

City of Broadview Heights

CHARTER REVIEW COMMISSION MEETING MINUTES

April 8, 2014

Mr. Wolf called the meeting to order at 7:00 p.m.

Mr. Wolf led the Pledge of Allegiance.

ATTENDANCE

Present: Brian Wolf, Todd Kinzer, Don Barich, Brad Clifford, Julie Brown, Jerry Pantaleano, Diane Varga, Scott Maitland, Vince Ruffa, Helen Dunlap

Excused: Paul Barlak, Mayor Alai

APPROVAL OF MINUTES

Scott Maitland moved to approve the Meeting Minutes dated March 28, 2014; seconded by Diane Varga. All voted in favor. The Meeting Minutes dated March 28, 2014 are approved.

As a side note, the recorder was not recording for the beginning of the meeting so the minutes are from my notes.
Signed Helen Dunlap

DISCUSSION ON CHARTER

Mr. Wolf commented that the Commission will begin with Article IV.

ARTICLE IV THE MAYOR

Section 1: Term and Qualifications

No Discussion

Section 2: Judicial Powers

No Discussion

Section 3: Legislative and Veto Powers

Todd Kinser brought up the number of days and should it read five (5) and ten (10) business days along with the sentence that states that the Mayor shall attend all Council Meetings.

Mr. Ruffa commented and stated that it is up to the Commission if they would like to present the days being specifically business days and the section that speaks to the Mayor attending all Council Meetings is covered in Section 5: Vacancy in Office of Mayor (a) Absence.

Section 4: Executive Powers and Duties

No Discussion

Section 5: Vacancy in Office of Mayor

No Discussion

Section 6: Commencement of Term

No Discussion

ARTICLE V ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS AND OFFICES

Section 1: Specific Provisions

No Discussion

Section 2: Department of Law

No Discussion

Section 3: Department of Finance

No Discussion

Section 4: Clerk of the City

Brian Wolf mentioned that the Clerk of the City is not the Purchasing Agent. The Purchasing Agent is in the Finance Department and under the direction of the Finance Director.

Scott Maitland asked if the \$5,000 figure is high enough.

Mr. Ruffa commented that any figure under \$20,000 is still below the competitive bid amount.

Section 5: Department of Public Safety

Julie Brown mentioned the gender neutral issue.

Section 6: Department of Public Service

Julie Brown asked about the qualified elector and if that meant that the Service Director had to live in the City.

Mr. Ruffa responded that the Service Director had to live in the City.

Section 7: Planning Commission Organization

Todd Kinzer discussed the size of the Planning Commission because it is difficult to get members to the meetings and therefore having difficulty having a quorum. He mentioned possibly having it so the vote would be a majority of the members present.

Mr. Ruffa stated that would change the parameters of the Board and based on the members that are at the meeting, this may change the number of votes needed and the gamesmanship may play a part. Mr. Ruffa discussed the possibility of increasing the number of alternates.

Jerry Pantaleano commented that having more alternates would be better so that there would be a better chance to have a quorum present.

Todd Kinzer will take the discussion back to the Planning Commission since they have a meeting on Wednesday and get their feedback.

Scott Maitland discussed having term limits for board members.

Todd Kinzer discussed the possibility of having a Chairman and Vice Chairman of the Board.

Julie Brown mentioned **Subsection (c) Duties and Requirements (4)** and about the posting in the Paper and could this be changed to have on the City Website because newspapers someday will be a thing of the past.

Section 8: Board of Zoning Appeals

Subsection (b) Qualifications

Scott Maitland asked why the reference to “No member of the Board of Zoning Appeals shall hold a real estate license or a real estate broker’s license or be a land developer or the agent of a land developer”. He questioned whether we would want someone with that expertise. He understand that is in there to keep them from double dipping but as long as they abstain from the vote if they have any involvement.

Mr. Ruffa replied that it has to do with the possibility of conflict of interest. He stated that you just do not want a situation where they are or not voting a certain way, not only with the specific property involved in the variance, but it could be an abutting parcel or in close proximity or something in the future that they may be involved in.

Scott Maitland stated that is fine if that stays, he just wanted to know the thought behind this.

Julie Brown discussed having term limits for the members. If this is discussed for Council then maybe it should be discussed for Board and Commission members.

Brad Clifford discussed having more alternates for the Board of Zoning Appeals as was discussed with the Planning Commission. He also discussed about the posting in the paper and could it be posted on the City Website instead of the paper.

The recorder began picking up the conversation at this time.

Section 9: The Civil Service Commission

No Discussion

Section 10: Department of Parks and Recreation

No Discussion

Section 11: Department of Human Services

Scott Maitland mentioned about the number of members on the Human Services Advisory Board is seven (7) and it is not the same as the other Boards and Commissions, which is five (5) with alternates.

Julie Brown mentioned the term limit of three (3) years is different from the other Boards and Commissions which are four (4) years.

Brian Wolf stated that he recalls only five members being present at the last several meetings.

Someone mentioned about possibly changing the membership to be consistent with the other Boards and Commissions.

Section 12: Building and Zoning Department

No Discussion

Section 13: Department of Engineering

Julie Brown mentioned the gender neutral issue was mentioned.

ARTICLE VI GENERAL PROVISIONS

No Discussion

ARTICLE VII NOMINATIONS AND ELECTIONS

Section 1: Municipal Elections

No Discussion

Section 2: Nominations and Qualifications

Julie Brown mentioned the gender neutral issue was mentioned

Section 3: Election Procedures

No Discussion

Section 4: Run-off Election

No Discussion

Section 5: Primary Election

No Discussion

ARTICLE VIII INITIATIVE, REFERENDUM AND RECALL

No Discussion

ARTICLE IX ORDINANCES AND RESOLUTIONS AND EFFECTIVE DATES

No Discussion

ARTICLE X FRANCHISES

No Discussion

ARTICLE XI LIMITATION ON THE RATE OF TAXATION

No Discussion

ARTICLE XII AMENDMENTS TO THE CHARTER

No Discussion

ARTICLE XIII CHARTER REVIEW COMMITTEE

Julie Brown mentioned moving the January reference to later in the calendar year. She also questioned if it would be worth it to put this on the ballot for a vote.

Mr. Wolf stated that there is a certain date that it has to be down to the Board of Elections.

Mrs. Dunlap stated that it is the beginning of July. She commented that after the Commission passes the Ordinance for each change that is recommended to go to the ballot, it will go to Council and Council has to pass it without any changes from this committee and then it goes to the Board of Elections. Council will have three readings on it over a six week period.

Mr. Ruffa stated that it does not have to go three readings and Council may have to revisit that because it is not like they can say no anyways.

Mrs. Dunlap stated that is just what Council has done but she knows that it can be passed on a first reading.

Mr. Ruffa stated that you have the 120 days before the election that it has to be down at the Board of Elections and then work backwards from there and if you count the six weeks, work backwards from there, so you have to figure where you want to push it, you do not want to push it too far.

Julie Brown questioned that they started in March, did the ball start rolling in January and it took until March. If that is the case and it started in January and then it took a couple of months to get people to confirm to help, she is not on that side of it. She does not think that they could make that decision, but they did not start in January.

Scott mentioned that he was not informed until February that he was going to be on the Commission.

Julie Brown stated that they did not start in January and the world didn't end so does it need to be changed and is it worth putting it to a vote.

Mr. Ruffa stated that the Commission will have to decide what they would like to put on the ballot based on the discussion. That is a very valid question based on what you want to put on, you may have second thoughts about things that you are on the fence about.

Todd Kinzer stated that the only thing that it is asking for to be done in the month of January is to appoint the committee.

Brian Wolf asked if the Commission sends something to Council, can Council send it back to the Committee.

Mr. Ruffa stated that they can send it back but they cannot force this Board to make any changes that they don't want to.

ARTICLE XIV MISCELLANEOUS PROVISIONS

Mr. Ruffa commented on the issue that has been brought up many times regarding gender neutral, and one of the ways to address the issue is to put it in this section, something that says anywhere in the Charter where you see the word he or she, it is meant to be gender neutral.

ARTICLE XV COMMUNITY BILL OF RIGHTS

No Discussion

Mr. Wolf stated that since we have gone through the entire Charter, maybe we can begin going through the **discussion points from the March 18, 2014 meeting.**

ARTICLE III: COUNCIL

Section 1. Composition and Term

- i. **Removing the reference to January 1, 2007, Mr. Ruffa will look into this.**
- ii. **Four (4) years terms**

Mr. Wolf stated that the terms are currently two (2) years and the discussion was if it should be four (4) years and whether they should be staggered or concurrent.

Julie Brown stated that out of the things that they have discussed, she feels that this issue holds more weight than changing pronouns out of everything; this could have the biggest impact on what they are doing as a committee. This is open for discussion and thinking about doing it staggered or altogether, she is for altogether. She thinks that it keeps some politics out of the situation. She likes the idea of a four year term.

Scott Maitland mentioned that he thought that it was on the ballot four years ago too.

Brad Clifford confirmed that it was on the ballot four years ago and it lost, but he is all for the four year terms and not with staggered terms.

Todd Kinzer stated that he also likes a four year term and he does not like it staggered either. He stated that you lose continuity when you stagger the terms.

Don Barich asked where the vote happens and if it is in this committee.

Brad Clifford stated that this committee puts the issue to a vote on the ballot in the general election.

Todd Kinzer asked about the cost to put something on the ballot.

Mrs. Dunlap stated that if there is nothing else on the ballot, either from the schools, county or state issues then the cost is all born by the city.

Todd Kinzer stated that it would be good for this committee to have all the costs up front if they choose to go to 4 years. The reason that we do not want to do the staggered term is that the city would be on the ballot every 2 years. It would be good information to have to be able to answer the possible cost savings.

Don Barich asked if when the committee goes to vote on these proposed changes, is each issue voted on separately or are they voted on all together.

It was stated that each issue is voted on separately.

Diane Varga stated that if you for example look at the Planning Commission Members and the other Boards and Commissions, they all state that their terms are for 4 years. We should remain consistent with that wording for Council Members.

Todd Kinzer stated that part of the challenge is that as a Planning Commission Member, he is an appointed member; he is not an elected official. When you are talking about someone who is appointed and approved by council vs. someone who has to be elected by the general public, as an appointed member, there is not a cost involved. He is a volunteer, but when you are an elected official, there is a cost to the city for that election.

Diane Varga was not looking at the cost; she was looking at maintaining consistency across the entire Charter.

Mr. Ruffa asked what that cost is.

Mrs. Dunlap stated that it is a cost per precinct and that she would have to get the figure from the Finance Director.

Diane Varga asked if a 4 year term would offset that cost.

Mr. Ruffa stated that the cost would not be offset if you stagger the terms because you would have a cost every 2 years. Mr. Ruffa stated that he thought the other issue was the political issue if there were staggered terms. He explained that there is a concept known as running from cover where when the terms are staggered, you could very well run for another position and not be in a position where you would lose your seat if you lose the other position.

Diane Varga asked if we are at much risk of that.

Mr. Ruffa stated that unfortunately, you never know. He has represented several communities and that is always an issue.

Diane Varga would just like her councilperson to be responsible for 4 years.

Jerry Pantaleano agrees with the 4 years as long as it is not staggered.

Don Barich stated that there is no way to notify the public when this is put on the ballot what the feeling of this committee was. Is there any way to word this on the ballot to let the residents know that this commission was in unanimous opinion on this issue? He thinks that the public says, oh those politicians, the less that they are in the better.

Mrs. Dunlap read some information from the past Charter Review Meeting. The Commission 4 years ago had talking points regarding the issues that they were putting forth to the voters so if the paper would call or they were asked by anyone that they all had the same responses. She did not know if the Mayor put it on the website or his message.

Mr. Ruffa stated that he thinks that there was something put out there publicly indicating that these are the proposed Charter changes to be put on the ballot and why.

Brad Clifford stated that he is pretty sure that it was put out there somewhere before the public was invited come and bring up any other issues for the committee. This is what we have so far, but what else do you have.

Mr. Ruffa stated that Annette would know for sure because she did it, but ultimately these were the recommendations that were made and these were the reasons why, and he is almost positive that was what was published.

Mrs. Dunlap stated that she had a copy of the talking points from 4 years ago regarding the 4 year terms of council.

Don Barich asked if they are the same talking points that the committee just discussed.

Mrs. Dunlap read from the paper which is attached.

Don Barich stated that he apologizes for being behind the 8 ball, but he couldn't avoid his not being here at the beginning. To him, it just makes sense that this committee does its best job of communicating this. He does not remember much being in the newspaper or any other thing about this whole issue and he feels that it is a critical issue for the community. He thinks that it is crazy to have to run every 2 years, he feels sorry for our council members. It just seems too hard to always be running for election.

Julie Brown stated that is what they said too, that you are not going for an office where you will be making a lot of money from it, you are putting in a lot of your own money or having to raise that money and this is not a career.

Don Barich stated that you cannot make all of the people happy, there will always be a few people, here we have a nice cross section of the community all thinks that it is a good idea, why can't the committee get that information and feeling over to the residents of this community.

Mrs. Dunlap stated that there is another paper that she has from 4 years ago that talks about some of the other issues which is attached.

Diane Varga asked if the way to sell it to the citizens, can the committee do an analysis, not scientific, but how many councilpersons have been reelected multiple times, would it not have made more sense to just have them be a councilmember for 4 years. In the 15 years that she has been here, she has pretty much dealt with the majority of the same people over and over again. It just makes sense if you keep reelecting these people, why not save the city, provide some comfort in knowing that you are going to have consistent representation for 4 years vs. always having to go through this every 2 years.

Julie Brown asked what are the big negatives; why wouldn't someone vote for that. Why would they say that they do not want to lose the opportunity to cast my ballot every 2 years.

Mr. Ruffa stated that it is just that, that they do not want to vote someone in and then they are stuck with that person for 4 years.

Todd Kinzer stated that if you are not satisfied with the service that you receive from that councilperson then you are stuck with them for 4 years.

Mr. Ruffa stated that you may think that, great, you have them for 4 years, but at the same time you have them for 4 years which may be good and bad.

Julie Brown stated that we moved the Mayor from 2 years to 4 years.

Mr. Ruffa stated that they did but that it was before his time.

Diane Varga stated that when you look at the commissions, they are all, even if they are appointed by the Mayor and they are voluntary, they are all 4 years. Especially, nothing against the Planning Commission but she would like to have her councilperson available for 4 years. The Planning Commission is deciding what they are going to do in this City and she would like her councilperson to make sure that it is being followed through with.

Brian Wolf would also like to point out that we have at-large councilperson, so if you do not like your Ward councilperson, you also have the at-large councilperson.

Todd Kinzer stated that you do have an out; if they are not satisfied with you they also have an at-large councilperson that they can voice their opinion to as well.

Mr. Ruffa stated that what you always have is the recall option.

Todd Kinzer stated that you can exercise that with a 4 year term but with a 2 year term you can just wait it out.

Julie Brown stated that it sound like everyone is in agreement that this is something that the committee would like to see move forward.

Julie Brown made a motion that they look to changing the Charter for a 4 year term of the Council people, not staggering the terms; seconded by Jerry Pantaleano. Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes; Diane Varga, yes; Scott Maitland, yes. Motion passes.

iii. Term Limits

Julie Brown would rather the focus be getting the 4 year term than to bring in the whole subject of term limits. Maybe in the future that may be something, but she does not want that to be the deciding factor for people if they say that they want 4 years but they do not want term limits or something.

Diane Varga stated to let the residents test drive the 4 year terms.

Todd stated that if you do not do your job, you don't get elected again, there is your term limit.

Section 2. Wards

- i. Removing the reference to 2007, Mr. Ruffa will look into this with the codifier.

Section 3. Qualifications

- i. Removing the reference to 2007, Mr. Ruffa will look into this with the codifier.

Section 5. Meetings and Quorum

- i. Reference to section stating 24 hour written notice served.

Julie Brown stated that she thinks that is because they were looking at the written notice vs. electronic notification.

Scott Maitland stated that we wanted to add new technology such as email, etc.

Julie Brown specified that the part that came into question is not the 24 hour written notice but the part that states "served personally or left at his or her other usual place of residence". She again would like to do this because it is one of those issues that when talking about something overall, there is places, this being one of three places where it has been discussed as to moving forward from the antiquated ways of communication. Does she really care if it goes to a person's house by messenger, does anyone really do that anymore?

Diane Varga asked if there is a legal president for that like a subpoena or something like that.

Mr. Ruffa stated that generally what is happening is that these packets get prepared with all of the materials and they are literally delivered by the Police to the Council people. Now these days, all of that can get scanned in emails. These days with electronic communication they will not have to physically go and deliver.

Don Barich asked if there is a requirement for Council to look at their emails at some regular times because that would be an out for someone. They could say that they never good anything and they did not see it on their email. Or the significant other erased it.

Mr. Ruffa stated that you can also state that it does not have to be served personally to them; it could be left here for them to pick up at their leisure. The concept of having a police officer deliver packets, we need to move on from that. If they have an issue with electronics, they could pick it up or something like that.

Julie Brown asked again if they do that based on this section, so if we were to change this section it would change the police having to go and deliver packets.

Todd Kinzer stated that even if it is sent electronically, it can be stamped electronically and you can tell when it has been opened.

Diane Varga stated that if the council were issued city tablets, and then guess what, you have to read it. And you can get information from it because the city owns that tablet.

Mr. Ruffa stated that they can make sure that they get it; we cannot make sure that they read it.

Brian Wolf asked if something could be put in the miscellaneous section as a paper reduction type of addition.

Julie Brown stated that as she is watching everything go green, it is beautiful to go green, but information is not getting out there. She watches it in the schools, the PSO is going all green, but instead of 150 people being at something there is only 50 because people are not going online to look at fiers. It is a good idea but sometimes it shoots you in the foot when the communication is not getting out there.

Mr. Ruffa stated that the bottom line is the idea of personally delivering it at their doorstep.

Scott Maitland stated that he is almost to the point where we strike “served personally or left at his or her other usual place of residence”

Scott Maitland made a motion to remove the portion of the sentence that states “served personally or left at his or her other usual place of residence”; seconded by Diane Varga. Roll Call: Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes; Diane Varga, yes; Scott Maitland, yes. Motion passes.

Section 7. Powers

- i. Discussion regarding having council representation being at their own expense.

Mr. Ruffa explained that it is the last sentence that states “He shall have the right to be represented by counsel” and the question was, who pays for that? What he said last time was that his interpretation is that if you want representation, you bring your own counsel. He stated that it really does not say it, so he guesses that there could be an argument converse to that, saying the city should be providing that counsel. His position would be that if that were to come up as the Law Director would be that if you want to have an attorney represent you then you have your own attorney.

Todd Kinzer stated that he thinks that this is left up to interpretation so this is just bringing clarification.

Brian Wolf read from the meeting minutes of the March 18, 2014 on this section.

Scott Maitland asked if this section really needs clarification.

Julie Brown looks at this as something, does it need clarified, maybe. Does it affect the general populace, no. The other things that have been discussed, they do affect the populace. If you are the police and you are dropping off papers at someone's door and there is a murder happening on the other side of town, hypothetical, but does this really affect people. Not really. She does not want the points that the commission feels are important to get diluted by little clarifications.

Diane Varga asked what the employer laws are under the Ohio. She thought that whenever you are brought up behavioral or not fulfilling your duties at your job. It is just Ohio law that you get general counsel. She thinks that is covered because they are employees of the city. It would be like if someone said that you are not doing your job, you have the opportunity and it would be understood that it is state law that you would get your own counsel in that situation.

Mr. Ruffa stated that the only time that you might be entitled to counsel in a regular employment situation is if it is a process through a union and you are entitled to be represented by counsel. Ohio is not a state that requires the employer to provide you counsel.

No action taken.

Section 8. Validation of Actions

- i. Should the 5 days be referenced as 5 business days.

Todd Kinzer stated that he is the one that brought this forward but he does not think the Commission should get lost in the minutia of wordsmithing her and there. The last time the charter met, how many things went to the ballot and when you see 15 – 20 changes that you are voting to make, at some point you may have not got the 4 year term addressed because people just started checking no. He thinks that the commission should really put the focus to the things that are really important such as 4 year terms that the commission has all agreed upon and not get lost in the minutia stuff, the wordsmithing, because if 15-20 things are on the ballot, that is what is going to start to happen and then something that is important over a litany of a list.

Scott Maitland concurs with that. He asked if when they go and change all of these different things, is each one a separate issue on the ballot.

Mr. Ruffa stated that it all depends on how it is done. If you were to take a section and say that they want this section to change this way, but that is why he was suggesting earlier that maybe in the miscellaneous section we language that say that anywhere in the Charter where it says "he" we mean gender neutral. He has seen it in a few other cities where they have put one thing that references the entire Charter that when they mean "he" they mean "he/she", we are gender neutral. He would not want to do section by section.

Scott Maitland mentioned about any typos and anything else that they might get changed.

Mr. Ruffa stated that there would be one issue that would take care of the gender neutral and then there may be another one that would have to address codification problems or typographical errors. So instead of having 50 you have 3.

No action was taken

Section 9. President of Council and President Pro-Tem

- i. Reference to “when the Mayor is absent from the City”.

Mr. Wolf stated that he believes this again deals with the issue of electronics and when is the Mayor actually absent from the City.

Scott Maitland stated that he believes that it should probably read “shall be Acting Mayor when the Mayor is unable for any cause to perform his or her duties” and remove “officially absent from the City or”.

Mr. Ruffa stated that in Article IV Mayor, Section 5 (a), it is the same issue where it states “absent from the City or”

Scott Maitland stated that whatever they change in Section 9 they would want to address in the next Article Section 5 (a) and remove “absent from the City or”.

Julie Brown asked the question, is it important, what would be the reason why we would need to change this. What would happen if they didn't change that, this is how she is looking at all of these. So what would be the purpose of changing this?

Scott Maitland stated that it is nebulous as far as officially absent from the City.

Mr. Ruffa stated that he thinks that the discussion evolved around the discussion on technology and considering what can and cannot be done. You have the situation of when the Mayor happens to be in another community as to whether or not he is officially absent from the city. It actually comes down to the issue of when he is unable to perform the duties, which is when the President of Council steps up.

Julie Brown stated therefor the phrase is antiquated; it doesn't really pertain to society now because of all the communications that are available.

Mr. Ruffa also stated that it also states in the next section under the Mayor that if he misses 4 consecutive meetings the office of Mayor is considered vacant.

Diane Varga stated that she thinks that it should be left as is because if he ever gets called to jury duty, he is officially absent.

Mr. Ruffa stated that he would disagree with that.

Scott Maitland had another question on this, what translates that back to the Mayor taking back the power from the President of Council.

Mr. Ruffa stated that it would be his reappearance.

Scott Maitland made a motion to strike “officially absent from the City or” from Section 9. President of Council and President Pro-Tem and “absent from the City or” from Section 5(a) Vacancy in Office of Mayor, Absence; seconded by Brad Clifford. Roll Call: Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes, Diane Varga, yes; Scott Maitland, yes. Motion passes.

Mr. Wolf mentioned that they have discussed the issue of **gender neutral** throughout the discussion on the Charter. This may be a good time to discuss the possibility of putting it into the Miscellaneous Provisions section of the Charter.

Julie Brown stated that she likes that idea. She thinks that there are people that we have had a female Mayor in the past and it is something that society is more sensitive to. She thinks that it would be overkill if we went through every one of them. If we say this is who we are and this is what we believe and let's call it a day.

Mr. Ruffa stated that he would do a general coverage of this issue in the miscellaneous section.

Julie Brown made a motion that in the Miscellaneous Provisions that there is a reference to everything being gender specific would be gender neutral;

Diane Varga thought that there is a Civil Rights Act that states that. She thinks that there is National Legislation that says that you can no longer being biased by gender.

Mr. Ruffa stated that there is no doubt that is the case but he thinks that it is just a cleaning up of our Charter so that it all matches so that we are in line with that.

Diane Varga stated that just like the Civil Rights Act in the Miscellaneous section under the Civil Rights Act there will be no gender bias.

Don Barich asked if we would have to rewrite the whole Charter, or are you saying that sentence would negate the need to go through the Charter and change everything.

Mr. Ruffa stated that yes, suggesting that there would be a clause in the Charter in the end that says, wherever we reference "he" and we meant "she" also.

Todd Kinzer asked if it is already logged does it already have to go to a vote if it is a Civil Rights Law.

Mr. Ruffa stated that it is a bias issue; this is just to clean up our Charter.

Julie Brown stated that for her it is just a personal statement saying that we have moved past that.

Mr. Ruffa stated that he tends to read a lot of the amendments that other city's do just because that is the business that he is in and he representing other cities and he has seen quite a few lately that are changing to state that they are gender neutral.

Seconded by Don Barich. Roll Call: Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes; Diane Varga, yes; Scott Maitland, yes. Motion passed.

Mr. Wolf stated that we will move on to our last item from the Discussion Points where it was discussed if something happens to the Mayor and Council President and Pro-Tem move up positions then the third in line is from at-large but when first chosen they are from all of council.

Mr. Ruffa stated that this has actually gone through 2 Charter Reviews and it was missed both times. The way it used to be changed more than once so as it is now the President of Council and the Pro-Tem are chosen from the entire pool of Council, so when those changes were made, it was made in Section 9 the first paragraph and Section 9 page 7 the first paragraph and it was missed in Section 9 at the bottom of page 6. So on the section of the President of council shall be chosen from the entire pool of Councilpersons by a vote of the entire Council and shall serve a term of 2 years. The President Pro-Tem of Council shall be chosen from the entire pool of Councilpersons by a separate vote of the entire Council and shall serve a term of 2 years as President Pro-Tem. If you look at the bottom of page 6, in the case of the vacancy in the office of President of Council, the President Pro-Tem shall kick

up to the President of Council and the Pro-Tem shall be filled by the Council-at-Large candidate receiving the highest number of votes by a vote of the entire Council. We just missed that change is what happened. It actually was missed twice. If anything, you could leave it like that which is fine but of course that limits your pool or if you want it to match up like the other two, we could put it on to match up to the other two.

Jerry Pantaleano made a motion to match up the wording to state that the President Pro-Tem shall be chosen from the entire pool of Councilpersons by a vote of the entire Council; seconded by Julie Brown. Roll Call: Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes; Diane Varga, yes; Scott Maitland, yes. Motion passed.

Brian Wolf stated that they had gone through all of the discussion points from the last meeting and they can continue with the ones that they talked about today or wait until the next meeting.

The Commission has decided to wait until next week.

Brian Wolf made a motion to adjourn; seconded by Julie Brown. Roll Call: Brian Wolf, yes; Todd Kinzer, yes; Don Barich, yes; Brad Clifford, yes; Julie Brown, yes; Jerry Pantaleano, yes; Diane Varga, yes; Scott Maitland, yes. Motion passed.

Meeting adjourned at 8:27

Recording Secretary: Helen dunlap

Cc: File Law Director
 Mayor Commission Members