



Charter Review Commission Minutes

Stow City Hall Boards and Commissions Room, Thursday, July 23, 2015, 5:30 p.m.

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

Members Absent: Tim Schofield

Also Present: Law Director Amber Zibritosky

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

Approval of Minutes ó Motion to approve the minutes of July 16, 2015 by John Long, seconded by Andrea Denton, motion passed 6-0 with no changes.

Ms. Kory said regarding Section 21.08 for the loophole since we don't want them going Ward to At Large. Ms. Zibritosky reworded this to close the loophole. The Commission members were in agreement of the re-wording.

Regarding Section 4.02, changing terms from two to four years, Ms. Kory said this will not begin until the 2017 cycle. Ms. Zibritosky said you could make it start in the year 2019. Ms. Denton said and that would put everyone on the same cycle. Ms. Denton said it almost seemed when I read it, was my first reaction was oh good, that there would be some staggering without everybody being new at the same time. Ms. Johnson said that was what I thought too when I first read it. Ms. Denton said and I didn't change my mind. Ms. Kory said that was a good point because we did talk about staggering in general to make sure that there was always someone who knew something. Ms. Zibritosky said regarding council, you wanted them all to be four year terms. Ms. Kory said yes. Ms. Zibritosky said not just Ward or At Large. Mr. Vyas said is there any way to communicate all that to the voters because I don't want an unintended consequence. Ms. Kory said we could do an article in the Stow Sentry on what the intentions are. Mr. Vyas said so making people aware and not just that it is two to four but also indicating that it is also going to have the effect of staggering the Mayor and the Councilmembers because I think that is a change that maybe if I am voting, I kind of want to know about when I am voting yay or nay. Ms. Zibritosky said when I drafted up the language, typically, the way that it works is, I looked at past examples, for example, when they enacted the term limits, they just put the new section, do you want to adopt the new section, but then when they put term limits, they put yes for term limits or no where you could circle so that it was clear, this is for term limits, because that wasn't there before so I would have to double check to make sure but I wonder if there is some way to say something like, yes for four year terms and staggered. Mr. Vyas said yes, like this provision would also have the effect of staggering. Ms. Zibritosky said it could be something short. Mr. Vyas said I don't want people to not know what the impact is. Ms.

Kory said, yes, no surprises. Ms. Zibritosky said the other option is that there are other certain requirements of the clerk to have to send things out. Now whether or not if anybody reads them. When you actually submit stuff and it goes to the voters, they have to get it out to the residents. Mr. Long said is this language that you can create how it is written or do you put it together and the Board of Elections has to approve or disapprove the way it is worded so it is clear as mud to the voting public? Ms. Zibritosky said the Board of Elections has some input in that. They will defer a lot to me as the attorney. This will be my first time doing the Charter Review submissions with the City. This is a little bit different, but I think typically they are not going to sit there and say and judge on whether or not this is clear with the voters. It is for Council to consider the form. Ms. Kory said we want to make sure it is very clear. Ms. Zibritosky said so I can work on that so if Council thinks it is clear, then we can go from there. Typically the past ordinances of putting it on the ballot said should this section be adopted and they weren't necessarily pointing out what was exactly changed and there is nothing wrong with that either. That is probably the easiest way because what you don't want is for something to get challenged so that after you go and do it, and it passes, and then someone says Council shouldn't have sent that, this wasn't clear, this was misleading, you don't want it to be challenged. If you just leave it, should this be adopted, it would more likely not be challenged. Mr. Vyas said I still think that we could still have these two sections sent to Stow Sentry on why we did this. I think if I were voting on this and I said, okay, yes, increase to four years, I would want to appreciate the consequences of my vote. Ms. Kory said but we can ask the Stow Sentry to put something in the paper as to why we came up with these and the history behind it. Here is what you will be voting on and here is why we thought it was a good idea and why it is being put in front of you. Ms. Zibritosky said well you are going to have to take formal action in here and vote that you are going to put this on here.

Mr. Long said so what Mr. Vyas is asking is that you want to put on the ballot for the voters to vote, you want it to be explained more in detail because here is what I am thinking, why don't we see that this is published in the paper before they go to the polls so they have time to read what they are voting on. If we word what we want said and how they are going to vote, whatever the language is, you are asking them to explain beyond what it is going to say before they go to the voting booth? Mr. Vyas said nothing more than voting yes for this provision will have the effect of increasing terms from two to four years and will stagger the mayoral election and the council election, but that may be too complicated. I just think that people may want to know about the staggering that hey, if you vote for this it will stagger things, that is all. I think it could be a sentence, not a lot but if that is too complicated. Ms. Zibritosky said we can look at that, but again, it is also obvious in the sense that if it is beginning at 2017 and you are voting this year for the mayor, the mayor is for a four year term, which it should say on the ballot. Ms. Zibritosky said it is not deceptive. Mr. Vyas said we should maybe put something in the paper or a press release. Ms. Kory said she will e-mail the group with something to put in the e-mail to make sure we are all okay on the wording and it is clear and send it to Ms. Zibritosky for clearance to make sure it is worded correctly for the Press Release.

Ms. Kory said the Council is not approving or disapproving, correct? Ms. Zibritosky said they shouldn't because the Charter says "shall submit". Mr. Long said so everything is worded right and we won't be challenged? Ms. Zibritosky said I don't believe on a

substance basis, not like I don't like the idea. Perhaps one of the vacancy things that could have caused some legal things, that could be an argument for that.

Ms. Kory said so three items to go to Council and we will draft something and agree on something for Press Release and make sure legal says it is okay to put in the Stow Sentry.

Mr. Vyas said is there any future Charter Review Commissions that, because of say, Section 21.08 changes, going to have to revisit this language to keep it current if the two to four year terms pass? Ms. Zibritsky said no, I don't think so.

Commission voted favorably (6-0) on the following final items to be sent to Council and on to the ballot:

1. Adding Internet Posting as Public Posting

Current Section

SECTION 4.12 PUBLIC NOTICE.

Unless precluded by law from so doing, public notice, as required by law, or by this Charter, or by resolution or ordinance, shall be given resolutions, ordinances, statements, notices, measures, orders, proclamations and reports in the manner determined by Council, except that if public posting be selected as the medium, then not less than 6 public places in the Municipality shall be established for such public posting.

Council shall cause each resolution and ordinance to be given public notice commencing not later than 10 days after its first reading in the event that the rule requiring three readings is not suspended, and like public notice shall be given each resolution and ordinance after its adoption and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

(Amended 11-7-72)

Amended Section (changes in red)

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Unless precluded by law from so doing, public notice, as required by law, or by this Charter, or by resolution or ordinance, shall be given resolutions, ordinances, statements, notices, measures, orders, proclamations and reports in the manner determined by Council, except that if public posting be selected as the medium, then a public posting on the City's website and not less than 6 public places in the Municipality shall be established for such public posting.

Council shall cause each resolution and ordinance to be given public notice commencing not later than 10 days after its first reading in the event that the rule requiring three readings is not suspended, and like public notice shall be given each resolution and ordinance after its adoption and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

2. Council terms 2 to 4 years

Current Section

SECTION 4.02 COMPOSITION AND TERM.

Council shall be composed of seven members. One member shall be elected by the electors of each of the four wards herein provided, and three members shall be elected by the electors of the Municipality at large.

Beginning with the regular municipal election in 1993, and continuing thereafter, each ward councilperson shall be elected for a term of two years, which term shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

Beginning with the regular municipal election in 1991, and continuing thereafter, each at-large councilperson shall be elected for a term of two years, which shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

(Amended 11-6-90)

Amended Section (changes in red)

SECTION 4.02 COMPOSITION AND TERM.

Council shall be composed of seven members. One member shall be elected by the electors of each of the four wards herein provided, and three members shall be elected by the electors of the Municipality at large.

Beginning with the regular municipal election in 2017, and continuing thereafter, each ward councilperson shall be elected for a term of four years, which term shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

Beginning with the regular municipal election in 2017, and continuing thereafter, each at-large councilperson shall be elected for a term of four years, which shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

3. Councilmember Term Limits

Current

SECTION 21.08 TERM LIMITS FOR ELECTED OFFICIALS.

Commencing with the term of January 2, 1996, no elected official, except the Council of the City of Stow and the Finance Director, shall serve more than eight consecutive years in the same elected office. Commencing with the term of January 2, 2012, no elected official shall serve more than eight consecutive years in the same elected office. Any elected person disqualified from holding public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of two years.

Commencing with the term beginning Jan. 2, 1996 and up to the term beginning Jan. 2, 2010, the Law Director and Mayor shall serve no more than 8 consecutive years in the same elected office.

(Amended 11-5-02; 11-2-10)

Amended (changes in red)

SECTION 21.08 TERM LIMITS FOR ELECTED OFFICIALS.

~~Commencing with the term of January 2, 1996, no elected official, except the Council of the City of Stow and the Finance Director, shall serve more than eight consecutive years in the same elected office.~~ Commencing with the term of January 2, 2012, no elected official shall serve more than eight consecutive years in the same elected office. **For the purpose of this section, the office of ward councilperson and the office of at-large councilperson shall be considered the same public office.** Any elected person disqualified from holding public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of two years. ~~Commencing with the term beginning Jan. 2, 1996 and up to the term beginning Jan. 2, 2010, the Law Director and Mayor shall serve no more than 8 consecutive years in the same elected office.~~

Motion to adjourn by Andrea Denton, seconded by John Long. Meeting adjourned 6:01 p.m.

Mary Botts, Secretary

Robin Kory, Chairperson