

Record of Proceedings

VILLAGE OF MINERVA PARK CHARTER COMMISSION

Minutes of the

February 28th, 2019

Commission Meeting

Council Chairwoman Conger called the meeting to order at 6:31pm.

Roll: Commission Chairwoman Conger, Vice-Chair Parks, and Members Beeba, Walsh, Wolf, Harker, Park-Curry, Silverman-Star, Estes, Allison, and Lewis. Member Busick arrived at 6:38.

Attending: Paul Rutter (Bricker & Eckler), Tommy Wolf, Nailyan Conger, Councilman Star arrived at 6:57, Councilwoman Hughes arrived at 7:03

Minutes

- ❖ Member Estes moved to approve the minutes from the 2/21/19 meeting. Member Wolf seconded. All in favor.

Old Business

- ❖ Chairwoman Conger briefly summed up the discussion on forms of government from the 2/21/19 meeting, and informed the commission we would be working with one article of the Charter per week, starting with Council responsibilities and powers.

Council Powers Discussion

- ❖ Member Estes stated she would like co-equal powers between Council and Mayor, and would not like the Mayor to be able to break voting ties. She also thinks there should be more Council members.
- ❖ Member Park-Curry asked Mr. Rutter about the Council's ability to levy taxes and which taxes are voted/unvoted.
- ❖ Member Lewis asked Mr. Rutter about several provisions of the example Charters attached to the packet (Groveport), specifically with regards to police and sanitary powers. Both he and Vice-Chair Parks explained that most of the powers of council are boilerplate. Member Lewis responded that now would be the time to address inefficiencies and requirements we had unearthed through public and council comment.
- ❖ Mr. Rutter explained that one of the benefits of enumerating specific Council powers and responsibilities is that it would make Minerva Park less beholden to the Ohio General Assembly.
- ❖ Member Wolf said that he had read through the example Charters and that the powers sections seemed very similar. Consequently, he believed it would be good practice to just adopt the provisions, then fine-tune them later in the process.
- ❖ Vice-Chair Parks will draft a copy of the council powers based on the examples, and the Commission will review and adjust as needed while writing future provisions.
- ❖ Member Park-Curry inquired about which administrative procedures would the Charter need to address, and which should be left up to the Council. Mr. Rutter replied that it is difficult to anticipate situations that will arise, and it is generally better to allow future Councils flexibility to respond to changing needs.

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Council Membership

- ❖ Vice-Chair Parks explained that he was not generally in favor of the Mayor being a voting member of Council. Member Estes agreed, adding that she would also not like the Mayor to be able to break ties.
- ❖ Member Wolf said that making the Mayor a voting member Council would undermine the checks and balances between the two branches of Village government.
- ❖ Member Park-Curry explained that it would be more efficient to have a Mayor able to cast a tie-breaking vote, as the Council can pass ordinances more effectively.
- ❖ Member Silverman-Star added that she also supported the idea of a mayor breaking ties as we, as a Village, have voted for the mayor, and should be able to trust them to move important legislation forward.
- ❖ The Commission agreed on seven Council members, as it is odd number and, with the increased size of the Village, it would be good to provide a larger body to represent a larger polity.
- ❖ Member Busick was in favor of adding the Mayor as a tie-breaker, especially given we have increased the Council size.
- ❖ The Commission agreed on an at-large Council pool rather than a ward system.

Council Member Terms

- ❖ Member Wolf suggested it might be better to move to shorter terms for Council members--three, or even two years rather than four.
- ❖ Member Busick said that two-year terms would undermine stability in the Village. Based on his experience it takes roughly a year before a Council member can accrue enough institutional knowledge to become functional in their role.
- ❖ Chairwoman Conger suggested that it might not be worthwhile to change this aspect of the Village electoral process just to experiment.
- ❖ Member Wolf responded that a two-year term would provide for a much larger talent pool as, in his experience, many citizens are put off by the long term.
- ❖ Vice-Chair Parks suggested that the Commission ask the two current Council members in attendance. Councilwoman Hughes responded that a two year term would be unworkable, primarily as it would create too much turnover in the Council.
- ❖ Chairwoman Conger asked Council members Star and Hughes as to whether the four-year term limit factored into their desire to run. They both replied that it did not. She then asked the three former Council members on the Commission: members Busick and Park-Curry replied that it did not, member Wolf replied that it did.
- ❖ Member Estes asked Council members Star and Hughes whether or not a two year term limit is functionally different from the last few terms wherein Council members resign every two years.
- ❖ Based on this discussion, the Commission decided to retain the current, 4-year, term for Council members.

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Council Member Residency Requirements

- ❖ Member Parks spoke in favor of requiring a minimum residency/electorship requirement. As a relatively new resident, he felt he was not ready to represent the community.
- ❖ Chairwoman Conger replied that a residency requirement might be viewed as exclusionary.
- ❖ Member Park-Curry suggested it might be beneficial to have a 6-month residency requirement, as it provides time to settle in the Village, but isn't onerous to new citizens. The Commission was in favor of this.

Council Members Serving in Dual Office

- ❖ The Commission was in favor of retaining the provision preventing Council members from holding other political office (except party office).
- ❖ Vice-Chair Parks asked whether it would be useful to allow (or prevent) current Council members to sit on future Charter commissions, to amend the Charter.
- ❖ Chairwoman Conger replied that having Council members sit on Charter Commissions might allow them undo influence or the ability to undermine amendments to the Charter.

Selection of a President Pro-Tempore/Vice President

- ❖ Member Estes expressed a strong preference that the Council elect its own president rather than the mayor serving in that capacity.
- ❖ Member Parks asked if the current system of majority vote is efficient for the Village, the Council members (both present and past) said that it was.
- ❖ The Commission decided to retain the current system, wherein the Council will elect a President through majority vote every year, who will also serve as President Pro-Tempore for the Mayor.
- ❖ Vice-Chair Parks asked, as the Commission was in favor of the Mayor not being a voting member of Council, if he should also draft a provision for the election of an annual election of a Vice-President Pro-temp. The Commission agreed that he should.

Clerk of Council

- ❖ Vice-Chair Parks asked Mr. Rutter who would have administrative authority over the Clerk. He replied that it depended on who the Charter gave authority to, he added that, in practice, he had only ever seen Charters give appointment authority to the Council, as the Clerk will be primarily serving them.
- ❖ Vice-Chair Parks will adapt the language from the Pataskala Charter, which clearly delineates the appointment power.
- ❖ Member Walsh asked if the Commission wished to give the Clerk any additional powers. Also, if the powers should be enumerated by the Charter or if the Charter should leave room for constitutionally required duties. Again, the Pataskala Charter provides a model that clearly spells out the Clerk's duties while allowing for constitutionally required responsibilities.

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Filling Vacancies on Council

- ❖ Member Wolf spoke in favor of appointments only being possible in the latter half (final two years) of a Council Member's term. In the first half, the vacancy goes back to the general election. New members would serve only the unexpired time in the term of the Council Person they are replacing.
- ❖ The Commission agreed.

Forfeiture of Office

- ❖ Chairwoman Conger read from the relevant articles of the Dublin Charter, laying out clear examples of when a Council member may be found in dereliction of duties. She then asked if any Members had additions they wished to make.
- ❖ Member Park-Curry said there should be language in place to allow for the Council to explicitly excuse members from meetings, so they would not be considered unexcused absences and contribute cause for potential removal.
- ❖ Vice Chair Park said that it might be best to give the Council flexibility to be able to initiate a vote on a case-by-case basis. The New Albany Charter provides an excellent example that the Village can adapt.
- ❖ Member Lewis asked the Charter would include a provision that all Council Members must reside in Minerva Park for the duration of their term.

Additional Miscellaneous Provisions

- ❖ Vice-Chair Park raised the issue of the Mayor appointing Council members if a set time (30 or 60 days) expires. Mr. Rutter added that a number of charters allowed for the Council to vote itself an additional 30 day period.
- ❖ After discussion the Commission agreed to a 60 day period, after which the Mayor shall appoint a replacement
- ❖ With regards to Rules of Council, all the example charters shared similar provisions, except as pertains to salaries (specifically the raising thereof). Currently the Council cannot raise salaries during the current term.
- ❖ Member Silverman-Star suggested that raises become effective January of the following year.
- ❖ Member Wolf added that it should be restricted to Council election years.
- ❖ Member Walsh asked Mr. Rutter if Charters ever addressed health care benefits, he replied that they did not.

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Mayor as a Member of Council

- ❖ The mayor is not a member of Council.
- ❖ Member Park-Curry inquired if it might be useful to allow the mayor a seat at the Council table (although not a vote).
- ❖ Member Busick asks who organizes and runs the Council meetings, because it requires a lot of work.
- ❖ Vice Chair Parks asked who would decide tied votes on Council?
- ❖ Councilman Star added that absence doesn't necessarily have to be physical, but Council members may abstain.
- ❖ After discussion, the Commission decided the Mayor should not serve as a tie-break.

Vice-Chair Parks moved to adjourn, Member Estes seconded. All in favor.

Commission Chair Conger adjourned the meeting at 8:37.