’t have the verbiage yet, let’s not worry about that. The question for this one would be before the electorate, would you like to see council terms remain the same at two years or four years? If we are going to go with term limits, then do we want two year term limits or two four year term limits? Ms. Gary said is that premature? Mr. Underwood said potentially. The question before them would be would you like to see the council terms changed, two years to four years? Ms. Stewart said if we had not put that before the electorate, then we first have to decide if we want two years or four years before we decide if we want term limits or not. I think that is where we were last week. Is that correct? Now that we decided to put the first one on now, are we deciding if we want four twos or two fours? Mr. Underwood said I am taking question #2 as do you want to see council terms change? I am looking at that and that is how we carried it forward, two versus four, because you have no idea about question #1. Ms. Gary said currently the Charter reads it is set at two years and we would change it to amend it to change it to four years, is that what we are voting on now? Mr. Underwood said or keep it the same, the same as the Charter. Ms. Stewart said if they don’t want term limits, in essence it would stay the same. It could any combination either way. We won’t have a clue of what it will end up with at the end. Mr. Underwood asked if there were any other questions. A vote was taken. Vote was 3-4 against putting this on the ballot. This will be deleted from the list.
3. **Continuity across the board for Law Director, Finance Director and Mayor** – Mr. Underwood said keeping diction aside because according to Brian Reali last week, if this were to go forward we can actually meld all them together if we wanted to. Were there any questions or discussion that we need to have. Mr. D’Antonio said so are we just asking for the Finance Director to be term limited? Is that what we were doing? Now it is worded differently. Mr. Underwood said we weren’t touching the Mayor so we will strike that because we were looking for the continuity between the Law and Finance Director. Mr. Renninger said we want to put term limits on the Finance Director. Mr. D’Antonio said I would not want term limits for either Finance or Law Director. Ms. Stewart said you have the Mayor term limited, and you would have the Law Director term limited and then what we are saying is you also want the Finance Director term limited, is that correct? Mr. Underwood said yes and again when it comes to writing it, try to keep that separate, it is just hard to take when we are splicing it. Ms. Stewart said we are looking for continuity. Mr. D’Antonio said we can’t give them a choice to the voters? We can’t ask for continuity when this is your only choice. We are not saying, you can’t give a choice for all four positions, you either want all of them or none of them. Ms. Gary said it is almost like you are backing the voters into a corner. Ms. Stewart said

the only way that makes sense is to ask if they want to impose term limits on the Finance Director, that is the only way or do we say “do you want to remove term limits for the Law Director and the Mayor?” Mr. Underwood said but what we were doing to carry this forward, we were looking for continuity for ourselves so that was why it was worded the way it is, so we knew how we got here. Ms. Stewart said I think if continuity is our goal, the only thing we can do is ask for term limits for the Finance Director, that is the only way of continuity because the other two are already that way. Mr. Renninger said do you want the Finance Director term limited, that is really the question. Mr. D’Antonio said we heard a lot of people say they wanted continuity, so we could have the whole city term limited. Mr. Dodgson said but how does the voter know the Law Director is already term limited? A lot of voters won’t know that. Ms. Stewart said and that could also have been the confusion on the last ballot, not knowing. Maybe it should be should we remove term limits from the Law Director and the Mayor? Mr. Underwood said in order to reword it to have a vote, does it make sense then to work on the language, these are on our notes going forward then not, to know why we were listening to the folks talking with us to try to put issues that we are carrying forward through all of our meetings, we were trying to give the option of one vote or none, so now what we are coming down to is just do we want to change that to term limits, yes or no and issue a new vote or do you see another way around question #3? Mr. D’Antonio said you are giving me one choice for four positions, I wouldn’t like it. Ms. Stewart said I think consistency is not something we are going to achieve if we do anything but say should term limits be imposed on the Finance Director, should they match the Mayor and the Law Director at eight years? Mr. D’Antonio said I don’t see it that it is going to go in the Charter as term limits have been amended so it matches the Mayor or Finance Director. Mr. Underwood said no, if you just term limit the Finance Director or whatever the verbiage will be the same as the Law Director to eight years or whatever. Ms. Gary said do you think by putting all four entities on the ballot, put all four right there in front of the voters, term limits or no term limits, and if we can do an education piece, maybe by something in the water bill to make them understand why this is on the ballot. Mr. Underwood said in 2005, they tried to do the same thing that we are trying to do in giving that continuity, they just took a different approach by removing the term limits from the Mayor and the Law Director and it was defeated. We are trying a different approach as it pertains to the Finance Director. Mr. Underwood said regarding #3, as it pertains to the verbiage, we know the Mayor was struck off this question because they are already term limited, the option becomes available to us to edit out the Law Director and going for continuity of a different path than in 2005, and that is where we are just highlighting and bringing out the Finance Director. Ms. Gary said have we tossed out the idea putting the Mayor and Law Director again on the ballot with regard to term limits just to kind of have all four parties/entities on there for the voters? That way it doesn’t seem like we are just singling out Council and Finance Director and that way the electorate has all elected officials on the ballot at one point in time and then there will be no confusion, it is all here now. Ms. Stewart said it would be like readdressing everything. You could end up with inconsistency again, however, the electorate will choose one way or the other. Ms. Gary said I think we are singling out Council and Finance Director and I feel that the people who are in favor of term limits are okay with that because potentially then everyone will be term limited, but maybe that is not how the City really wants it, maybe they don’t want term limits on

these individuals and maybe that is what they want to see and have a chance to vote on it once and for all with all four entities there and they can vote on it. Mr. Underwood said my only two points I would make to that would be number one, going from potentially two questions to four questions which it is another two questions for the voters to answer. The other one would be the number that Jack has shared on the 2005 vote where Law and Mayor were specifically addressed. Ms. Gary said I don't have an opinion I was just putting it out there for discussion to see if that is something we should be focusing on so it doesn't look like we are just singling out Council and Finance Director and just doing a once and for all. Ms. Stewart said you are giving people who basically would like to see term limits on everyone and give them the opportunity to vote that way, and if you would like to see term limits lifted off of everyone, you now also have that opportunity to do that as well so you could remove term limits essentially off of everyone or put them on, and that is where everyone wants to be in the long run anyway. They either want them or they don't. Ms. Gary said the other point I have is people believe either term limits or not, I don't think they think some people should have them and others should not. I don't think they want to pick and choose, at least not the majority of people. Mr. Underwood said I like the way we had it because it looks like we are trying to undo what was done in 2005. Ms. Gary said if we have all four positions on the ballot and the voters get to choose: "Council, term limits yes or no, Mayor, term limits, yes or no, Finance Director, term limits, yes or no, Law Director, term limits, yes or no, and then we are done. I don't think it can go on the ballot that way, but I hate the word "repeal or abolish". Mr. Renninger said personally, I am against term limits across the board but since we have this inconsistency right now, I want the voters to be able to say either term limits or no term limits for everybody. Mr. Underwood said I will take a vote to see if you want to add the other positions on there; Law, Finance and Mayor or do you want to keep it with the way we have it that in essence that we are isolating and bringing out the Finance Director to have term limits or no term limits. A vote was taken and the Commission voted to write three separate questions for each position; Mayor, Law Director and Finance Director. The vote was 4-3.

4. **Law Director and Finance Director elected or appointed positions?** Mr. Underwood said would you like to see this on the ballot? Ms. Gary said I believe personally that a Law Director and Finance Director should be appointed; however, I don't believe the electorate will pass this. Mr. Underwood said would you like to see this go forward? After a vote of 2-5, this will not go on the ballot. This item will be taken off the list.
5. **Qualifications for Finance Director?** Ms. Stewart will write up verbiage for this item. Ms. Stewart asked what their suggestions were and how should she approach this? Mr. Underwood said one of the suggestions was to add an "and" and remove the "or" or to tighten it up with a certain degree. Ms. Stewart said she pulled off some information from a website and that particular website is OGFOA and there was a job opportunity for the City of Crestview Hills and just from pulling from that is where I started looking to see what the qualifications posted on that site by another community. Mr. Underwood said is I think we did discuss that we don't want to make it so tight where we are limiting our pool and that is we talked about the "and" and "or" change or tightening up the language to whatever degree was absent or terms of experience.
6. **Section 3 and Section 4 – Clean up discrepancy found between these sections regarding Acting Mayor and Council President vote?** Mr. Underwood asked Ms.

Gary if she had read Brian Reali's suggested verbiage. Do you agree that it is more of an issue under Section 4 where a sentence needs to be added? The reason I am asking is that what we are going to have to start parceling out who is going to take what and begin drafting some of this for next time. Ms. Gary said she was looking at what she had drafted versus what Brian Reali had drafted. Mr. Renninger said it basically says they can't have veto power and still vote as council. Mr. Underwood said Section 3 is talking about the issue of acting Mayor and forcing to give the action item. Ms. Gary said she agreed that #4 is right but 3.06 needs to be amended as well, because 3.06 currently reads that any member of Council can be acting Mayor but under 4.04, it only has President and Vice President of Council. Both sections need to be changed. I do like Brian's wording for 4.04 better than my own.

7. **Under outside counsel, wording should say that outside counsel reports to Law Director. Law Director should have an approval piece to say who is hired as outside Counsel?** - Mr. Renninger will write up some language regarding this.
8. **Put on ballot whether Council should put all recommendations from Charter Review on Ballot?** Ms. Gary will write up language regarding this. Ms. Gary said I am reading Brian Reali's opinion and he is the governing legal authority for the City and so I am taking that as far as a grain of salt, but I am also reading what Janet had to say and she is President of Council and she has been around for while so she also knows what she is talking about, so I am trying to clarify where Janet's position is coming from and where Brian's position is coming from. Mr. Renninger said Janet's position is that only elected officials should be in the position of authority to determine what goes on the ballot, that we are not elected, we do not represent the people. We are appointed by the Mayor with consent of Council, that is her reasoning. Mr. D'Antonio said Matt Riehl and Mike Rasor had said why should they vote yes when they disagree on something? If I were Mayor and I knew that Charter Review Commission can put anything they want on put on there and I wanted term limits repealed, I know who I want to appoint on the Commission. It didn't happen here but it could. Ms. Gary said I don't know how much stronger we can make it to then force the hand of Council and I understand what Mike Rasor was saying too that you can't really force anybody to vote a certain way and rubber stamp that, I understand. I am just trying to come to some logical consensus in my head as to how we can make this stronger or if this is even an issue.
9. **Repeal Residency Requirements** – Mr. Underwood said Brian's opinion is that we will have to repeal this on the ballot. Ms. Gary said she did like the way Brian had worded this. "Shall Section 21.07 of the Charter be amended to authorize City Council to create residency requirements for public employees in a manner as set forth in the Ohio Revised Code?"

Mr. Underwood said what he would like to do is just have Christina Gary work on items 6 and 8, Brian Reali wrote up item #9. Jack Dodgson and Gwen Heeney will take item #3, Doris Stewart will write up item #5, Brian D'Antonio will write up item #1, and Dave Renninger will write item #7. They will write sample verbiage for these items for next week's meeting.

Motion to adjourn made by Brian D'Antonio, seconded by Jack Dodgson, meeting adjourned 8:30 p.m.

Mary Botts, Secretary

Elgie Underwood, Chairman

**ITEMS FOR DISCUSSION – REVISED 06/03/10
CHARTER REVIEW 2010**

ITEM FOR DISCUSSION	REASON/COMMENTS
1. Term Limits/No Term Limits Council	Should we set term limits for Council
2. Term Limits/No Term Limits Mayor	Consistency across the board regarding term limits for all elected officials
3. Term Limits/No Term Limits Law Director	Consistency across the board regarding term limits for all elected officials
4. Term Limits/No Term Limits Finance Director	Consistency across the board regarding term limits for all elected officials
5. Qualifications for Finance Director?	Should the Finance Director have qualifications? CPA? College Degree?
6. Section 3 and Section 4	Clean up discrepancy found between these sections re Acting Mayor and Council President can vote?
7. Under Outside Counsel, wording should say that outside counsel reports to Law Director. Law Director should have an approval piece to say who is hired as outside Counsel?	Change wording to including Law Director along with Mayor and Council, to hire outside Counsel and they should report to Law Director
8. Put on ballot whether Council should put all recommendations from Charter Review on Ballot?	Should all recommendations to go on the ballot be approved by Council? Should this go on the ballot and let the public decide?
9. Repealing residency requirements	