

**City of Maple Heights
Charter Review Commission Meeting Minutes**

Via Video/Teleconference

June 10, 2021

Chairwoman Katurah Johnson called the City of Maple Heights 2021 Charter Review Commission Meeting to order at 6:03 p.m. with the following Charter Review Commission members present via video/teleconference: Ms. Katurah Johnson, Ms. Rikki Brown, Ms. Michele Rudolph, Ms. Almeida Dye, Ms. Lakiesha Nevels, Ms. Daphne Coleman, Ms. Linda Mitchem, Ms. Angela Oglesby, Ms. Jackie Albers and Ms. Lois Poole. Mr. Herb Wilborn was absent and excused. Also present were Law Director Frank Consolo, Clerk of Council Leonette Cicirella Johnson, Council President Ron Jackson, Finance Director Tinita Tillman and Council Members Madden and Agee. Ms. Johnson said there was a quorum present to proceed with tonight's meeting.

MINUTES: There were no minutes for review at tonight's meeting.

Ms. Johnson said there was one (1) item of Old Business for the Commission to consider regarding Charter Article VII, Section 20 – Limitation on Taxation. Ms. Johnson asked if there was any further discussion on this Section.

Ms. Dye said that the requested change was voted down by the Commission at its last meeting but that additional discussion was agreed upon since a number of the members had been absent.

Ms. Johnson said the Mayor had requested the change to help the City operate if there were a lack of funds and asked if there were any questions or further discussion regarding this Section. Ms. Johnson said she had understood what the Mayor had said at the last meeting but that she was concerned that it could be a burden on people especially as a result of the pandemic.

Ms. Dye said that including no stipulation was not fair to working people and that the City was not in dire need at this time.

Ms. Coleman said she concurred with Ms. Dye that since the City was not in dire need of funding, it did not need to take the credit away at this time. She said to remove the credit may be a hardship for some residents. Ms. Coleman said the City did not need to take the full credit away.

Ms. Johnson asked if there were any other comments.

Finance Director Tillman said that she wanted to give her input and provide information but had waited until the Commission members addressed their concerns. Ms. Tillman said she understood that the Commission was not willing to vote on amending this section without limitation. She said one (1) suggestion regarding the tax credit would be not to take the credit away but add language that Council could approve a credit of no less than 80%. Ms. Tillman said that even if the Charter Section was changed and approved by the voters it would not be done automatically. She said Council would need to pass legislation.

Ms. Tillman asked if the Commission had any questions regarding this issue. Ms. Tillman said she had tried getting estimates from RITA as the City's income tax agency for revenue estimates based upon different tax credits for example, 90% or 80%.

Ms. Dye said some Commission members had asked for a percentage stipulation but were advised to not include the stipulation.

Ms. Rudolph said the Commission had already voted against the amendment as worded.

Ms. Johnson said she was concerned to leave it open since we do not know what would happen in the future. She said citizens could be taxed unnecessarily. Ms. Johnson asked if the Commission should leave this Section as it was or should the Commission vote on a recommended change again.

Ms. Dye said the Commission already voted down the suggested amendment so it should just move on.

Ms. Johnson said that concluded the Old Business on the agenda for tonight's meeting and said the New Business started with Article VIII – Departments. Ms. Johnson said these were set and asked if they needed to be discussed by the Commission.

Mr. Consolo said the Law Department did not set the Commission's discussions but that he would advise the Commission that there were no recommendations from the Administration regarding any changes to these Sections. Ms. Johnson said she concurred that there were no changes necessary.

Moving to Section 2 regarding Duties of the Director of Service and the Building Commissioner, Ms. Johnson asked if there was any discussion. There was none.

Ms. Johnson said Section 3 concerned the Department of Safety and the Divisions of Police and Fire. Ms. Johnson asked if there were any questions or discussion on this Section. There were no questions or discussion.

Ms. Johnson said Section 4 was repealed in 1996.

Ms. Johnson said Section 5 described the City's Health Board and its Members consisting of the Director of Safety and the Superintendent of the MH City Schools. She said this Section also allowed the Health Board to contract with the County Board of Health for health services with the approval of Council.

Moving to Section 6 regarding the Procedure if the Superintendent Disqualifies, Ms. Johnson asked if there was any discussion. There were no questions or discussion.

Ms. Johnson said both Sections 7 concerning the Duties of Director of Welfare and Section 8 – Duties of Director of Transit were repealed in 1996.

Ms. Johnson said Article IX, Section 1 covered the Qualifications of Director of Law and Assistant Prosecutor. She said this Section was last amended in 2011 and required that both the

Director of Law and Assistant Prosecutor be attorneys admitted to the practice of law in the State of Ohio and have five (5) years or more of experience next preceding their appointment. Ms. Johnson asked if there was any discussion on this Section. There was none.

Ms. Johnson said Section 2 defined the Duties of the Law Director “as the legal advisor to, and attorney and counsel for, the City and for all officers in matters relating to their official duties.” Ms. Johnson read the remaining portion of this Section and asked if there were any questions or discussion by the Commission. There were no question or discussion.

Moving to Article X, Section 1, Ms. Johnson said this Section concerned the qualifications for the city’s Engineer to be a “registered engineer in the State of Ohio and shall have been engaged in the full-time practice of engineering for a period of five (5) years or more, next preceding the appointment.”

Mrs. Johnson dais Section 2 described the Duties of the Engineer and asked if there was any discussion on the Articles by the Commission. There was no discussion.

Ms. Johnson said Article XI concerned the Finance Director and read Section 1 regarding the Duties of the Finance Director to include keeping “an accurate account to be kept of all taxes and assessments;” “must prepare an annual budget;” “audit the accounts of such officer;” “shall be custodian of all moneys of the Municipality;” and “keep a detailed record of all disbursements and a record of expenditures from the various appropriation funds.” Ms. Johnson asked if there was any discussion on this Section. There was no discussion.

Ms. Johnson said Section 2 of this Article described the Appointing Power of the Finance Director to appoint any and all employees reporting to the Finance Director. Ms. Johnson asked if there were any questions by the Commission regarding this Section. There were none.

Moving to Section 3 -Vacancy, Mr. Johnson said that in the event of a vacancy in this position the Mayor was required to appoint, with the approval of Council the successor.

Ms. Johnson said Section 4 defined the Qualifications for the Finance Director as a four (4) year Bachelor’s degree in Accounting or an equivalent of five (5) years of experience in municipal or corporate finance.

Ms. Johnson asked if there was any discussion on these Sections. There was no discussion.

Ms. Johnson said Article XII- Treasurer has been repealed in 1996.

Moving to Article XIII – Initiative, Referendum and Recall, Ms. Johnson and Ms. Rudolph took turns reading the following Sections of this Article and asked if there were any questions or discussion by the Commission:

- Section 1 - Right to Initiative – there were no questions or discussion
- Section 2 - Form of Petition – there were no questions or discussion
- Section 3 - Signatures to Petitions - there were no questions or discussion
- Section 4 - Filing Petition - there were no questions or discussion
- Section 5 - Additional Signatures - there were no questions or discussion
- Section 6 - Hearing by Council Committee - there were no questions or discussion
- Section 7 - Council Action; Powers - there were no questions or discussion

Section 8 - Certification; Supplemental Petition - there were no questions or discussion
Section 9 - Submission to Electors - there were no questions or discussion
Section 10 - Ballot Form

Ms. Johnson asked Mr. Consolo about the description of the ballot form as being “for the Ordinance” or “against the Ordinance.”

Mr. Consolo said an example of the Ballot Form Section would be the five (5) Charter Amendments that the Commission had approved. He said the Commission recommendations must be out into an Ordinance format that included the current Charter language with deletions indicated by a line through this language and additional language added. He said it would be similar to what he had done in his memos to the Commission. Mr. Consolo said that was how these proposed amendments will be published in the local newspaper.

Ms. Dye said that would not be what appeared on the ballot though to which Mr. Consolo responded in the affirmative. He said the ballot language was set as questions. Mr. Consolo said voters will look at the questions and vote either “For” or “Against” the amendment.

Ms. Johnson said it would be up to the voters then to be prepared for vote on these changes. She said voters will want to know what changing by the vote.

The Clerk of Council said her office was required by State law to advertise the Charter Amendments issues in a local newspaper prior to the election and that these legal notices were copies of the actual Ordinances Mr. Consolo described that have been introduced by the Charter Review Commission and passed by Council to go to the Board of Elections. She said this information will also be posted at the public buildings in the City and on the City’s social media to help inform the voters.

Ms. Johnson thanked Mr. Consolo and the Clerk of this clarification.

Section 11 - Majority Vote on Initiative - there were no questions or discussion
Section 12 - Repealing Ordinances - there were no questions or discussion
Section 13 - Publication; Amendment or Repeal - there were no questions or discussion
Section 14 - When Ordinances Go into Effect - there were no questions or discussion
Section 15 - Right to Referendum - there were no questions or discussion
Section 16 - Procedure - there were no questions or discussion
Section 17 - Majority Vote on Referendum - there were no questions or discussion
Section 18 - Form of Petitions - there were no questions or discussion
Section 19 – Enactments Not Subject to Referendum

Ms. Dye asked Mr. Consolo for clarification regarding this Section and the types of Ordinances and Resolutions that were not subject to referendum.

Mr. Consolo said these types of Ordinances cannot be overturned by electors since they all deal with money issues. He said all of these issues required the experience and expertise of the Mayor and the Council and were assigned to them. He said these provisions prevent the electors from changing, for example in Subsection (a), the general appropriations and creating their own budget. Mr. Consolo said another example was Subsection (c), appropriating money to pay the lawful obligations of the City. He said basically if the electors could overturn ordinances for the payment of regular expenses of any City department it would disrupt the City’s business.

Section 20 - Conflict of Provisions - there were no questions or discussion
Section 21 - Emergency Measures - there were no questions or discussion
Section 22 - Acts Preliminary to Election - there were no questions or discussion
Section 23 - Recall Procedure - there were no questions or discussion
Section 24 - Petitions - there were no questions or discussion
Section 25 - Signatures - there were no questions or discussion
Section 26 - Filing and Certification - there were no questions or discussion
Section 27 - Supplemental Petitions - there were no questions or discussion
Section 28 - Recall of Auditor – repealed
Section 29 - Recall Election - there were no questions or discussion
Section 30 - Ballots - there were no questions or discussion
Section 31 - Nominations; Procedure - there were no questions or discussion
Section 32 - Succeeding Officer - there were no questions or discussion
Section 33 - Immunity to Recall - there were no questions or discussion
Section 34 - State Law to Govern Where No Charter Provision - there were no questions or discussion

Ms. Johnson said the Commission had completed the items on the agenda for tonight's meeting so this would conclude tonight's meeting.

Mr. Consolo asked Ms. Johnson what Charter Articles would be placed on the agenda for the Commission's next meeting. It was the consensus of the Commission that they would discuss Articles XV, XVI, XVII and XVIII at the June 24, 2021 meeting.
there were no questions or discussion

There being no further business, Ms. Johnson adjourned the meeting at 7:18 p.m.

Passed: July 22, 2021

ATTEST:

S/S Leonette Cicirella Johnson, Clerk of Council