



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, June 18, 2015, 5:30 p.m.

Members Present: Andrea Denton, Robin Kory, Annal Vyas, Nicole Walker, Kelly Johnson, John Long, Tim Schofield, and Mary Botts

Members Absent: None

Also Present: Councilman Brian D'Antonio, Law Director Amber Zibritosky, and Jeff Saunders, Stow Sentry.

Meeting called to order at 5:30 p.m. by Robin Kory

Approval of Minutes ó Motion to approve the minutes of May 21, 2015 and June 11, 2015 by Andrea Denton, seconded by Nicole Walker, motion passed 7-0 with no changes.

There were no public concerns regarding the Charter.

Ms. Kory said the first item that we are thinking about combining 4, 5 and 7 (Acting Mayor, Section 3.06) so we are going to request some verbiage and updates when we get to that point. Section 3.06, 5 - for Acting Mayor and also a new additional perception A and B in Section 3.06, it was just vague so no major changes, just requesting an update of sorts. Section 9.02, from a qualification standpoint, we are also considering rewording and then the fourth item will be covering sections regarding public notice, we are going to recommend something about insuring things get posted on-line. I believe that is where we stopped. Regarding Section 4.02, we stated we would revisit. Ms. Kory said we will start there.

Ms. Kory said so Section 4.02, two year term, was there any past discussion regarding a four year? We were pretty split across the board, some of us were very high priority and some were very low. In Section 4.02, comparing our terms to Hudson, how Hudson has the revolving expirations (staggered). I think we need to hash that out as far as how we feel about that. We were told that 3 year terms cannot happen because it has to be with the County Board of Elections schedule so it is two or four years. There are a lot of pros and cons on each side. Has anyone changed their vote? Mr. Long said for my recollection, our Council people came here, most of them pretty much had split decisions. They were pretty split. Ms. Kory said and that is where we are. We had some saying it was too short, probably better at four, and others saying they liked the two year, saying they were more responsive to their constituents with two year terms. Ms. Walker asked when was the last time this was brought to the voters? I had this as a high priority thinking that by the time you get up and running and everything that we already said and signs posted all over every two years. This was changed in the Charter in 1990.

Ms. Zibritosky said if you wanted to change this from two years to four years, the limits are consecutive eight years. It doesn't affect that, you don't even have to change that as opposed to if when we put in term limits, we limited it to two terms, well obviously if you change the term length, that is going to change it so actually in this case, if you wanted to change the term length, it wouldn't affect the term limits. There would only be two elections to go through before you are term limited as opposed to four. Ms. Walker said this could be a hardship to have to run, basically after a year and a half, you have to run again. Ms. Vyas said that makes sense and I think that concern is warranted and let's say you were in office and you are guaranteed a four year term, you may skate by a little bit and not necessarily be as responsive and I think that is part of it. I don't know if that is actually true. Ms. Walker said it just seems a like a very short period of time to get anything of substance done. Mr. Schofield said I have a note that says both Hudson and Kent are four year terms, these are surrounding communities. Ms. Kory said and Hudson is also the one with every year expiration for Councilmembers. Mr. Vyas said one concern is it is one thing for me to say I will probably be okay with two but it is another to say maybe we should put it up for vote with the voters to see what the City thinks because maybe there is enough of a movement city-wide. Mr. Long said I am in full agreement. I think you make a very valid point there. I am in agreement with you, at least if we put it out there, then the folks that vote make the call. I can see both sides of this. I skew more towards the four years personally because of what has been said here and to put something in place and continue to have movement on it and get things accomplished. That is my opinion. Mr. Vyas said and I would put it out there more for the two years but maybe it is an important enough issue that everyone should have a say and not just us. Ms. Kory said that will be issue #5 that we are going to put on the final list before we bring this to Council.

Ms. Kory said regarding Section 4.04, two time consecutive running for the president, we were okay with that? Charter Commission will clear this off.

Section 4.15, Compensation and Bonds ó We were researching how much City Council gets paid and how does that compare with other cities? After review of other cities they were very few online salaries but they were mostly comparable and in line with other cities. A few years ago, Council did take a cut. Mr. Long said does that take into account that Council has the say on what the scale of pay is? Ms. Walker said that is a different line item. Mr. Long said they pretty much overlap a lot. Ms. Kory said they are definitely in the same section. Mr. Schofield said so Council determines their own salaries? Ms. Kory said yes. Mr. Long said there was some discussion brought up that maybe an outside group other than Councilmembers that maybe a committee like this one that will determine the salary as opposed to themselves making that decision. Ms. Walker asked has anyone complained? I do know this Council did cut their own salary a few years ago. Ms. Kory said if we are already in line with other areas, there hasn't been an abuse to it. Ms. Botts said there was only one City who has their Civil Service Commission recommend council salaries. The other Cities were in line with City of Stow. Ms. Kory said Council also decides salary of Mayor, Law Director and Finance Director. Ms. Kory said so Section 4.15, it is typical for Council to determine its own salary and that of the Law, Finance and Mayor. Ms. Kory asked how the Board felt. Should we change or leave as is? Ms. Walker said I am not interested in looking into this

further. Mr. Vyas asked if there was a problem with this before and there wasn't. This will be cleared off with no further discussion.

Ms. Kory said regarding 6.01, Department of Finance, thoughts on election versus appointment. This will be cleared off.

Section 13.02, Parks and Rec Board ó This was just a question more than anything of why they get five years with chairman at two years? This was cleared off.

Section 14.01 and 14.01ó Comp and Term ó This was also a question why staggered and why three years? The only one is cemetery board. This was cleared off. Amber said they may have been staggered before and no one cared enough to change it. These were cleared off.

Section 14.01, Powers and Duties ó Subject to the provisions of Section 7.03 and 10.03 of this charter ó what is this referring to? Ms. Walker said this is referring to the Director of Public Service. Amber said this was along the lines of the Director of Public Service is like the property manager in Stow and it was kind of modifying that power in the sense that the cemetery board, even though the Director of Public Service has direction over all, even the cemetery board can do some things but they still have to report to Director of Public Service.

Section 21.08 ó Term Limits ó Ms. Kory said this was just looking at cleaning up the wording about six different dates, from this date to that date so we were just looking at rewording but not changing it, just making it flow. Mr. Vyas said how I look at it I think we answered the question if we wanted to tackle term limits and if we wanted to tackle term limits and put it on the ballot, then I say we change the wording except for 21.0 where there is that subsection, that seems to be a problem, and that is not just a confusing wording, that causes a problem. The actual dates don't cause problems, but it may be confusing to the lay person. Ms. Kory said so the biggest question is do we want to mess with term limits. Ms. Denton said that is the one that went in front of the voters the last time and they said yes to term limits for 75%. Ms. Zibritosky said that is a problem too. I am sure you are aware of that basically the language regarding term limits created a huge loop hole, they move from at-large to ward and then back again. Mr. Vyas said because it says "same elected" office in the Charter. Ms. Zibritosky said for the purpose for this amendment, "all" council shall be considered part of the same elected office. That is kind of unfair as all the other elected offices you can't serve more than eight years but they can serve until eternity. Ms. Walker asked if this has ever happened. Ms. Zibritosky said I don't think there has been enough time yet for this to happen.

Ms. Zibritosky said that is where my job comes into play if you want to change something so I can think thirty years down the line, did you do what you really wanted to do and if not, let me reword it to make sure it does. Mr. Long said so we could recommend just as you stated; just change the line so one can't go from at-large to ward and continue. Ms. Zibritosky said that would at least bring them all consistent. Mr. Long said I think we have to at least change the language so that doesn't occur or the way it is written, that is my recommendation.

Mr. Long asked what the other issue was in this section and Ms. Zibritosky said the other issue is the situation, and it actually could be argued that it doesn't but it is confusing and it might cause issues but it could come into play even with my position, which is now that we are starting to see term limits come into effect, you are going to see the possibility of people leaving their positions early because, especially the full time people, the Finance Director, the Law Director, the Mayor, because jobs aren't always waiting for you January 1st, you have to go find another job so the idea of being in season, those coming into play so you could get appointed like I did, I was never elected, and the language does say that term limits are for elected for eight years, but I will be hopefully elected this fall and I will have served as Law Director a year before that so there is some debate as does that year count towards my term limits because then if it does, then I am going to have to be kicked out in the middle of a second term for four years and then they are going to have to have a special election for that and then that person, you are going to have these elections for unfilled vacancies. It will be a mess. Mr. Vyas said I think that one is going to be a problem because I think the voters talk about term limits overwhelmingly but I think that situation where you can have that, what do you do? You are going to have constant vacancies. Ms. Zibritosky said just in my situation alone, if it were to be interpreted that way, I can argue that it is not because of the elected but I could see that being an issue. On my position alone, that could be starting a cycle from now until forever and being off completely and having these crazy expired terms for people, one year, two years. Ms. Kory said so we are going to look at verbiage or adding on the new issue.

Ms. Denton said if we are going to change it, what would be wrong with maybe going for twelve years because of this idea that I raised a while back that if you are a public employee, you don't qualify for retirement until you get so many years in. Ms. Denton said maybe let somebody stay long enough because that would be more of an encouragement to go for the job where people might say I can't get vested in PERS. Ms. Zibritosky said I do know that there are a lot of benefits to ten years, especially as you are starting to get in the newer generation, for example, if you have student loans which the younger generation are filled with, you get ten year public service loan forgiveness so eight years puts you shy of that but that would be a good motivator to get good qualifying people to do public service, and twelve years would be perfect and ten years would get them there and they won't have to worry that they still have time if I am going to be term limited out. There are more benefits probably from a public employment standpoint. Ms. Walker said I don't think there is a shortage of people running for those offices either.

Mr. Vyas said when these are put to vote, there is no explanation or context of why so how do you present that? Ms. Kory said you can't sell your story. Mr. Vyas said even Section 21.08 where we are talking, reading again it says no "elected" official shall serve more than 8 consecutive years in the same elected office. The counter is if it is appointed, then it is not. Ms. Zibritosky said that is what I would say, so if you think there is a big enough problem to raise, that might be good enough to fix the problem. That is what I would certainly argue and I would tell anybody who was in that position here. Mr. Vyas said that is how I read it, now thinking about it again, it seems "elected" and "elected" so maybe there isn't an issue. If it really probably would be interpreted "appointed" would be okay, then we are talking about term limits and the sentiment is to

the voters. Ms. Zibritosky said you might only want to address it if you are going to address the other thing. Mr. Vyas said that is what I am saying. If we want to deal with term limits then we should deal with all of it. Ms. Kory said so if we have the eight versus the twelve years and appointed versus elected loophole that would kick you out after 6-1/2. Amber said that is an unlikely loophole but bigger loophole is the council office. Mr. Vyas said the term limits are good but the spirit is probably like they don't want the same people who are manipulating back and forth. They want term limits and fresh faces. If anything we are making term limits stronger under that provision.

Ms. Kory said do we want to keep these separate items instead of one item? Not one paragraph for everything but separate them into three different items? This way if the voters like one part and not another, that gives them the option of voting on the ones they like. Ms. Walker said you may want to separate them because if they vote on them as a whole it may create some crazy results. Mr. Vyas said reviewing this, I don't know about the "appointed" and "elected" thing. Mr. Vyas asked if Amber was appointed or elected. Amber said she was appointed because the previous Law Director, due to term limits, had to find another job and got offered it before the end of his term so I am filling in the remaining term of his. I agree with you but there are a few people who were very concerned and to bring it up to you guys because they thought people who weren't lawyers, may not read it that way and get upset. Ms. Walker said so what would that procedure look like if somebody got upset about this? Amber said if they really really got upset, they could file some kind of judgment or some kind of injunctive relief to get that person out of office. Ms. Walker said where would that go? To the general division of Summit County? Amber said yes, typically if you were to file something like that, in cases where you have it happen, it would be there. That doesn't happen very often. When we have other injunctive things filed, it was at the County. Mr. Schofield said I agree that it is all or nothing but the question is do we want to tackle that tonight? Ms. Kory said yes. We want to resolve that tonight. This is the last item to discuss.

Ms. Kory said we will vote on three issues for this section. We have the same elected office, which is in the spirit of what the voters want regarding term limits and that makes sense.

Mr. Vyas said the way I look at it, the same elected office, if we are talking about twelve and eight and put that in there, I feel that this is two separate issues so I feel a straight up and down vote completely saying yes or no, well the voters probably wanted to have the same elected office, I don't think the voters from the last election to change from eight to twelve, I think that is a separate issue. Ms. Kory said that was my feeling, if you keep them separate, still bring them all up, you can let the voters pick and choose how they want it to look. If we give them three or four things it could be overwhelming and again, if they like two out of the three but disagree with one, they are going to vote no because they don't any other option. Mr. Vyas said it does allow the voter more options and I am in favor of that. Mr. Long said I agree with your rationalization. Mr. Schofield said if I am hearing you correct Robin, even though the voters voted in 2010 with term limits, am I hearing correctly, we are still considering putting that back on the table? Mr. Vyas said that was not what I was saying. Ms. Kory said I think this is a different thing that we are voting on. Mr. Schofield said what I am hearing today is if we are taking that one off the table, we are looking more for the clarity in 21.08. Ms. Kory said in 2010 they said we

have term limits, we want term limits, eight years is all you get. Now we are saying to further support your decision five years ago, we are saying yes still, no terms limits and no loopholes, you are not going from ward to at large and back again. So it is filling in the loophole and supporting what they already decided on. Mr. Vyas said and maybe we do want to talk about the other issue. I don't think I ever discussed whether or not we should eliminate term limits. I just kind of assumed that because the voters said that we should have term limits so overwhelmingly we might as well stick with that. That was an assumption in my statements but if people are disputing my foundational assumption that is fine. Mr. Schofield said I am not disputing this, I am in agreement with it. Ms. Johnson said I am in agreement also. Ms. Kory said we are not changing, only reinforcing this. This is one thing that we want, to reinforce term limits with no loopholes. That will be item #6.

Ms. Zibritosky said so I understand this and when I write it up, that is only for Council? Is that correct? Because there is always the possibility of, this is a slim possibility because of the qualifications, but there is the possibility like the Finance Director who is term limited and then go try to be Mayor but those are very different jobs so you won't hopefully have as much concern as the council switching. I can write it so that language just affects Council, like purpose of this section, in terms of council at large and ward, will be considered one position as councilman but that doesn't put that on the finance. I just want to make sure that is what you want.

Ms. Kory said #2, put the eight years to twelve max for Finance, Law and Mayor, recommend to that ten year, how do we feel on that? Mr. Long said I think Andrea made a good point. I would put the length in service would qualify for pension opportunities. I think that is a very valid reason to up that. Ms. Denton said also for student loans. Amber said that is a huge benefit and I know you said that doesn't change the quantity of candidates and people are always going to want these jobs but it does change the quality. These jobs don't pay a ton but that benefit is great. The question I have is if I help you write that, do you want that only to be for the full-time positions or do you also want 12 years for the Council? You could do it either way. Ms. Johnson said my opinion would be just the full-time. Ms. Kory said I am leaning toward full-time and not council also. Mr. Vyas said I think we should put this in front of the voters and let them decide if they want eight or twelve years.

Mr. Long said are we going to discuss the fact that it is possible that everybody's term is up at the same time and we could have everyone all gone? The likelihood of that occurring is very unlikely but the fact of the matter is the way it is written, it could happen. Ms. Walker said look at what is happening in Akron, I think this is a more important issue. Mr. Long asked have we addressed this and had a good discussion on this? Ms. Walker said the staggered terms to me is more important. Amber said just so you know if you do put on the ballot and it passes, closing the loophole on Council, because the term limits started at the same time, you will have a mass exodus unless you change this to staggered. That is something to think about it. Ms. Kory said I will add that because it is something that looked at. Mr. Long said I think this is pretty important. Ms. Walker said I agree, I think it is one of the most important. Ms. Kory said I will add on the list for next week. We have a total of 8 items. So we will come back next week and really talk about the eight items. I want to make sure for Section 21 though, same

elected office for council, discuss that and just define the requirements, then change eight to twelve years for full time elected. The third item was special appointment . Amber said if you all read it that way that is a good sign and that is not a concern. Ms. Kory said we have our list down to 8 items, we will discuss next week and then really decide next week out of these eight, do we want to go forward with all eight or do we want to cut one or two.

The Committee reviewed the following open dates for future meetings: June 25th, July 9th, July 16th, July 23, and July 30th.

Next Charter Review Commission Meeting will be June 25th.

Motion to adjourn by Tim Schofield, seconded by John Long. Meeting adjourned 6:36 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson