



**REPORT AND RECOMMENDATIONS
OF THE
2011 CHARTER REVIEW COMMISSION**

June 8, 2011

**Mary K. Brown
Chairperson**

June 8, 2011

Berea City Council
President James J. Brown
Berea City Hall
11 Berea Commons
Berea, Ohio 44017

Dear Members of Council:

The 2011 Charter Review Commission does hereby present to Berea City Council its Report and Recommendations, following a full and complete review of the Charter of the City of Berea, Ohio.

Pursuant to Section X, Item 6, of the present Charter, this Charter Review Commission was appointed by Mayor Cyril M. Kleem in January, 2011, and its members being the following persons, to wit:

Mary K. Brown, Chairperson	Kenneth R. Adams
Paul Benner	Edward L. Gibbs
Daune Jaynes	Elaine Myers
David Pease	Donald Sawyer
Daniel Smith	

In addition, Mayor Cyril M. Kleem and Matthew J. Madzy served as ex officio members. Mrs. Carol A. Hubler was appointed and served as Secretary to the Charter Review Commission.

The Charter Review Commission met in full session at regularly scheduled meetings which were open to the public in January, February, March, April and May 2011. At each meeting the Charter Review Commission considered proposed amendments and additions to the Charter and after careful review the Commission has recommended three amendments to the Charter. Additionally, the Commission considered three other items, but ultimately decided not to include these items as recommendations.

In the first portion of this Report and Recommendations, the Charter Review Commission wishes to outline the various items, which it considered but does not recommend be placed on the November ballot. The second portion of this Report and Recommendations details the three amendments, which the Charter Review Commission does recommend be placed on the November ballot.

I ITEMS CONSIDERED BUT NOT RECOMMENDED

All of the items reviewed by the Charter Review Commission had merit and might well be considered in the future.

Those items which were given full and complete consideration by the Charter Review Commission, but which are not recommended to Council to be placed upon the ballot for the electors of the City, are as follows, to wit:

- A. Eliminating the President of Council as a separately elected office;
- B. Increasing the length of the terms of Council Members; and
- C. Eliminating partisan elections.

A. Eliminating the President of Council as a Separately Elected Office

The Charter Review Commission reviewed the structure of the legislative bodies in 38 communities in Northeast Ohio. In particular, the Charter Review Commission reviewed how the presiding officers of these legislative bodies are selected. The Charter Review Commission determined that the City of Berea is the only community, of the 38 communities reviewed, which had a presiding officer that was separately elected and did not vote.

Initially, eliminating the President of Council as a separately elected office was considered as a cost saving method. However, the Charter Review Commission ultimately concluded that the value of the President of Council as a separately elected office has value beyond a mere dollar value and should be retained.

B. Increasing the Term Length of the Council Members

The Charter Review Commission also determined that no change to the current length of the terms of Council Members is necessary. Once again the Charter Review Commission reviewed the term length of the legislative bodies of 38 communities in Northeast Ohio. When comparing these neighboring communities, it was determined that twelve communities have 2 year Council terms, 25 communities have 4 year terms, and one community has both 2 and 4 year terms (2 year terms for Ward Council Members and 4 year terms for At-Large Council Members).

The Charter Review Commission felt that two year terms allowed more access to the community to participate and seek elective office.

C. Elimination of Partisan Elections

The Charter Review Commission reviewed whether partisan elections should be eliminated from the Charter. The Charter Review Commission felt that the current system of partisan elections has not lead to problems, nor is there currently a groundswell of public support for change. Likewise, the Charter Review Commission was concerned that should partisan elections be eliminated, it would lead to more run off elections in December. This could possibly lead to difficulties in getting the December run off election results certified from the Cuyahoga County Board of Elections in time to swear in the elected officials in January. Finally, there was concern that eliminating partisan elections would have a detrimental effect on several other sections of the Charter.

II. RECOMMENDATIONS

In the second part of this Report and Recommendations, the Charter Review Commission wishes to outline the three amendments, which it recommends be placed on the November ballot. The recommendations of the 2011 Charter Review Commission are as follows, to wit:

- A. Require the Director of Finance to have a Bachelor's Degree in Finance or a related field and have knowledge and experience in finance, accounting, taxation and business administration in a government setting.
- B. Increase the maximum value of an expenditure requiring prior approval by the Board of Control from \$1,000.00 to \$2,500.00 and increase the maximum value of expenditures that may be approved or ratified by the Board of Control from \$1,000.00 to \$2,500.00.
- C. Revise and amend Section XVI, Item 4 of the Charter to specify four methods of amending the Charter, including two methods pertaining to the Charter Review Commission.

What follows is the current Charter language, the Commission's recommended change, and a synopsis of the Commission's discussion for such change.

- A. Section IX
Department of Finance
Item 1(a). THE DIRECTOR
Qualifications: The Director of Finance shall have knowledge and experience in accounting, taxation, and business administration.

Recommended Change

Section IX
Department of Finance
Item 1(a). THE DIRECTOR
Qualifications: The Director of Finance shall have a **Bachelor's Degree in Finance or a related field** and shall have knowledge and experience in **finance**, accounting, taxation, and business administration **in a government setting**.

Synopsis: This proposed change was recommended to assure that in the future to be considered for the position of Director of Finance a candidate must have achieved a certain level of education and experience.

- B. Section X
Boards and Commissions
Item 4. BOARD OF CONTROL
The Mayor and the directors of the several departments established by this Charter and/or ordinance shall constitute a Board of Control. The Mayor shall be Chairman and shall appoint a secretary. No contract involving an expenditure in excess of \$1,000.00 shall be entered into without the prior approval of the Board of Control. The Board shall have such further powers and perform such further duties as shall be prescribed by ordinance. All expenditures by the City involving an amount of \$1,000.00 or less shall not be made unless approved or ratified by the Board of Control.

Recommended Change

Section X
Boards and Commissions
Item 4. BOARD OF CONTROL
The Mayor and the directors of the several departments established by this Charter and/or ordinance shall constitute a Board of Control. The Mayor shall be Chairman and shall appoint a secretary. No contract involving an expenditure in excess of **\$2,500.00** shall be entered into without the prior approval of the Board of Control. The Board shall have such further powers and perform such further duties as shall be prescribed by ordinance. All expenditures by the City involving an amount of **\$2,500.00** or less shall not be made unless approved or ratified by the Board of Control.

Synopsis: This proposed change was recommended to adjust for inflation. The \$1,000.00 threshold has been in existence for several years.

- C. Section XVI
General Provisions
Item 4. AMENDMENTS TO THE CHARTER.
The Council may by an affirmative vote of two-thirds (2/3) of all of its members submit to the electors any proposed amendment or amendments to the Charter; or upon the receipt of a petition signed by not less than ten (10) percent of the electors of the City setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of this Charter, the Constitution and General Laws of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the General Laws of Ohio.

Recommended Change

Section XVI

General Provisions

Item 4. AMENDMENTS TO THE CHARTER.

- (a) **The following methods shall be all of the methods for amendment of the Charter:**
- (1) The Council may by an affirmative vote of two-thirds (2/3) of all of its members submit to the electors any proposed amendment or amendments to the Charter;
 - (2) Upon receipt of a petition signed by not less than ten (10) percent of the electors of the City setting forth any proposed amendment or amendments to this Charter, the Council shall submit to the electors such proposed amendment or amendments;
 - (3) **Upon receipt of any proposed amendment or amendments recommended by the Charter Review Commission having to do with to any portion of the Charter, except Section IV, the Council shall submit to the electors such proposed amendment or amendments, unless by an affirmative vote of two-thirds (2/3) of all of its members, Council may decline to submit to the electors any amendment or amendments proposed and recommended by the Charter Review Commission; or**
 - (4) **Upon receipt of any proposed amendment or amendments having to do with Section IV of the Charter and proposed or recommended by the Charter Review Commission, the Council shall submit directly to the electors such proposed amendment or amendments.**
- (b) The Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of this Charter, the Constitution and General Laws of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the General Laws of Ohio.

Synopsis: This proposal includes two revisions. The first revision requires Council to submit to the electors any recommendation by the Charter Review Commission, having to do with any provision of the Charter, except Section IV, The Council, unless by an affirmative vote of 2/3 of all of its members, Council declines to submit such recommendation to the electors. The second revision requires Council to submit automatically to the electors any recommendation by the Charter Review Commission having to do with Section IV, The Council, of the Charter. The Charter Review

Commission felt that any recommendations pertaining to Council should be submitted directly to the electors and not require any vote by Council.

III. CONCLUSION

The 2011 Charter Review Commission takes this opportunity to express the personal appreciation that each Member has for Mayor Cyril M. Kleem, for the confidence that he has shown in each of us and the support that has been given to us during our deliberations. We are also grateful to many members of Council and the administration who have participated in our debates. While the Commission did expend considerable time and effort in its task, members considered it an enlightening and fulfilling experience.

With the presentation of the within Report, the 2011 Charter Review Commission is adjourned.

Respectfully submitted on behalf of the 2011 Charter Review Commission.

Mary K. Brown, Chairperson
Kenneth R. Adams
Paul Benner
Edward L. Gibbs
Daune Jaynes
Elaine Myers
David Pease
Donald J. Sawyer
Daniel Smith

2011 BEREA CHARTER REVIEW COMMISSION
JANUARY 27, 2011

The 2011 Berea Charter Review Commission met on January 27, 2011 and was called to order by Mr. Madzy. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mr. Madzy turned the meeting over to Chairwoman, Mary Brown. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Jaynes, Pease, Smith. Absent: None.

Mrs. Brown welcomed everybody to this introductory meeting of the 2011 Berea Charter Review Commission. She explained that tonight's meeting will set the stage for how they will run their meetings going forward. They will decide on dates and times of future meetings that are conducive to everyone. Mrs. Brown reported that this Commission is here to review the Charter of the City of Berea and to get their input. She liked the mix of residents, past City Council members as well as Planning Commission members that make up the Commission. Mr. Madzy is here as a representative for the City to answer legal questions as well as research items that the Commission discusses. She asked everyone to introduce themselves.

Daune Jaynes introduced herself and said she has been a resident of Berea for 21 years. She currently works at the Recreation Center in aquatics. Kenneth Adams introduced himself and said he has lived in Berea for four months and he currently is the Safety Director/Personnel Director for the City of Berea. David Pease introduced himself and said he has been a resident of Berea for approximately four and a half years. He currently works for an insurance company called the Fidelli Group. Mary Brown stated that she has been in Berea almost all of her life since Kindergarten. She currently lives on Concord Circle and has had a stint on City Council, Planning Commission and is on the Board of the BCDC. She likes to get involved and stay in touch with what is going on in the community. She looks forward to working with this group. Paul Benner introduced himself and said he graduated from Baldwin-Wallace College in 2005 and has lived in Berea for three years. His wife's family is originally from Berea and he is a real estate agent here in town. Ed Gibbs introduced himself and said he lives and owns a business on Lincoln Avenue. He has been in Berea for approximately 21 years and he has served two terms on the Charter Review Commission. Dan Smith stated that he has been a Berea resident his whole life. He currently serves on the Coe Lake Committee and has a background in real estate/property tax. Mary Wilson introduced herself and said she grew up in Berea and went to Berea High School as well as Baldwin-Wallace College and moved back to Berea last year.

Mr. Madzy stated that he is the Director of Building, Engineering and Planning for the City of Berea. He has been a member of the Charter Review Commission in the past acting as legal advisor for the Commission. He explained that as they go through the Charter, Section 10 talks about the different boards and commissions for the City and one of the articles states that there is a Charter Review Commission. This Commission is to convene every five years and be composed of nine electorates from the City of Berea. The purpose of the Commission is to review the Charter and see if there are any changes that are necessary.

Mr. Madzy reported that the changes to the Charter can come in three different ways. They can be an addition, a deletion or a modification of something existing. The review process begins in January of the five-year period and any proposed changes have to be submitted to Council for their approval before they can go on the ballot.

Mr. Madzy discussed the schedule and pointed out that in this instance the Commission will almost need to work backwards. The election is in November and the Board of Elections will need the proposed amendments by the beginning of September which means that City Council will need to have everything approved by the beginning of September. City Council goes on recess generally in the months of July and August so they will need to have everything approved by the second Council meeting in June which would be third reading; second reading would be the first meeting in June with first reading being the second Council meeting in May. Mr. Madzy stated that in reality this means that the Charter Review Commission will need to have their job finished by the end of April or the very beginning of May.

Mr. Madzy said that the Charter has approximately 36 pages with four or five pages being the table of contents. He broke it down into manageable sections with a section being reviewed at each meeting. He proposed that the Commission either meet once a month on Saturdays at 9 a.m. or meet on Tuesday evenings at 6 p.m. They would meet once in February, March, April and May.

Mr. Madzy indicated that this is a very neat process and it is interesting because the members will get a good background on what is in the Charter. There are some sections that are more complicated than others and they will get through those together. He told the Commission they could call or e-mail him with any questions.

Mrs. Brown said she forgot to mention earlier that she was on the Charter Review Commission last time and has gone through this process once already. She agreed with Mr. Madzy and stated it is a neat process. The members get to know the ins and outs of what is in the City Charter especially if they have never read it before. She was hopeful that they would have some good discussions and bring some things to the table, however, she pointed out that just because they bring changes to the table does not necessarily mean anything will be changed. All proposed changes would need to be approved by City Council and then it has to go on the ballot for the residents to vote on. So the Charter Review Commission only makes recommendations to City Council and then to the citizens of Berea. Mr. Gibbs said that the Commission made some good changes last time and Mrs. Brown agreed.

Mr. Madzy explained that the main purpose for tonight's meeting was to come up with an agenda, a meeting schedule and the meeting format. He reported that he and Mr. Gibbs were part of the process in 2001 and there was a lot of public input at that time. He said they reserved approximately 15 minutes or so at the beginning of each meeting for public input. He said in 2006 there was not as much public input and Mr. Gibbs did not recall there being any public input at that time. Mr. Gibbs noted that the meetings are open to the public and by law, they are advertised in the newspaper.

Mrs. Brown pointed out that there was one change on the proposed meeting schedule that needed to be made. She said if the meetings are held on Saturdays, the March 19th meeting would need to be changed to March 26th because she would be out of town the week of the 19th. Mr. Gibbs stated that he could not meet on Saturdays and that Tuesday evenings were better for him. In response to Mrs. Brown, everyone agreed and said Tuesday evening meetings were preferred. Mrs. Brown indicated that some meetings can go an hour to two hours so if the meetings are held on Tuesday nights, the members may not be getting home until 9:00 or 10:00 at night but she hoped to keep them to a minimum. Mrs. Brown stated if the meetings would be held on Tuesday evenings, then she asked that the March 15th meeting be changed to March 22nd because she would be out of town the week of the 15th.

Mr. Adams asked if it was safe to assume that everybody knew what the Charter is and knew the difference between the Charter and ordinances. Mr. Madzy said it would be best to clarify this. Mr. Madzy used the analogy that the Charter is the framework of your house and the ordinances are the siding that goes around your house. So the Charter sets the framework for how the City operates in major ways whereas the ordinances are more minor things of how the City works, the laws but additionally, the process in which things are approved.

Mr. Madzy explained that a Charter Amendment has to be voted on by the voters of the City whereas an ordinance can be changed by City Council. The Charter is far more significant and when the Commission is recommending changes, Council will not be able to just change these at some other time. They will be significant changes and Mr. Gibbs added that their changes will stay in effect for at least the next five years (until the next Charter Review). Mr. Adams pointed out that the main thing is the vote of the people and conceptually the Commission needs to understand that they will be changing the framework of the City.

Mrs. Brown agreed with Mr. Adams and said they would not be making slight changes to words here or there but rather changing an idea. Mr. Madzy said this was a good point and gave an example of how there was once a proposal to take the numeric numbers out of the Charter. He said anytime there is a Charter Amendment it has to go on the ballot which cost money and it also is an additional amendment that the voters will have to vote on. Due to this they should not recommend minor typos and things like that. They should be looking at if changes need to be made to bigger principles/bigger ideas. Mr. Gibbs agreed and pointed out that it is very expensive to put a Charter Amendment on the ballot (approximately \$10,000 for each amendment) and the tax payers would have to pay for it so a certain amount of prudence is necessary.

Mr. Madzy explained that the Commission will not be looking at things like speed limits or barking dogs but rather terms of the Mayor, etc. Mr. Gibbs discussed a change that was made a few years ago regarding succession to the Mayor if the Mayor ever became incapacitated for some reason and could not perform his duties. Originally the Charter called for the President of City Council to take over, however individuals who were serving as President of Council were employed and could not just give up their jobs for weeks or months at a time to run the City. The Commission changed the Charter so the Service Director would be the next in line.

Mr. Smith asked if the Mayor or Council members have proposed any changes yet and Mr. Madzy reported that no proposals have come up yet and this was something they would discuss under format of meetings. Mr. Madzy said there would be a time during each meeting to give them an opportunity to speak and that a meeting schedule would be submitted to the members of Council as well as to the Directors of the City. If they would have any proposed changes they could come to the meeting and give a presentation on what they feel should be a necessary change. Mrs. Brown pointed out that last time, Mayor Biddlecombe attended several of the Charter Review meetings and she was hoping that Mayor Kleem would also join them periodically, if not every time.

Mrs. Brown moved onto discussion regarding format of meetings and stated that Mr. Madzy had already started this with the public participation. They would set aside maybe 15 minutes at the beginning of each meeting for members of the public to speak. They may or may not need this time depending on if anyone shows up, however, they are open meetings so the public is entitled to come and express their opinions. If no one shows up then obviously they can move onto the next part of the meeting.

Mrs. Brown noted the next part of the meeting would be “read the Charter section”. In response to Mrs. Brown, Mr. Madzy said this would be to confirm that everyone had a chance to read that section of the Charter and to answer or discuss any questions they might have. This is to ensure that everyone has an understanding of the section. If a Director or member of Council has an idea and submits a presentation, this will confirm prior to the presentation that the Commission members understand that particular section. Mrs. Brown stated that serving on this Commission does require a little bit of homework and that they just cannot come to these meetings and show up. They are expected to take the Charter home and read it over and come back to the next meeting with any questions they may have regarding that section. A discussion would occur at that time.

Mr. Adams asked if the Commission members would want the information in advance from the Council members or Directors who want to make a presentation. In response to Mrs. Brown, Mr. Madzy said with everyone’s contact information, one of the things he will be able to do is get copies of the minutes from the last meeting as well as any other information to the Commission members approximately one week to 10 days prior to the next meeting. He felt it was a good idea to have the Commission members read the presentation against the Charter at home before coming to the meeting and hearing the presentation. Mr. Adams suggested that they make it a rule that a request for an amendment be presented in advance.

Mr. Gibbs stated that these meetings really flow along without a lot of bumps. He felt there had to be a certain amount of flexibility here because public input is very important. Mr. Adams asked if they get the amendment on the day of the meeting, how much research and study can they actually put into it before they actually look into actually voting on it. Mr. Gibbs explained that they would listen to them at the meeting and then at the next meeting they could discuss it again and the person who presented it may not necessarily be there. He said they cannot get the public, the Directors or the Council to make a presentation ahead of time. He highly doubted they would get them the information ahead of time.

Mrs. Brown stated that they could always back up and recap the previous meeting at the next meeting to ensure that everyone was clear from the previous meeting and if there were any questions or comments on anything that was submitted. She knew from being on different groups and on City Council, that sometimes you do not get information until the day of the meeting so it might be a little tough for Mr. Madzy to get the information to everyone ahead of time and for everyone to absorb it ahead of time.

Mrs. Brown reported that they will not vote on anything as they go along. They will vote on everything at the very end. Mr. Gibbs agreed and explained that last time they brought everything along to the end and then made a final decision on what would be presented to Council for their approval. Mrs. Brown pointed out that they made notes as they went along and someone kept track of them. As they went through each section and discussed it, they decided if they wanted something to move forward or to let it drop. By the last meeting there may be three or four main things that they want to change and then they remind themselves again that this is going to cost money to put on the ballot and will have to go to Council and then to the voters. Is it really that big of a change that they need to submit it.

Mrs. Brown said they would review it in sections and then decide if it moves forward or gets dropped. Everything will still be reviewed at the very end. Mr. Madzy referred to #5 and asked if they will get a barometer of how everyone feels about something and if it is a proposed change, he could start working on what the language of the change would be in advance. Mrs. Brown stated yes and Mr. Gibbs reiterated that they would have the final vote at the final meeting.

Mr. Benner inquired if these presentations/ideas would be from one individual or are they something that is brought up by Council. Mrs. Brown replied that it could be either or. If a Council member, the Mayor or one of his Directors feel strongly enough about something that is in the Charter from their day-to-day activity, they may come forward and request a change. It could also be a resident who does not like something in the Charter. It might not make sense but they need to listen to it and say whether it is valid or not. But whether it goes forward and makes sense is up to Mr. Madzy. He will have the final say whether they can or cannot do something.

In response to Mr. Adams, Mr. Madzy explained that they need to have five members present to have a quorum to do business. At the last meeting when they are actually voting if there are only five members present, all members would have to vote in the affirmative to approve a recommendation. The Charter says they must have the majority of all members of the Commission. Mr. Gibbs asked who the two members were that were not present this evening. Mr. Madzy named Elaine Myers and Don Sawyer and stated that Mary Wilson had been appointed as an alternate. Mr. Madzy

indicated that he would speak with Mrs. Myers and Mr. Sawyer next week to confirm that they are still interested in serving on the Commission. If they are not, then Ms. Wilson is here as the alternate.

In response to Mrs. Brown, Mr. Madzy gave his contact information to the Commission (440-826-5803; mmadzy@cityofberea.org).

There being no further business to come before the Planning Commission, moved by Gibbs, seconded by Jaynes to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 6:35 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 27th day of January, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary

2011 BEREA CHARTER REVIEW COMMISSION
FEBRUARY 15, 2011

The 2011 Berea Charter Review Commission met on February 15, 2011 and was called to order by Mrs. Brown. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Myers, Pease, Sawyer, Smith. Absent: Jaynes.

Moved by Gibbs, seconded by Smith to approve the minutes from the January 27, 2011 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

Mrs. Brown announced that two new members were present this evening, Elaine Myers and Don Sawyer who were not in attendance at the last meeting. In response to Mrs. Brown, Mr. Madzy swore in Mr. Sawyer and noted that he had previously sworn in Mrs. Myers.

Mrs. Brown referred to the Commission Member Roster that everyone received in their packets. She reported that her e-mail address is incorrect on the roster and gave her correct e-mail address as mary.brown1@usbank.com. Mrs. Myers asked everyone to add her e-mail address to the roster (emyers34@aol.com).

Mrs. Brown reported that she had sent an e-mail to all City Council members inviting them to this evening's meeting. She stated that as was discussed at the last meeting, their recommendations would go to City Council and then to the voters. She pointed out that there were a few Council members present this evening and she thanked them for being here.

Mrs. Brown indicated that they would follow the same agenda from the first meeting and noted that Public Participation is listed as being the first 15 minutes of each meeting. She opened the floor to the public.

Councilman Nick Haschka said he had two suggestions that he would like the Charter Review Commission to take a look at. One of them is changing the terms of Council from two years to four years and he explained his reasoning for this. He explained that when you are first elected to office it takes time to "get your feet wet" and to know the ins and outs of what is going on. Before you know it you are in your second year and up for election again. He said it takes away from what they are elected for. He recommended that Council terms run concurrent with the mayoral term which is four years.

Councilman Haschka said his second request is for the Commission to look at language being added to the Charter that would prevent spouses serving on Council at the same time. He felt this created an issue with voting power and that it casts a shadow of a doubt on them. In response to Councilman Haschka, Mrs. Brown suggested instead of spouse or husband and wife, they use the term "family member". Councilman Haschka agreed with the term "family member".

Councilman Dale Lange stated that he came here this evening for basically the same thing. He totally concurs with Councilman Haschka regarding the four-year term for Council and also family members serving on Council together. He also referred to Section IV, Item 1 of the Charter (Membership, Election, Qualification and Term) "all members of Council should be elected for a term of two years commencing on the first Sunday in January following a regularly scheduled election". Councilman Lange said this is not a major thing but it has come up for a second time this year. This happens to be New Year's Day which he pointed out is very difficult for people to attend. He recommended that this section read "on the first Sunday in January....unless that day is a legal holiday then it will be the day following".

In response to Mrs. Myers, Councilman Lange explained that after Council members are sworn in there must be an organizational meeting within 24 hours. Councilman Haschka stated that they could then have this meeting on Monday. Councilman Lange reported that the swearing in is a very small event when it is just Council, however, when the Mayor is also being sworn in, the event is usually held at Baldwin-Wallace College. He said when the swearing in falls on New Year's Day it disrupts whole families.

Councilman Haschka stated that this year's swearing in will fall on New Year's Day. Mrs. Brown asked if New Year's Day is on a Sunday would Monday be considered the legal holiday for the City. Mr. Madzy stated yes and if New Year's Day is on a Saturday, the legal holiday would be the preceding Friday. Mr. Gibbs questioned when this would happen again and Mr. Madzy explained that it would occur once every six years but it would also have to be a Council election year that same year as well. Councilman Lange said he did not realize this so maybe they will not want to change this.

Councilman Lange next explained that he is the Finance Chairman on Council and he often sits in on Director's meetings and harps about saving money. He recommended that Berea do what other cities have done in the past and eliminate the position of Council President as an elected position. This would save the City approximately \$12,000 a year. He pointed out that Council meetings can be run very easily with a Council Pro Tem President and this member of Council can also vote. Currently the President of Council does not vote. He felt that in these tough economic times, doing this would be a money saving matter for the City.

Mrs. Brown asked if there was anyone else in the audience who wanted to make a comment or ask a question and there were no replies. Mrs. Brown moved onto the Charter and stated that the Commission would be reviewing Sections I through V this evening. Mr. Madzy suggested that they go through the Charter section by section to acknowledge that everyone has had a chance to read through it and understand it.

Mrs. Brown started with Section I, Name and Boundaries. Mr. Adams asked for clarification on how the Commission is going to handle recommendations. He asked if all recommendations would be accepted or will they have a motion and vote on it at the end. He pointed out that they have had three recommendations already this evening from individuals who are not on the Commission.

Mr. Adams inquired if all recommendations will be considered motions and discussed as motions or will one of the Commission members take a recommendation and make a motion at the very end for consideration. Mrs. Brown replied that she thought they had decided to not make any recommendations until the end when the Commission does their final wrap up. She said they would keep track of all recommendations made until the very end.

In response to Mrs. Brown, Mr. Madzy clarified that he thought they would have a general consensus involved with the changes whereby giving him a heads up on how to start writing the changes. As they go through the process they would have a final motion as to what changes should be included in the final meeting. He pointed out that he would be keeping track of these recommendations as they go through the Charter. Mrs. Brown reminded everyone that on May 3rd the Commission will have the summarized proposed changes and at that time they will decide which changes they will submit to Council.

Mrs. Brown reiterated if anyone had any questions or comments regarding Section I, Name and Boundaries. With no response she next moved to Section II, Powers and then onto Section III, The Mayor. She noted that Section III was on Page 6 and this section talks about the Mayor's duties and powers, terms and qualifications. Councilman Lange indicated that upon the last Charter review and with Council's approval, the Charter was changed whereby the Council President is no longer the successor to the Mayor (Acting Mayor). Not only was this a cost-saving matter as he stated earlier but now the Director of Service serves as successor/Acting Mayor.

Mrs. Brown asked if anyone had any questions or comments about Item 4 or Item 5 under Section III. She asked Mr. Madzy if the Mayor approves an ordinance or resolution presented to him by Council and the Mayor has ten (10) days to sign it after it is passed or adopted by Council, if there is a successor to the Mayor during this time, who would sign these documents. Mr. Madzy explained that this would be covered under another section of the Charter that talks about the duties of the Acting Mayor upholding the duties of the Mayor which would include what Mrs. Brown has described.

Mr. Smith asked what constitutes a bona fide resident of the City as mentioned under the Mayor and Council Member. In response, Mr. Madzy referred to Page 8, Section IV. The Council – Item 1. This section states each council member should be a qualified elector of the City and a resident, however, under the same section with regards to the Mayor it says he should be a bona fide resident. Later in the same section, the last sentence talks about the member representing one of the Wards of the City shall in addition, be and continue to be a bona fide resident of the City.

Mr. Madzy pointed out that the word bona fide is used in different instances in the Charter. He explained that generally in law when you are reading statutory construction that if there are certain words that are used you interpret that as if the word is not used elsewhere and so it was not used on purpose. He questioned why bona fide is used here and not used there and stated that he did further research on the word bona fide earlier today. He found that it is generally left to the interpretation and whether somebody actually does live someplace. The way this could be proven would be by producing utility bills, etc.

In response to Mr. Madzy, Mr. Adams recalled going through several residency issues while serving as a union rep for the Cleveland Police and Fire. He remembered it being a place that a person leaves and intends to come back to and resides there. He felt that a bona fide residence is definitely different from an elected address. He indicated that the Board of Election has a definition for a resident and he suggested they look up this definition and see if it fits and possibly use their definition in the Charter. Mr. Gibbs felt this was a good idea and Mr. Madzy said he would look up this definition with the Board of Election and bring it to the next meeting.

Mr. Madzy stated that he found it interesting that the Charter uses bona fide when talking about the qualifications of the Mayor but not used for the qualifications of Council, however, later it is used as a qualification for Ward. He said he would look at this as there being a specific reason that it was omitted although he pointed out that the Charter does contain typos which the Commission members will find as they go through it.

Mrs. Brown went onto Item VI on Page 7 – Succession to the Office. Mr. Benner asked about part (c) where it talks about being unable to perform which he felt was vague. He asked if this meant specifically lasting more than 60 days or is it at that 60-day point that someone would succeed. Mr. Madzy clarified that this would mean at the 60-day point. Mrs. Brown commented that if she remembered correctly they left this a little vague on purpose the last time they reviewed the Charter. Mr. Madzy agreed and said that they would know it if it happened. The Mayor or member of Council would not physically be around for 60 days. Mr. Gibbs added that last time the Commission felt they did not want to make this too definite because something would always be left out. Mrs. Brown noted that they talked about all different instances such as mental capacity.

Mr. Pease questioned part (a) and asked what the previous Charter Review Commission's line of thinking was about the order of succession and why they decided to change the Mayor's successor to the Director of Service. Mr. Gibbs explained that previously the Charter read that the Mayor's succession was to the President of Council and the individuals who serve as President of Council hold full-time jobs elsewhere. Mr. Gibbs pointed out that the current President of Council is an Assistant/Associate Dean at Kent University. He could not just give up his career to run the City. The Commission felt that the next best person to replace the Mayor would be somebody who was close to the Mayor and familiar with the day-to-day operation of the City. They believed that the City's Service Director was as close to an Assistant Mayor as they could get. They felt the President of Council was not really equipped to run the City and most of them could not give up their jobs or careers to run it.

Councilman Haschka added that he was on the Planning Commission at that time and the Service Director is hands on, day-to-day and knows what is going on versus bringing the President of Council in who does not have the day-to-day knowledge of running the City. Mr. Pease agreed with Councilman Haschka and felt it should be someone who is a Director.

Mr. Adams reported that the Charter also states that the Mayor can file an order of succession with the Clerk of Council on the day he assumes his office so it is not automatically the Service Director. In response to Mr. Adams, Mr. Madzy noted that there is a default and the default is the Mayor's order of succession. Mr. Gibbs clarified that it is the Service Director unless the Mayor changes it when he comes into office.

Mrs. Brown continued with Section III, Item 7 – Location of Office. There were not comments or questions so she moved onto Page 8, Item 8 – Right of Mayor and Directors in Council. No one had any comments or questions regarding this item.

Mrs. Brown proceeded to Section IV. The Council, Item 1 – Membership, Election, Qualification and Term. She reminded everyone that this is the section that Councilman Lange and Councilman Haschka made the suggestion earlier this evening to change the current two-year term of council members to four-year terms. Mrs. Brown said she agreed with them on this and discussed her past experience on Council. She explained that this would be a cost-saving measure for the City due to currently having a separate ballot every two years. She indicated that she would make this recommendation.

Mr. Adams agreed with Mrs. Brown but felt they should discuss staggering the elections so they are not turning over the whole Council in one election. He said staggering the elections would provide continuity. In response to Mr. Adams, Mrs. Brown noted that the problem she could see with staggering would be that it would not be a cost savings to the City because there would be elections every two years anyway. She did not feel that doing this would be the best thing for the City. She pointed out that Council can be turned over every two years currently because you can have all new Council members learning for a year and then campaigning for their second year.

Mr. Adams stated that there is some value to staggered elections and the Commission should weigh the pros and cons and determine whether they want to use them or not. Mr. Sawyer agreed with Mr. Adams and discussed his experience serving on both the Planning Commission and the Heritage Architectural Review Board.

Mr. Gibbs asked if Mr. Adams was talking about staggering the elections between the Council and the Mayor or staggering the Wards. Mr. Adams explained that he was referring to staggering the Ward Councilmen and the At-Large Councilmen so the whole Council does not turn over all at one time. Mrs. Brown felt that it had to make sense to the voters and a cost saving to the City would make more sense to them.

Mr. Smith referred to the US House of Representatives and US Congress and stated that they seem to make it work under two-year terms and he believed that at the City Council level it would be feasible to keep the terms two years. In response, Mr. Gibbs stated that two-year terms can work and they have worked here for many, many years, however, it might be better to go with four-year terms. In response to Mr. Smith, Councilman Lange commented that Congress should not be two years either. Mrs. Brown added that with two-year terms, there always seems to be a constant election, campaigning and running.

Mr. Benner asked if they do go to four-year terms and the elections are not staggered, would this be too many new faces on Council. Mrs. Brown replied not necessarily. There will be the same faces for four years instead of two but every four years new members could join. She said it was a good thing and it was a bad thing depending who is on Council and if you have a good

council that is really working towards the City and has the momentum going. She explained that it does take a while just to get your feet wet and then when you understand everything it is time to campaign again. She compared it to a mayoral term and indicated that she could not imagine a mayor being two year terms because he or she would not get anything done.

Mr. Smith suggested that a survey be done of a hand full of local communities to see what their terms are. Mr. Gibbs added find out if their elections are staggered also. Councilman Haschka responded that he has checked into this and some communities have two-year terms for Council and some have four-year terms. He felt that two-year terms take away from what they are elected to do.

Mr. Benner inquired if there was a way to get an estimate of what the cost savings would be to the City if they went to four-year terms for Council. Mrs. Brown asked if anyone knew how much it costs for the City to hold an election. Councilman Haschka noted that usually unless there is a bond issue or something of that nature on a Council election year, voter turnout is very, very minimal. A member of the audience stated that a lot of people now vote absentee and Councilman Haschka said that even with absentee it is still minimal. When there is a mayoral race, council race and any issues on the ballot they tend to get a better turnout at the polls and better involvement from the community.

Mrs. Brown moved onto Item 2. President of Council. She raised a question regarding “the President of Council shall be elected by a popular vote and have the qualifications of councilman-at-large”. She asked if the Charter addresses somewhere that the President does not have a vote. Discussion ensued.

Mr. Madzy referred everyone to the first section on Page 8 – Section IV, Item 1. Membership. “The legislative powers of the City shall be vested in a Council consisting of seven (7) members. One (1) Member shall be elected from each of the five (5) wards of the City, and two (2) Members shall be elected from the City at large”. He explained that legislative powers are assigned to these individuals only so he did not think that there is something in the Charter that specifically states that the President of Council does not vote on ordinances. It only states who does vote and President of Council is not included in that group. Councilman Haschka stated that if the President of Council were allowed to vote that would make eight members of Council and how would you rectify a tie vote at that point. He felt that this is why it was written the way it was.

Mrs. Brown proceeded to Page 9 - Section IV, Item 3. Organization and Duties. Mr. Adams noted that earlier this evening an issue about eliminating the President of Council position came up. Mrs. Brown stated that she did jot this down as a recommendation and Mr. Adams indicated that he did not have anything else to add to that. Mr. Gibbs reminded everyone that on May 3rd they will go over these things carefully. Councilman Lange pointed out that other cities have eliminated the position of Council President. In response, Mrs. Brown said that they will look at neighboring cities.

Mr. Sawyer referred to Item 3. Organization and Duties, the fourth paragraph down and asked Mr. Madzy to interpret this. Mr. Smith asked if the City Charter trumps the State Law and Mr. Madzy said it does. Mr. Madzy explained that generally what happens is there are two types of municipalities within the State. There are charter municipalities and non-charter municipalities. If you are a charter municipality like the City of Berea is, you have sketched out a document on how you are going to operate the city. If you do not have a charter then there is a set of regulations in the Ohio Revised Code that you would operate under. If there is something that is not covered in the Charter but is covered in the Revised Code then the City would use that section.

Mr. Smith raised concerns regarding the second paragraph under Item 3. "If Council fails within thirty (30) days to fill a vacancy, the power of Council shall terminate". Mr. Smith felt that this should be clearer because it could open the City up to a frivolous law suit. He suggested that it say the power of council to name a successor shall terminate. Mr. Gibbs agreed and said this would make it clearer. Mr. Madzy pointed out that they could read things piece by piece and come up with an interpretation but he felt the Charter should be looked at by what is the context in which they are speaking. Mr. Madzy said the remote possibility of a lawsuit versus the cost of putting something on the ballot, the cost benefit analysis, would be something that the Commission would have to look at anyway.

Mrs. Brown proceeded to Item 4 (a) Regular Meetings and (b) Public Meetings and there were no comments or questions. Mrs. Myers referred to the last sentence of (c) Special Meetings and asked if this means they cannot transact other business afterwards. Mr. Madzy explained that it sets the priority of what is going to be discussed at the special meeting but they could discuss other business afterwards. Mr. Gibbs asked if special meetings were open to the public and Mr. Madzy said yes.

Mrs. Brown went to (d) Compel Attendance and then moved onto (e) Emergency Meetings. Mr. Smith inquired about the time frame for a written notice for an emergency meeting. He pointed out that under part (c) Special Meetings it states that a 24-hour written notice is required, however, it does not specify the time frame under (e) Emergency Meetings.

In response to Mr. Smith, Mr. Gibbs explained that in the past an auxiliary police car and uniformed officer would deliver the written notice to each member of Council but they usually gave them a 24-hour notice. Mr. Gibbs said he could see it was not clear but they have never had a problem with it. Mr. Madzy added that it appears in (e) as far as the form of the notice and the procedure, you would revert to back to part (c). In response to Mr. Smith, Mr. Madzy clarified that the emergency meeting is called by the Mayor or President of Council by written notice as provided in (c) and the notice is in writing as opposed to just a verbal notice.

Mr. Smith asked what the criteria are for calling a special meeting versus an emergency meeting since they are both 24-hour notices. Mr. Gibbs indicated that any three members of Council can have a special meeting, however, emergency meetings are only powered by the Mayor or President of Council. Mr. Smith noted that in part (d) it mentions that there must be two-thirds of the members in attendance at a special meeting. He asked how many members must be in attendance for an emergency meeting and who takes the minutes of these meetings.

Councilman Lange replied that the Clerk of Council is given the same meeting notice and she takes the minutes of the meetings. Mrs. Brown added that even if the Council members were to call a committee meeting with three or more people, they must have the Clerk there to take minutes. Mr. Madzy told Mr. Smith that he was correct in that the Charter does not state how many members need to be present at an emergency meeting. He said he would look into this further.

Mr. Smith referred to Page 11, Item 6. Emergency Measures. He pointed out that it states that for an emergency measure to pass they need two-thirds of the members elected so theoretically they could have a meeting but do not pass anything. Mr. Gibbs added that the Mayor could also call an emergency meeting to apprise the Council members of what is going on. Mrs. Brown agreed with Mr. Gibbs and said emergency meetings are usually informational and legislation is not necessarily passed.

Mr. Madzy reported that emergency measures have also been a bit of a misnomer at times because they also call it an emergency clause. An emergency clause can be something added to any piece of legislation considered an emergency. He stated that the Charter basically talks about the timeframe of one or the other.

Mr. Smith asked if emergency meetings have been held in the past and Mr. Gibbs said he could not recall one. Councilman Lange recalled meetings being called if something “falls through the cracks” and Council needs to get something approved for a contract or something of that affect by a certain

deadline. He was uncertain if these were emergency meetings or special meetings. Mr. Gibbs explained that with an emergency meeting the mayor only has to confer with the President of Council and get his or her agreement whereby a special meeting you only have to have three members of Council do it. Mr. Madzy added that another time special meetings have been called is in the summer when Council is on recess. He stated that essentially a special meeting is one that is not under the usually scheduled first or third Monday. Councilman Haschka agreed with Mr. Madzy and said he did not recall having emergency meetings. They were special meetings.

Mr. Smith agreed that (c) and (d) are tied together and he could see the purpose of the special meeting, however, part (e) Emergency Meetings has a lot of loose ends. Mr. Madzy replied that it is almost like it is another item that is in the "tool belt" so to speak to use but it has not really been used. Mr. Smith thought emergency meetings may be used in a national emergency or crisis of some type where the Mayor needs to act quickly. He felt it might benefit the City to iron out exactly what the intention of an emergency meeting is.

Audience member, Gary Brown reported that he has asked this question in the past and was given the example of a reason to have an emergency meeting as a major water main break and to get authorization for some outside contractor that goes beyond the normal appropriation limit to get it fixed immediately. Mr. Madzy reminded everyone that they are changing the Charter so this is the time to review this.

Mr. Adams noted that if you look at the difference between a special meeting and an emergency meeting, at a special meeting you can only discuss the subject matter that was in the written notice. At an emergency meeting, other things can come up and be discussed. In response to Mr. Adams, Mr. Gibbs stated that emergency meetings are more flexible. Discussion ensued.

Mr. Madzy referred to part (e) Emergency Meetings. These meetings can be called by the Mayor or President of Council by written notice and as Mr. Gibbs stated earlier, this gives the President of Council some authority that is not given in the special meeting section. It also states as per written notice as provided in (c), hereof given at any time up to the time of the meeting. Mr. Madzy apologized for stating earlier that it rolls into (c) 24-hour notice but it looks like it does not. He clarified that it looks like (c) you are probably personally serving the notices as opposed to the timeframe and then the timeframe is wiped out by "hereof given any time up to the time of the meeting". So it looks like the primary difference between the two meetings is the President of Council being able to call an emergency meeting but also the time requirements.

Mrs. Brown proceeded to Item 5. Form of Legislative Action. She pointed out that at their last meeting Mr. Madzy explained the difference between an ordinance versus a resolution. There were no further questions or comments regarding Item 5. Mrs. Brown moved onto Item 6. Emergency Measures. In response to Mrs. Brown, Mr. Madzy clarified what an emergency measure is. He stated that an emergency measure is often called an emergency clause and is essentially the timeframe in which things can take effect. People quite frequently confuse the three-reading rule and the emergency clause. The three reading rule states that an ordinance should be read three times, essentially over the course of six weeks at a Council meeting. People frequently think that if the three-reading rule is waived, it is an emergency clause. This is not correct. An emergency clause essentially is used with ordinances. An ordinance is effective thirty (30) days after the Mayor signs it and becomes good law. When an emergency clause is stated and the ordinance has gone three readings, as soon as the Mayor signs the ordinance that is when it becomes effective. It does not have to wait the thirty (30) days.

Mrs. Brown proceeded to Item 7. Effective Dates of Ordinances and Resolutions and Item 8. Franchise. Mr. Gibbs asked Mr. Madzy if the City does any franchises and Mr. Madzy replied that they used to do cable but the Ohio Revised Code has changed and now regulates cable and television. Mr. Gibbs asked about the communication companies that install antennas on the City's water towers and Mr. Madzy stated that these are through a separate agreement and are not considered franchises because the antennas do not cross over public streets or public real estate. They are on structures.

Mr. Smith asked what the difference is between the Ohio Revised Code and the general laws of Ohio. Mr. Madzy explained that they used to call the Ohio Revised Code the general laws. The general laws are generally the Ohio Revised Code but also includes case law, the Ohio Administrative Code and things of that nature. The Ohio Revised Code is a little bit more specific and it took the power away from the cities for the cable and television. Mr. Smith pointed out that earlier it was mentioned that the City Charter can override the general Ohio law and Mr. Madzy replied not in this instance. The City cannot take control of something that is now a State function.

Mrs. Brown proceeded to Item 9. Division of Municipality into Five (5) Wards and asked if it is time for the City to do another tracking with all of the new housing. Mr. Madzy reported that the City is due for this next year (2012) and that it is a function of City Council. Councilman Lange explained that although it is due to be done in 2012, it would not take effect until the election of 2014. He said he would bring this up at the next Council meeting.

Mrs. Brown moved to Item 10. Salaries and Surety Bonds. Councilman Lange reported that usually as Finance Chairman, it is his responsibility to set or recommend what the City's pay scale should be. He pointed out that the City of Berea's salaries are well below the average of the surrounding communities but every community is a little bit different. He explained that a 1% increase for both the Mayor and City Council was approved by Council last year and will take effect in 2012. Councilman Lange explained that they froze their wages for four years during these tough economic times.

Lastly, Mrs. Brown moved to Item 11. Use of Term "Elected" and Section V – Administrative Departments. She pointed out that there are some cities that elect some of these offices but the City of Berea has the Mayor appoint them. In response to Councilman Lange, Mr. Madzy explained that his department (Building) is commonly called a department but is actually a division under the Department of Public Service. The Mayor also has the authority to move divisions and departments around. The Division of Permits and Inspections as well as the Division of Engineering are under the Division of Public Service.

Mr. Adams pointed out that the State statutory required offices are usually listed in City Charters. The City of Berea's Charter reads like most of them in that it says that Council can create other divisions and these then go into the ordinance. The difference between the departments spelled out in the Charter versus the departments/divisions created by Council is the Charter can only be changed by voter approval whereas Council can change the departments/divisions they create. The State requires a City to have a Public Safety Department, a Law Department and a Finance Department and he noted that he has never seen a mandatory Recreation Department in a Charter.

Mr. Smith asked for clarification on the cost to put proposed Charter changes on the ballot. He said he could understand the first proposed change costing \$10,000 but each change after that should not cost the same amount of money. Mr. Madzy stated that the changes would be cheaper in bulk and Mr. Smith said that if they decide to take the plunge on a major issue they will need to keep the other little things in mind.

In response to Mr. Smith, Mrs. Brown pointed out that any proposed change will be put on the ballot so they need to make sense to the voters. She said they would not want to confuse the constituents. Mr. Madzy reported that they have found that if there are several changes on the ballot, the number of votes per item goes down so you lose voters further through the ballot. He said another thing for them to keep in mind is the way they are laid out is how they are presented in the Charter.

Mrs. Brown announced that Gary Brown was present in the audience this evening and he had previously served on the Charter Review Commission. She hoped he would be able to make it to all of their meetings. Mrs. Brown announced that the next meeting will be on March 22, 2011 at 6:00 p.m. where they will be reviewing Sections VI through XI.

There being no further business to come before the Charter Review Commission, moved by Gibbs, seconded by Myers to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 7:10 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 15th day of February, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary

2011 BEREA CHARTER REVIEW COMMISSION
MARCH 22, 2011

The 2011 Berea Charter Review Commission met on March 22, 2011 and was called to order by Mrs. Brown. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Jaynes, Myers (left at 7:05 p.m.), Pease, Sawyer, Smith. Absent: None. Also present: Matt Madzy.

Moved by Myers, seconded by Gibbs to approve the minutes from the February 15, 2011 meeting. Vote on motion was all ayes; no nays. The minutes were approved.

PUBLIC PARTICIPATION: None

PRESENTATION FROM MEMBERS OF COUNCIL OR DIRECTORS:

Mrs. Brown reported that Mr. Madzy had collected information from 38 Greater Cleveland communities and everyone has received a copy of this information. She pointed out that if the Commission would like to make some recommendations based on this information that they should have a good quality discussion on it. She suggested that they call a special meeting to discuss this as they had five sections of the Charter to review this evening and she did not want to get off schedule.

In response to Mrs. Brown, Mr. Madzy explained that they have previously discussed having the last meeting in May be a wrap-up meeting. He raised concerns about this meeting being very busy and also needing time to figure out how to make the changes. He said looking at what other cities do, some communities have four-year Council terms which are staggered. They would need to figure out how to stagger the terms as well as what to base them on.

Mr. Madzy recommended that they have a special meeting to discuss this particular issue. The Commission will need to determine what they want to change and how are they going to do it. There will be more options to look at and discuss and each question that gets answered could potentially bring up another question. Mr. Gibbs agreed with Mr. Madzy and stated that a special meeting would be appropriate. It would give them time to concentrate on just that subject and not worry about the pressure of what Charter sections they need to read.

Moved by Adams, seconded by Gibbs to schedule a special meeting prior to the next regularly scheduled meeting to discuss elimination of Council President as well as changing the terms of office for City Council. Vote on motion was all ayes; no nays. The motion carried. Discussion ensued regarding when to have the special meeting. The Commission scheduled the Special Meeting for Tuesday, April 5, 2011 at 6:00 p.m. Mr. Madzy announced that he has notes regarding other communities and how they have formed their City Councils. He asked if the Commission members would like a copy of this information and they said yes.

Mr. Adams said he wants to be clear that his motion for the special meeting include discussing Council President elimination as well as terms of office for City Council members. Mr. Gibbs thought they could discuss everything that has come up so far at the special meeting and Mr. Adams replied no. He explained that he personally thinks these two issues will encompass a whole meeting because they are fundamental structural parts of Berea's government. In response to Mr. Sawyer, Mr. Adams clarified that they have received a recommendation to eliminate the Council President position. If they decide to do this, they will have to figure out who will perform the duty of Council President and what their responsibilities will be and this will all have to be in the Charter amendment.

Mr. Pease clarified that someone had recommended eliminating voting for a Council President and instead have Council elect their own President. Mrs. Brown stated this was correct but there were many different scenarios for them to look at. They need to look at what other cities do such as eliminating one of the Council-at-Large positions and making the Council President a voting member. She noted that they do want to have a discussion based on the information that Mr. Madzy has collected for them. She pointed out that when Mr. Lange brought up the suggestion to eliminate Council President, he said it would be a cost-saving measure for the City of Berea.

Mrs. Brown announced that the Special Meeting would be held on Tuesday, April 5, 2011 at 6:00 p.m. She asked Ms. Hubler to forward a meeting notice to Mrs. Olmeda so she could distribute it to the Council members. Mr. Madzy distributed copies of the notes he had regarding other cities.

REVIEW CHARTER SECTIONS VI THROUGH XI:

Mrs. Brown announced that they would be going through Sections VI through XI of the Charter this evening. She began with Section VI Department of Public Service, Item 1. Divisions Established. Mrs. Brown referred to (b) Division of Public Properties, including streets and parks. She asked Mr. Adams if this includes the Metro Parks. Mr. Adams explained that the Metro

Parks are a separate entity and the City of Berea has no governmental control over them. He pointed out that this section refers to the City's four parks.

Mrs. Brown moved onto Item 2. The Director. (a) Qualifications. Mr. Sawyer said he had a question under (b) Duties of the Director and referred to where it says "he shall have charge of all engineering". He asked if this means construction or does it mean Mr. Armagno too. Mr. Adams replied that Mr. Armagno works under the Director of Public Service's supervision. He pointed out that Mr. Madzy and Mr. Armagno all are really under Mr. Brown's supervision as Director of the Department and they are considered Divisions of the Department of Service. Water is under Mr. Brown as well.

Mr. Gibbs inquired if the City has a Deputy Director of Public Service and Mr. Madzy replied not anymore. Barb Jones had been the former Deputy Director of Public Service. Mrs. Brown moved onto (c) Deputy Director and pointed out that Mr. Madzy already clarified this and noted that they keep this in the Charter in case the Mayor would like to appoint someone to this position again at some point in the future. Mr. Madzy added that another thing that can possibly come up is if the City has a major project in which the Director of Public Service may need assistance. They always have that option.

Mrs. Brown went onto the next Section (Section VI-A) Department of Recreation and Community Services. Item 1. Divisions Established. She stated that this encompasses a lot and this is Barb Jones' division who is currently in the Director's role. This department takes care of recreation, senior citizens, social services and public welfare. She referred to Item 2. The Director (a) Qualifications and (b) Duties of the Director and said these duties and qualifications are similar to what was listed under Director of Public Service.

Mr. Sawyer asked if any degrees are required for these director positions and Mr. Madzy explained that general knowledge is mostly what is called for and experience. Mrs. Brown thought the Law Director is the only one who is required to have a specific degree in the practice of law. In response to Mrs. Brown, Mr. Gibbs asked if the Finance Director also must have a degree and Mrs. Brown stated no and that when we get to that section she would have a question. Mr. Madzy pointed out that the City's current Finance Director does have a degree.

Mrs. Brown moved to Section VII Department of Public Safety and reported that this is Mr. Adams' division and he could answer any questions. In response to Mrs. Brown, Mr. Adams explained that there was a time when the Mayor was doing dual roles and was serving as the Director of Public Safety. He pointed out that the Mayor actually is the Director of all of the City's Departments until he places someone in charge of a Department.

Mr. Adams noted that the Mayor had been doing dual roles as Director of Public Safety technically however, the Police Chief and Fire Chief were basically the department heads for their particular divisions. In response to Mrs. Brown, Mr. Adams clarified that the Police Chief and Fire Chief fall under his direction as Director of Public Safety. The chiefs have management/supervisory responsibilities for their divisions but the policies regarding public safety come from his office like the hiring requirements and overall discipline requirements.

Mrs. Brown moved onto Section VIII Department of Law and pointed out that the Law Director does have certain required qualifications. They must have a full-time practice of law, have a law degree and must have been in practice for five years or more. This is the only director that really has special requirements. Mr. Sawyer asked Mr. Madzy if he was still Assistant Director of Law and he stated not anymore but he was at one time. In response to Mr. Gibbs, Mr. Madzy reported that his title now is Director of Building, Engineering and Planning. Mrs. Jaynes asked if Barb Jones was still an Assistant Law Director and Mr. Madzy replied no. He pointed out that Jim Walters is currently the Assistant Director of Law.

Mrs. Brown read Section IX Department of Finance, Item 1. The Director (a) Qualifications: The Director of Finance shall have knowledge and experience in accounting, taxation and business administration. Mrs. Brown asked Mr. Gibbs if the last Charter Review Commission discussed whether or not to add a qualification requiring the Director of Finance to be a CPA. Mr. Gibbs said the Commission did not make that recommendation, however, he felt that they should have. He indicated that this frightens him because what the Finance Director does is extremely vital to the welfare of the City and if they sometime in the future got an appointee who was not qualified it could cause tragic results in the City.

Mr. Gibbs said he thought the Commission should take a hard look at making a CPA or something equivalent as a requirement for Finance Director. He indicated that there is a difference between public finance and city government finance. Mr. Madzy suggested that the Commission invite Mrs. Kavander to one of their meetings because she is really knowledgeable in the different types of certifications that someone involved with finance can obtain.

Mrs. Brown pointed out that she works in a bank and has experience with accounting, taxation and business administration but she did not feel she could do Mrs. Kavander's job as Finance Director. She felt that at least a CPA or the various certifications that Mrs. Kavander holds should be added to the Charter as qualifications for Finance Director. Discussion ensued.

Mr. Madzy said he would contact Mrs. Kavander so she could prepare a summary of the various certifications out there and which ones are critical to her position. Mrs. Brown indicated that Mrs. Kavander also does a lot of Continuing Education (CE) in her position and none of that is in the Charter either. Mrs. Brown agreed with Mr. Gibbs and said she did not feel comfortable leaving the qualifications for Finance Director open like they are in the Charter.

Mr. Adams cautioned them to be careful that they do not overextend themselves to the point that they cannot find someone who is qualified. He felt that what they want in the Charter is what is required. What are the minimum qualifications that a person should have. Mrs. Brown agreed and said they might not be able to find candidates who can replace the existing Finance Director. She noted that just because someone is a CPA does not mean they know how to do city finance and this is why they need to know what kind of certifications or qualifications Mrs. Kavander has to run the City's finances. In response to Mrs. Brown, Mr. Adams said they should look at experience also.

Mr. Adams referred to how one of the qualifications for Law Director is that they must have five years practice of law. He suggested that they might want to add something like this for the Finance Director as well. Mr. Benner asked if they do not change the Charter would they be able to put this in the job posting. Mr. Adams said changing the Charter would protect the City overall from an unqualified person being politically appointed. They could put requirements in job descriptions but the director positions are appointees of the Mayor. He personally thinks the Finance Director and Law Director have always been the most important positions in the government other than the Mayor himself. Mr. Pease agreed and felt that experience was probably the most important thing because he went to school for accounting and finance but there was no special class or designation for government accounting.

Mrs. Brown continued with (c) Deputy Director and asked Mr. Madzy if Andy was the City's Deputy Director of Finance. Mr. Madzy replied I believe so. Mrs. Brown moved onto Item 2. Reports and Item 3. Certification of Funds and there were no questions.

Mrs. Brown next went to Item 4. Public Bidding. Mr. Sawyer asked if this was a short form of the bidding process and Mr. Madzy said it was. There is more that is controlled by the Ohio Revised Code (ORC). Mr. Sawyer inquired about lowest responsive and responsible bidder and asked who defines responsible. Mr. Madzy explained that it is based on qualifications. Generally with public bidding there is a bid packet which the potential bidders need to complete. As part of this process, they must give information about their experience with specific types of projects. He used the Front Street Overpass Project as an example and said Great Lakes gave the City information regarding other bridges they had built. They also must submit a bond and he compared the process to a resume or curriculum vitae of all the different

projects a company has done. This information is generally judged by the City Engineer who does the preliminary review along with the Director of Public Service and then it goes to the Board of Control for approval.

Mr. Benner asked if there is special preference given to a bidder who has had success previously on a job in Berea. Mr. Madzy gave some examples of this and said it is something that the City does consider. He stated that the City Engineer will also make calls to other communities to find out more information about a bidder. Mr. Adams asked if it is also based on a bidder's ability to do the job and Mr. Madzy said yes and explained a situation where the bidder did not have the proper equipment to do the job.

Mr. Smith asked what the threshold for a no-bid contract is and Mr. Madzy stated \$25,000. Mr. Smith referred to (c) personal services under Item 4. Public Bidding and asked what personal services means. Mr. Madzy reported that generally this means cleaning services or attorney fees when the City is going to have a law firm do work for them. Mr. Adams indicated that it means personal contracts and things like that.

Mr. Smith was concerned that this opens up the opportunity for a \$50,000 contract to be a no-bid just because they are a professional with a professional reputation. Mr. Madzy explained that what the City would want to do anytime they are in a situation where they are bidding, they do not take the low bidder and essentially knock the low bidder from the list. He explained that maybe the City has history with a law firm that has done very well for them in the past and the City does not want to be precluded from using that law firm in the future or a particular architect or something like that. Mr. Adams pointed out that this is definitely the industry standard and did not believe there was a Charter in the county that did not have that as an exemption.

Mr. Smith asked if they could also say professional services and Mr. Adams replied that he was unsure of the exact reason why but he knew personal services/professional services were included in every charter as being exempt from the bidding process. Mr. Madzy discussed how the City went about this process when looking for a company to update the zoning code. They did not have to do bids but the City did request proposals. Mr. Madzy reported that the City published the request in a trade journal and received proposals from planning firms from all over the Country. Had this been required to go into public bidding, the City would have had to go with the low bidder which happened to be from out of the area and whose bid was very low for such a large project. Mr. Smith said this clarified that personal services and professional services were the same thing.

Mrs. Brown opened the floor to discussion regarding Item 5. Annual Estimate and Appropriation Ordinance and Item 6. Transfers, Balances, and

Payments of Appropriations. She reminded everyone that this is a lot of “backbone stuff” and reiterated what Mr. Madzy stated earlier that there are other things out there that direct who does what and how they do it. Mrs. Jaynes referred to Item 6 and read “at the end of each fiscal year all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation”.

In response to Mrs. Jaynes, Mr. Madzy explained that generally what happens is each department has a main account which is further broken down into smaller accounts for office supplies, professional services, contracts, leases (for photocopiers, cell phones), etc. At the end of the year any monies left over in these smaller accounts gets put back into the department’s main account so the next year they figure out how they will reallocate whatever money is left.

Mrs. Brown went onto Section X Boards and Commissions, Item 1. General. There were no questions or comments regarding (a), (b), (c), (d) and (e). She went onto Item 2. Planning Commission. In response to Mr. Sawyer, Mr. Madzy pointed out that the last Charter Review Commission reduced the number of Planning Commission members and staggered their terms. Mr. Gibbs said this was a good example of how terms can be staggered. Discussion ensued.

Mrs. Brown inquired about training for Planning Commission members and Mr. Madzy reported that he, Mr. Sawyer, the City Engineer as well as other Planning Commission members attended a seminar in Westlake a few years ago. Mr. Sawyer noted that this seminar is held every year and he gets Continuing Education (CE) hours for it. Mr. Madzy added that there has also been training for the City’s Heritage Architectural Review Board (H.A.R.B.) where somebody from the State Historical Society actually came here and gave a presentation.

Mr. Sawyer referred to (b) Powers and Duties, (4) “Regulate the manner in which streets and other public ways are graded and improved, the manner in which water, sewer and other utility facilities are installed, and establish any conditions precedent to the approval of any proposed plat”. Mrs. Brown asked Mr. Madzy if Planning Commission has ever had anything like this come before them. Mr. Madzy felt that public ways seemed to be more of a service-related issue but said that private streets or new streets would be approved by the Planning Commission and then they are turned over to the City so they can become public streets. Discussion ensued.

Mrs. Brown referred to (6) “Review, examine and approve all signs to be placed permanently anywhere in the City...” and raised concerns regarding every sign having to be approved. Mr. Smith agreed with Mrs. Brown and referred to the sign section of the draft of the proposed zoning code and pointed

out that every sign is detailed to a “tee”. He felt that a sign either meets the specs or it does not and there really is not much gray area there. Mr. Madzy disagreed and said the big thing is material. He explained that it has to be subjective when given to Planning Commission but he would be cautious that one person would have too much discretion. Discussed occurred regarding the sign section of the new proposed zoning code.

Mr. Madzy noted that another positive thing about signs having to be approved by Planning Commission is a lot of times the applicant’s are new businesses. The Planning Commission can welcome them to the City as well as communicate a lot of different issues as well. This also gives the applicant a chance to promote their business a little bit but at the same time review some other things such as mechanical amusement license or temporary signage.

Mrs. Brown moved onto (c) Meetings, Order of Business; (d) Mandatory Referral; (e) Procedure Before the Planning Commission; (f) Limitation; (g) Effective Date, Terms of Current Members. Mr. Smith inquired if there is a way to appeal a decision by the Planning Commission. Mr. Madzy reported that previously there would have been an appeal made to the Board of Zoning Appeals but that board has now merged with the Planning Commission so now all appeals must go through the Common Pleas Court. Mr. Madzy pointed out that a nice thing about the new proposed zoning code is it repeats the Planning Commission sections from the Charter in the zoning code so now it is contained in one place.

Mr. Adams asked if Council had a place in this structure and Mr. Madzy replied generally no. He explained that the only time Council has a play in Planning Commission is when there is a mandatory legislation referral from Council and he referred to (d). In response to Mr. Adams, Mr. Madzy stated that conditional uses are approved by the Planning Commission. Mr. Sawyer noted that often applicants have a difficult time proving hardships to the Planning Commission.

Mrs. Brown announced that they were now on Page 21 and she was unsure why Item 3 was reserved. She asked if this is in case they want to put something else in there and Mr. Madzy replied it is either that or a prior board or commission was there but has since been eliminated. Discussion ensued.

Mrs. Brown moved onto Item 4. Board of Control. In response to Mr. Sawyer, Mr. Madzy explained that if something costs above \$1,000 it must be approved by the Board of Control before you can enter into a contract. Any contract above \$25,000 would need to be bid out. Something that is either \$1,000 or below can either be approved prior to entering the contract or ratified after entering the contract. Discussion ensued.

In response to Mr. Smith, Mr. Madzy reported that the Board of Control meets every Monday morning. Mr. Sawyer asked who is on the Board of Control and Mr. Madzy stated the Mayor and the Directors of several departments as established by the Charter. Mr. Gibbs asked if it is a public meeting and Mr. Madzy said yes.

Mr. Adams indicated that Mrs. Kavander, Finance Director, did have some concern and wanted to increase the Board of Control limit of \$1,000. Mr. Madzy reported that when he spoke to Mrs. Kavander earlier today she had stated that when she started with the City 20 years ago the threshold was \$1,000 and it is still \$1,000 today. She was not concerned about anything other than just with inflation this threshold seems to be low. She recommended the threshold be raised to \$5,000.

Mr. Smith referred to Mr. Adams who has experience on the Board of Control. He asked Mr. Adams if he finds \$1,000 to be prohibitive and Mr. Adams felt that the threshold should probably be raised just due to inflation. Mrs. Brown commented that she was unsure if \$1,000 to \$5,000 was appropriate here and Mrs. Jaynes agreed. Mrs. Jaynes suggested the amount be raised to \$2,500 instead of \$5,000 and Mr. Adams believed \$2,500 would be more than enough to carry them through until the next Charter Review which is five years from now. Mr. Gibbs stated this makes sense. Discussion ensued.

Mr. Adams reported that he had worked for another community who actually had a definition for emergency in their Charter. An emergency was defined as anything that shuts your department down. If you cannot function without it then it was considered an emergency. He discussed a situation that he had encountered while working there. He said it may have been an ordinance and they might want to look at Council adopting a similar ordinance instead of putting something in the Charter where it would be permanent.

Mrs. Brown moved onto Item 5. Civil Service Commission. In response to Mrs. Brown, Mrs. Jaynes reported that the Civil Service Commission meets quarterly or as needed. Discussion ensued on how Civil Service Commission members are appointed by the Mayor. Mr. Gibbs asked how many members are on the Civil Service Commission and Mrs. Jaynes replied six.

Mrs. Brown moved onto Item 6. Charter Review Commission. Mr. Smith commented that there is really no debate that whatever the Charter Review Commission concludes here, they are just recommendations and City Council will have the final say if it goes onto the ballot for the voters to decide. Mr. Madzy referred to the last sentence of the first paragraph under Item 6 "in the manner provided in Section XVI, Item 4 of this Charter" this would be the method in which Council can put things on the ballot.

Mr. Adams raised concerns regarding Council having flat out rejection after the Charter Review Commission has put in all of this work. He stated that the Charter Review Commission is appointed and they are a good representation of the community. Mr. Gibbs replied that they have a balance of power and the Charter Review Commission represents the executive branch and Council is the elected. Mr. Adams said he did not disagree with this, however, maybe it should take a supermajority of Council to reject a recommendation.

Mr. Benner asked how the Charter Review Commission's recommendations will be presented to City Council. Mr. Gibbs explained that Mrs. Brown will make a presentation to them because she is the chairman. She will make the presentation to Council and will invite the other Charter Review Commission members to back her up and help explain how they came to their decisions.

Mrs. Brown felt that Mr. Adams raised some valid points. She said that other communities Charter Review Commission recommendations go straight to the voters without Council approval. She raised concerns regarding the amount of work the Commission puts in on this and what if a Council member has an agenda. She said maybe they should look at changing this. Mr. Benner agreed and said particularly when the Commission is recommending making a change to Council. Mr. Smith added like eliminating the President of Council like they have discussed. Mr. Sawyer raised concerns regarding the voters actually reading through the changes. In response to Mrs. Brown, Linda Kramer indicated that the newspaper prints the changes in the paper prior to the election where they are usually explained in depth.

In response to Mr. Adams, Mr. Madzy reported that Council currently must have two-thirds majority in order to place Charter Amendments on the ballot. Mr. Adams said he would personally like to see it be two-thirds for them to reject it. Mr. Madzy clarified that right now Council needs a supermajority. Mr. Adams felt that Council should have to have valid reasons for not putting a recommendation on the ballot. Mr. Pease agreed with Mr. Adams about having two-thirds of Council to reject a recommendation. He felt they could put some language in the Charter now so anything having to do with Council cannot be voted on by them. It would be up to the voters. Mr. Benner and Mrs. Jaynes agreed with Mr. Pease and said this was a good point.

Mr. Madzy indicated that he could draft language regarding this. Mr. Adams clarified that anything dealing with Council would automatically be placed on the ballot, however, other changes that do not have to do with Council they could vote on that to reject. In response to Mr. Benner, Mrs. Brown reiterated that in other communities if the Charter Review Commission says it goes on the ballot, it does not go through City Council.

Mr. Adams pointed out that procedurally City Council has to submit changes to the Board of Election because the Board of Election only accepts things through City Councils. Even if you do a petition, you still are supposed to bring the petition to City Council and Council actually has to send it to the Board of Election. Mr. Pease stated that it is probably done this way because if the Mayor appoints the Charter Review Commission members and he has certain items that he wants to change and it does not have to be voted on by Council, he could basically force it through to the ballot. Mr. Gibbs felt this would be Council's primary concern. Mr. Adams said he did not have a problem with this. What they were saying was it would take two-thirds majority of Council to reject something from going forward. Mr. Pease reiterated that Council still should not be able to vote on their position.

In response to Mrs. Brown, Mr. Madzy stated if the Commission tells him what they want he will figure out how to write it. Mr. Adams said he believes charter amendments are the people's right to vote on things and anything that comes out of Council should not be rejecting the people's right to vote on it. He did not want to take away the rights and authority of Council but he would rather they have to reject something then have to approve it. Mr. Smith agreed and said this captures the spirit of having a Charter Review Commission. It is the chance for the citizens to do the end around the establishment.

Mr. Madzy pointed out that this item will take him some time to write up because it will affect both this section and also the other section that deals with how amendments to the Charter are made. He suggested they vote on this particular item now so it will give him more time to write something up. Mrs. Brown felt that this was definitely a change that they would want to go forward with. In response to Mr. Adams, Mr. Gibbs reiterated that they have to have a balance between the executive branch of government and the elected branch. He did not think they would get it through if they did not honor those two distinctions. Discussion ensued.

Mr. Pease suggested that they write the change as it will take two-thirds supermajority of Council to get rid of something and Council cannot vote on their position or anything that has to do with Council. Mr. Benner recommended that the Commission vote on these two items/proposals as two completely separate items. Mrs. Brown agreed and said there may be Commission members who like one change but not the other. Mr. Gibbs requested that these be two separate votes because he has two different feelings on this. Discussion ensued.

Moved by Pease, seconded by Adams that any recommendation made by the Charter Review Commission regarding City Council, that City Council cannot vote on that recommendation. Vote on motion was ayes: Adams, Benner, Brown, Jaynes, Pease, Sawyer. Nays: Gibbs, Smith. The motion carried.

Mr. Gibbs asked what the difference is between two-thirds of Council voting for something or two-thirds of Council voting against something. Mr. Adams explained that currently if the Charter Review Commission presents a recommendation to City Council they have to vote it down instead of voting for it. Mrs. Brown pointed out that it would be almost like they were making a statement. Mr. Adams said for discussion purposes he would not have a problem with that at the point if Council came together and voted it down that means they had reason or they got together to discuss. He reiterated that he did not want to take away Council's power but he did not want to make the Charter Review Commission's six months worth of work meaningless if they have a few council members who do not want to do something. Mrs. Brown noted that Council members are welcome to attend any of the Charter Review Commission meetings.

Moved by Adams, seconded by Jaynes that the Charter be changed to require that two-thirds of Council must vote to reject a recommendation proposed by the Charter Review Commission. Vote on motion was ayes: Benner, Brown, Gibbs, Jaynes, Pease, Sawyer, Smith, Adams. Nays: None. The motion carried.

Mrs. Brown moved onto Item 8. Board of Ethics. Mr. Gibbs asked Mr. Madzy how often an ethical complaint is brought up formally. Mr. Madzy said he vaguely recalled an issue that involved St. Mary's Church and there were members of the Planning Commission that were parishioners at St. Mary's Church. Mr. Sawyer asked who is on this board and Linda Kramer replied Rev. Spinks and Rev. McCreary currently sit on the board with the third position being vacant due to a pastor being transferred.

Mrs. Brown introduced Section XI Taxation. Mr. Smith stated that generally speaking, levies are property taxes and not income taxes. Mr. Madzy said this is correct. Item 1 is currently property tax and Item 2 is a property tax as well as Item 3. Mrs. Brown asked Mr. Madzy about Item 3 and where the September 15th date came from. Mr. Madzy said probably when it was created it was maybe close to a deadline for the Board of Election. He said the City is actually already going through this process right now far before the September 15th deadline. Mrs. Jaynes asked if this date could change and Mrs. Brown pointed out that according to the Charter it has to be done any time prior to this date or it has to wait until the following year. Discussion ensued.

OLD BUSINESS:

Mrs. Brown indicated that they had completed reviewing Charter sections this evening and asked if anyone had any old business to discuss. Mr. Adams reported that at the last meeting one of the council members suggested

that the Commission look at the Charter regarding family members serving on Council at the same time. He asked the Commission where they wanted to go with this. Mr. Gibbs did not feel it was an issue and Mr. Smith agreed and said he thought it is the right of the voters to decide. Mr. Madzy pointed out that there is an automatic check on this with the voters and he would hate to deny the voters a good candidate that they support based on a relationship. Mr. Gibbs agreed. Discussion occurred. Everyone agreed that no further research needed to be done on this and it had become a nonissue.

Mrs. Jaynes said she was not at the last meeting and asked what the Commission decided regarding emergency meeting versus special meeting. Mr. Madzy reported that they realized that these are two separate and distinct things and decided to keep them both as they are.

Mr. Benner raised concerns regarding the possibility of there being repercussions if they decide to change the President of Council from having no vote to having a vote and how this will affect the two-thirds majority. Discussion ensued regarding the various scenarios. Mr. Adams said this is why he has requested that they have a special meeting to discuss this. Mr. Madzy pointed out that no other community has Berea's model.

ANNOUNCEMENTS: None

There being no further business to come before the Charter Review Commission, moved by Gibbs, seconded by Jaynes to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 7:50 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 22nd day of March, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary

2011 BEREA CHARTER REVIEW COMMISSION
APRIL 5, 2011

The 2011 Berea Charter Review Commission met on April 5, 2011 and was called to order by Mrs. Brown. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Jaynes (arrived at 6:08 p.m.), Myers, Smith. Absent: Pease, Sawyer. Also present: Matt Madzy.

Mrs. Brown reported that there were no minutes for approval this evening. She pointed out that there were a lot of people here tonight and she explained the meeting structure. She said first on the agenda is Public Participation and then Presentation from Members of Council or Directors. She stated that they will be discussing certain topics and bring up Old Business, Announcements and then Adjournment. Due to the amount of people present this evening she wanted to make sure everyone has their say and opinion. She asked everyone to be respectful of time to ensure everybody gets to speak.

Mrs. Brown opened the floor to Public Participation and asked anyone interested in making a comment to please state their name and address clearly for the record. Mr. Adams asked for a point of order and said due to the large number of people in the audience he felt they should explain exactly what the role and procedures of the Charter Review Commission are. He wanted everyone to be clear on the purpose of the Commission and what their authorities are.

In response to Mr. Adams, Mrs. Brown explained the duties of the Charter Review Commission. She said the Commission's role is to review the Charter. She said the Commission has broken the Charter into several sections to review. Tonight's meeting is a Special Meeting in order for the Commission to discuss a few things in more detail. She emphasized that when a Charter is changed it should not be taken lightly and is something serious. Once the Charter Review Commission reviews the Charter they will have a wrap-up session where any recommendations that were made throughout the review period will be brought forward to decide if the Commission will recommend the changes to City Council. City Council will review the Charter Review Commission's recommendations and if approved, the changes will go on the ballot in November for the voters to decide on.

Mrs. Brown reported that the proposed Charter Amendments are printed in the newspaper so people have a chance to read and review them prior to the election that way they know what they will be voting on. She noted that the Charter Review Commission can make recommendations but all in all their recommendations will go to Council and then ultimately to the voters. The Charter Review Commission does not have the power to make changes to the charter. They can only make recommendations to Council. She noted that tonight they are specifically looking at the part of the Charter that talks about Council's term limits as well as possibly eliminating the President of Council position.

John Weaver of 344 Westbridge Street questioned the agenda and asked if the audience will be given the opportunity to speak after E) Presentation from Members of Council or Directors. Mrs. Brown stated certainly the audience would have the opportunity to speak afterwards but if he had opinions that he wanted to express now he could certainly do that also. Mr. Weaver said he was adamantly and firmly opposed to agenda items F) Discuss Elimination of Council President Position and G) Discuss Changing Terms of Office for City Council being brought up during an election year.

In response to Mr. Weaver, Mrs. Brown apologized and explained that she was going to note that any changes that the Commission recommends now to Council and Council approves will go on the ballot in November. These changes will not take effect until the next time period which would be 2014 so changes that they make now will not take effect immediately. Discussion ensued regarding when terms begin and Mr. Van Dress clarified that the Charter states that the first Sunday in January would be the beginning of the next term.

Jo Hamrick of 355 Fair Street reported that she had spoken through e-mails to Mr. Adams who had indicated that the charter changes would take effect in 2012. In response, Mr. Adams said it was his opinion and his vote would be that any recommendations the Commission makes as it relates to Council President and terms of Council that they take effect in 2014. He said this was his position and whether someone else proposes something different his recommendation would be for them to take effect in January of 2014.

Mr. Weaver stated that he was confused. Mr. Madzy explained that the Commission can put in their recommendations specific dates and he pointed out that other cities charters are phrased that way. He said other charters state that starting with the election in this particular year this is when the change takes effect. Mr. Weaver asked if changes could take effect in 2012 and Mr. Madzy replied potentially they could. Mr. Gibbs reminded Mr. Weaver that the Commission does not have the power to change when something goes on the ballot or when it takes effect. The law regulates that. Mrs. Brown

reiterated that the Charter Review Commission is only a recommending committee.

Mrs. Hamrick asked who would be writing the language for the recommendations to Council and Mr. Madzy stated that he would take the recommendations from the Charter Review Commission and then put them into terms which the Commission would review prior to forwarding to Council. Mrs. Brown reiterated that Council would then decide whether the proposed changes would go on the ballot for the voters to make the final decision.

Dale Lange reported that he was the one who researched eliminating the President of Council position and presented this recommendation at an earlier Charter Review Commission meeting. He pointed out that he specifically said this change to take effect January of 2014 and did not believe from a legal standpoint that a change like this could take effect during an election year.

Dan Smith said he wanted to clarify that the intention of the Commission is that the Council elected this year will only serve two terms and what happens after that is contingent upon the proposed amendment this year. Mrs. Hamrick questioned why Mr. Lange would bring this up now if it would not take effect for three years. In response, Mr. Lange stated that the Charter is only reviewed every five years and he brought it up strictly for financial reasons. Mrs. Hamrick said she had a suggestion for the Charter Review Commission that would save the City of Berea money. She said nonpartisan elections would save large amounts of money for the City of Berea and if Council goes to four year terms they would save even more.

Dik Malott of 734 Trotter Lane felt that four-year terms would allow the potential for our government to be wiped out in one election and if they did go with four-year terms he would like to see staggered terms like how the School District has set up for board members. He said personally he believes in two-year terms for Council and he discussed how the City had four-year terms many years ago but President Mary Ashbrook felt that council members became complacent. With two-year terms the council members get out and start talking to the public and their constituents. He felt that even though two-year terms can be difficult on the campaign trail, he thought they owe it to their constituents to let them have the opportunity to vote for President of Council or a new Council member every two years.

Mrs. Brown clarified that the Charter Review Commission may not make any recommendations for any changes and after tonight's discussion and input they may decide to leave everything the way it is. This is just an open discussion because things were brought to point and the Commission wants to ensure that everyone has their input.

Nick Haschka of 307 Savage Street pointed out that he was the one who proposed the change in lengthening City Council terms. He explained that the reason behind it was when you are a new council person it takes a while to get your feet wet and to know the ins and outs of what you can do and cannot do. By the time you get through the first year of your term you are already into your second year and into an election cycle which takes away from what they are elected for. He felt that if they could extend the terms and stagger them this would make much more sense.

Cheryl Banaszak of 198 Clark Street said she agreed with Mr. Haschka. She pointed out that she was the new council person this time. She was a year into her term and already she had to start worrying about getting her petitions filed and getting signatures. She felt that in light of everything that has been happening, there is a lot going on that is taking away from the job they are trying to do and she felt that lengthening the terms would help alleviate some of this.

Dean Van Dress stated that he is a Councilman At-Large and he believes keeping the Council President is a good idea. He said he respects his colleagues who would like to save money but he felt that the President serves an important role. The President does not have voting privileges and there are certain circumstances where that can be advantageous. It takes some of the politics out of that person's role as President. The President also has the power to call certain hearings, meetings, etc. and should be more of a liaison between the council and the mayor.

Mr. Van Dress pointed out that when you take the voting aspect away and currently the President does not vote, this takes a bone of contention away from that individual who would be the President and enables the President to have a better relationship to facilitate between the Council and the Mayor. He felt the President should take extra time to meet with the Mayor and become more involved and this is why they are paid 10% more than the rest of the Council.

Mr. Van Dress felt that the Charter which turns 50 this year (went into effect in 1961) has been a very good system overall and for \$12,000 it was worth having a President of Council. He believed that either having two or four year terms would work, however he was unsure about having staggered terms or having a three-year term because the election itself costs the City a lot of money. He asked the Commission members that when they do make their recommendations to Council that they let Council know exactly how much each election cycle costs. He felt that because they have a ward system, staggering the terms might cause confusion between the members of the public that live in different wards which election cycle they are supposed to participate in.

Mr. Van Dress commented that he likes the camaraderie of all of the council members coming on at once every two years or if they went to four year terms. He said the council members begin to know the each other and work together. If they have staggered terms this could interfere with the actual mechanical behind the scenes working of the Council which he felt was important.

Mrs. Brown added that another thing the President of Council does is assigns the council members to their appropriate subcommittees. It is important to make sure that the right people are in the right positions so they are doing the best for their constituents. She said their job is taking care of the people and representing them. Mr. Van Dress indicated that eliminating the President of Council was not a new idea in fact two years ago Jim Maxwell mentioned doing this to save money. Mr. Van Dress said maybe they can save money somewhere else.

Mr. Lange discussed how Council would work if the President was eliminated. He reiterated that he recommended this strictly as a cost saving measure because currently the President basically is just running the meetings. He stated that he did not totally disagree with the idea of nonpartisan elections. As Finance Chairman he has been asked to look at ways to save money and to think outside the box.

Mr. Weaver stated that if the City really wants to save money it is time to look at the structure of Council itself. He felt it was time to eliminate a ward person and eliminate an at-large person. This would leave the City with four ward councilmen and one at-large position. He said if they were really taking this opportunity to change the Charter he asked them not to change it by eliminating Council President. He asked them to think big and outside the box. He discussed how the City of Canton had their council set up when he lived there. He agreed with Mr. Malott regarding two-year terms and felt Mr. Van Dress made good points also.

Mr. Weaver also raised concerns regarding salaries and said he was unsure what part of the Charter covered salaries but he felt decreasing the mayor's salary would save the City money. He also reported that other cities elect Law Directors so Berea might want to think about that as a way to save money.

Mrs. Brown asked the Commission to begin discussion regarding the elimination of the Council President position. She referred to the information that Mr. Madzy compiled regarding surrounding cities. Mr. Gibbs stated that the Council President has worked well and he felt that Mr. Van Dress had some very good points. The Council President is supposed to serve as the liaison between the administrative and executive/legislative branches (Council) of the government and this takes a certain amount of time and energy. Currently the

President of Council can make impartial decisions on who gets assigned to what committee. It gives them a chance to sit back and look at the various skills and talents of the council members and decide who would be best for each committee. Mr. Gibbs recommended that they not eliminate the position of Council President and leave the Charter the way it is.

Dan Smith pointed out that the stated intent of the President of Council is to keep him out of the politics so he can have a good relationship with the Mayor and he does not control legislation. He did not feel that this was working in reality and said everything mentioned earlier is exactly the opposite of what is happening right now in the City. He did not believe that the President of Council position is meeting its intended goal.

In response, Mrs. Brown asked if he was talking specifically about the person currently in the position or about the role itself. Mr. Smith explained that he was talking about the potential conflicts when somebody else is running for the same position. Mr. Gibbs replied that this is democracy and anyone is entitled to run that is eligible and they cannot legislate that out. Mr. Smith asked if the President of Council does not vote and the intention is to keep politics out but that is not working, why retain a position that does not vote.

Mrs. Brown explained that at the last charter review the succession to the Mayor was changed so prior to that our charter had to have a president because he was next in line if something happened to the Mayor. She felt a lot of good points have been brought up regarding the role of the President of Council. Mr. Gibbs reported that there is a time when the President of Council can vote. He discussed an incident where a council member was being replaced. Had there been a stalemate, the President of Council would have voted to break the tie.

Mr. Benner pointed out that they initially started discussing eliminating the position of President of Council for cost saving reasons. He asked if they could bring the President's salary down to the rest of Council. Mr. Van Dress explained that currently Council sets its salary for the next election cycle with the cutoff point being the registration for the primary. He said that they have actually dealt with this earlier this year. Salaries are set through ordinance and not through the Charter for at least the Council. It is by ordinance that they give pay raises and set the pay scale.

Mr. Adams commented that in reviewing the information from Mr. Madzy, the City of Berea was the only city with this kind of governmental structure. He said he had never seen this type of structure before but if it is working maybe it does not need to be changed. He was glad so many people came this evening because he heard some things tonight that he had not heard before.

Darren Smith of 445 North Rocky River Drive referred to what Mr. Benner said earlier and stated that anybody he has ever talked to does not run for office for the money which is more of a stipend than a salary. If they are doing the job correctly, the amount of time that they put into the selected job far outweighs the amount of money that they are being paid. He indicated that he was in favor of keeping the position of President of Council because of the checks and balances with the way it is set up.

In response to Mr. Adams, Mr. Malott pointed out that there is no job description for the job of Council President or Councilman. It is what each individual makes out of their position. He discussed relationships between past presidents and mayors. He stated that the role of President of Council is a good one and he felt that it is a position that the City needs.

Mr. Benner said since there were current and past council members present this evening he asked for them to share the amount of time they spend on campaigning. He wanted to know how much time is taken away from doing the work they are elected to do. Mr. Lange replied that everybody has different reasons for running for office. He said he was the corporate finance person for American Greetings and when he got elected to City Council eight years ago he wanted to be active and propose certain things. He said there was a learning curve and other council members who are no longer on Council told him that the second year of a term (an election year) is for campaigning and you should not propose anything during an election year. Mrs. Brown said she agreed on the learning curve and did a lot of homework prior to even running for Council by meeting with the Directors, etc.

Mr. Malott stated that the amount of time spent campaigning depends on the position you are running for. If you are running citywide for President of Council or an at-large position you should be campaigning as much as you can citywide. He said he has always knocked on doors and gotten out to meet the people but that this is getting more and more difficult to find people home at any given time. He said campaigning for a Ward position is much easier.

Mr. Van Dress stated that it does take a fair amount of time to campaign especially if you are running citywide. Even before the official campaign gets started you have to get a certain amount of signatures. He said that your first term is hard because you are not known. You have to get your name out there by having fundraisers, attending events, getting signatures, learning the Board of Election rules. All of this takes a fair amount of time and you probably should have a committee (group of people) to help you. Putting out yard signs and mailers are also time consuming.

Mr. Haschka agreed with Mr. Malott and Mr. Van Dress and said he does a lot of door knocking to let people know who he is and the reasons he is running. Even with two-year terms they still do their jobs but they do not have total focus on what they are there for when campaigning. Mrs. Banaszak pointed out that most of the council members also have full-time jobs and running for office takes a lot of time away from their families as well. Mrs. Brown agreed and noted that it is a hard balance.

Mr. Adams reported that he was reviewing the information that Mr. Madzy had given them and out of 37 total cities, 12 cities had two-year terms and 25 had four-year terms and out of the 25, 21 had staggered elections. He felt that if they decide to change the terms to four years, they should set up staggered elections like the other communities. Mr. Gibbs replied that the voters have the right to vote people out if they choose to. He said he was against changing the length of terms.

Mrs. Jaynes pointed out that it does not necessarily mean that they will be moving this recommendation forward because it is very costly to put on the ballot. Mr. Gibbs asked how much it would cost to put a change on the ballot and Mr. Madzy indicated it would cost \$22,000. Mr. Gibbs asked if they do decide to put more than one thing on the ballot would it increase the cost and Mrs. Brown stated no. She said this is why they are talking about a few different changes because if they are going to make a substantial change she wants to make sure that the Commission is heard, that it goes to Council and then the voters have the right to make these changes all at once. She said next time the Charter Review Commission may not have to make any changes. She pointed out that they try to do a good review and that is why they broke the Charter down into sections and this is why they are having tonight's special meeting to make sure if there are any changes, they address them respectfully for the voters.

Mrs. Brown asked if anyone else had any further comments regarding eliminating the President of Council and there was no response. She moved to discussion regarding changing City Council's term limits. Mr. Adams noted that with everything he had heard so far he would probably be supporting the four-year term not staggered. Mrs. Brown asked Mr. Madzy to explain what staggered terms were. Mr. Madzy said there are a lot of different ways staggered terms can be done and he explained that essentially since everybody is currently on two-year terms what would happen would be certain members would stay two-year terms and other members would then become four year terms. This would be based on however the Charter Review Commission structures it. They would set the years specifically and what elections that would happen. Dan Smith commented that he did not feel staggered terms were necessary. Mrs. Brown felt that staggered terms would be confusing to the voters. Lengthy discussion ensued.

Mr. Van Dress requested that when the Charter Review Commission makes their recommendations to Council that they give Council a lot of feedback on this. He said they need to hear from the public if they like the idea of four-year terms for Council. He felt that due to this issue ultimately going to Council for approval to put the language on the ballot, it could be perceived as a selfish motivation even if technically it is the next election cycle. Discussion occurred.

Ms. Hamrick inquired if there would be term limits if terms are increased from two years to four years. Mr. Adams stated that he believed elections were term limits. If voters want you in there they will vote for you. Renee Detulio of 105 Sandstone Ridge Way commented that if they do go with staggered terms maybe it will help with the time campaigning is taking away from city business.

Mr. Benner raised concerns regarding moving the Council terms from two years to four years. He questioned if the public would see this as taking away opportunities for new blood to get into Council every two years. He felt this might discourage someone from running because their Ward is not up for another four years. Dan Smith said this was one factor but the Council members themselves have to decide if this makes it to the ballot. There are many things to consider and this is just one angle.

In response to Mr. Benner, Mr. Van Dress said he has never seen any council person slack off or become complacent and pointed out that they get paid \$10,000 a year and some of them actually lose money by being on council. He said they are here because they love the job. Mr. Benner stated that he was not trying to say that some of the members would not work hard if the term was changed to three or four years. He said his point was they would not want to discourage the public from running for public office because they know there will not be an open seat for four years which is a very long time. Discussion ensued.

OLD BUSINESS: None

ANNOUNCEMENTS:

Darren Smith commented that it has been a long time since he attended a Charter Review Commission meeting. He thanked the Commission members for taking time out to review the Charter. Mrs. Brown also thanked the Commission members for all of their time.

Mrs. Brown announced that the next Charter Review Commission meeting will be on Tuesday, April 12, 2011 and they will be reviewing Sections XII to XVI of the Charter. Ms. Hamrick asked about the last meeting which is scheduled for Tuesday, May 3, 2011 which is election night. She suggested

that this meeting be changed to a different date. Mrs. Brown replied that the Commission would discuss this at their next meeting.

There being no further business to come before the Charter Review Commission, moved by Gibbs, seconded by Myers to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 7:15 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 5th day of April, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary

2011 BEREA CHARTER REVIEW COMMISSION
APRIL 12, 2011

The 2011 Berea Charter Review Commission met on April 12, 2011 and was called to order by Mrs. Brown. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Jaynes (arrived at 6:08 p.m.), Myers, Pease, Sawyer, Smith. Absent: None. Also present: Matt Madzy.

Mrs. Brown reported that there were no minutes for approval this evening. She said that Dana Kavander the City's Finance Director was here this evening to give the Commission information regarding the requirements of her position. Mrs. Brown changed the agenda so Mrs. Kavander could give a small presentation and then remain for some of the meeting that has to do with financial situations in the Charter.

Mrs. Kavander distributed information with her suggestions regarding requirements of a Finance Director for the Commission to consider. She stated that basically a Director of Finance in any municipality has quite a wide range of qualifications. She went online to research as well as talked to some of her peers throughout the Country and found that some Directors of Finance have CPA's and some do not. Some have four-year accounting degrees (most do) but it is not necessarily a requirement in some municipalities. She pointed out that because you are a CPA does not mean you know municipal finance so she basically looked at the qualifications in terms of what would be needed in terms of knowledge in municipal finance.

Mrs. Kavander reported that currently the qualifications noted in the Charter are basic saying that the Director of Finance shall have knowledge and experience in accounting, taxation and business administration. She raised concerns regarding the word municipal not included there. She gave the example of a person who worked in the tax department of a CPA firm would not necessarily know anything about municipal finance, public fund accounting or any of the laws and requirements that are needed for working in a municipality.

Mrs. Kavander noted that when she went online she found some really good examples of qualifications and she listed them out and would leave them open for the Commission to consider. She outlined the qualifications as 1. Having a thorough knowledge in core municipal finance practices including budgeting, fund accounting, procurement and government financial reporting. 2. A knowledge in debt issuances. 3. Municipal business and office practices.

4. State and local government statutes and rules and 5. Internal control environments in a municipal setting. She pointed out that if you were looking for a CPA or four-year degree, the Mayor could put that in the job description. For the Charter's purposes, however, she felt they it should focus on municipal experience or background.

Mrs. Kavander referred to duties and said she liked how the Charter talks about providing leadership, vision and direction in developing long and short term financial policies, procedures and plans that support the City's financial goals and strategies. She said this was a nice summarization of what to look for in the position of Director of Finance and that you expect them to be the Chief Financial Advisor of the City. They are not really a Chief Financial Officer but more of an Advisor to the City for the Mayor and Council. She said the remaining items listed under duties is pretty much the standard for any finance director in a municipality. She pointed out that she did not make any changes to this.

Mrs. Brown thanked Mrs. Kavander for doing the research on this and she asked the Commission how they could condense this information to include it in the Charter. Mr. Madzy recommended that the Commission members take this information home and read through it. They could condense it or leave it as is and at the next meeting decide what final form would be appropriate to recommend to Council.

Mr. Gibbs asked Mrs. Brown why she felt they need to condense the information. Mrs. Brown explained that it might be too lengthy for the Charter. Mr. Gibbs disagreed and said not for the job they are talking about. If they are going to make a change to the Charter the length of the change does not make a difference. Mrs. Brown asked if this would be more of a job description and Mrs. Kavander reported that they do have job descriptions but a lot of them are outdated. She said the job descriptions are actually more detailed than this information in terms of accounting degrees and experience.

Mrs. Brown asked Mrs. Kavander how someone would get public finance knowledge. She asked if it would be through experience or are there actual classes and certifications that someone could get. Mrs. Kavander replied that it would be a lot through experience. A CPA is now a five-year degree program and you can take a whole semester on public finance. But also when you are working in the field and moving up as an assistant you can get a lot of training through the various associations. They have education and training giving you experience in terms of investments. Anyone that deals with investments is required to have seven hours a year of training.

Mr. Adams asked Mrs. Kavander to clarify the duties and responsibilities of a finance director because a lot people would expect them to be a chief financial officer. Mrs. Kavander explained that one of the main duties of a

Director of Finance is dealing with the City's investments and making sure that they are making prudent choices in terms of the investment plan and handling the City's debt. The most day-to-day duty is budgetary. They look at themselves as facilitators with other departments. Working with the departments in terms of establishing their budgets, meeting their budgetary needs and the day-to-day processing of payroll, invoicing, receiving funds, maintaining the records and working with the auditors every year.

Mrs. Kavander explained that the City does their GASB conversion in-house now which used to be contracted out. They are now sharing these duties with the auditors. The auditors do some of the work because it is too expensive for the City to keep up-to-date in terms of all of the qualifications and changing laws. In response to Mr. Adams, Mrs. Kavander stated that it is not her job to tell a department head how to run their department. Each department submits a budget and she can work with them on putting together their budget but it is up to each department to oversee their own budget.

In response to Mr. Sawyer, Mrs. Kavander explained that the City starts their budgetary process typically in the fall for the following year. The tax budget (for revenue streams) is done in June for the following year. She discussed how she handles the budgetary process. She stated that the City has eight to nine departments.

Mr. Gibbs complimented Mrs. Kavander on the information she compiled for them. He said the Commission has had a lot of conversation about this and recognized it to be one of the weak links in the Charter. Mr. Smith asked about the organizations that Mrs. Kavander belongs to and if they require continuing education (CE). Mrs. Kavander stated yes and explained that she has to have 40 hours of CE a year for her CPA and as a certified fraud examiner she has to meet a certain number of hours in that field as well and then the State auditors are requiring seven hours in investment training. She said she also gets CE in the associations that she belongs to.

Mr. Smith said it sounded like the State already imposes CE requirements so they really do not need to put that in the Charter. Mr. Gibbs asked Mrs. Kavander if they should put something in the Charter that the Finance Director belong to certain associations and Mrs. Kavander replied that would be totally up to the Commission. Discussion ensued.

Mr. Gibbs asked what GASB stands for and Mrs. Kavander explained that it stands for Government Accounting Standards Board. She said it is like the FASB, the Financial Accounting Standards Board, but it is on the government side. She stated that there is too much education to keep up-to-date with for the small amount of work involved and this is why they merge with CPA firms to get this done.

Mrs. Brown asked if the State or the various organizations mandate how many hours of CE are required. Mrs. Kavander reported that belonging to these organizations she attends their conferences and receives CE for that. She receives certain accreditations from these organizations that do require CE. In addition, the State Treasury is now requiring CE in the area of investments due to the failed banks a few years ago. In response to Mrs. Brown, Mrs. Kavander said what the State mandates is only a small piece of the pie.

Mr. Gibbs asked if Mrs. Kavander could make suggestions as to what organizations a Finance Director might belong to and she said she could do that. Mr. Smith asked Mrs. Kavander what organization is it that she is the National President of and Mrs. Kavander indicated it is the Association of Public Treasurers for the United States and Canada. Mr. Pease commented that the associations might be something to consider writing into the job description when you are hiring somebody rather than including them in the Charter. Discussion occurred.

Mr. Adams asked Mrs. Kavander if she recommends that they do a charter amendment and add the additional information she submitted this evening. Mrs. Kavander said she thinks they should because over the years the Charter Review Commissions have discussed this and she felt it was currently weak in terms of municipal finance. She felt that the format she presented tonight was the most encompassing without restricting someone with degrees and just outlining the really important key elements that a Director of Finance should have.

Mr. Gibbs reported that the last Charter Review Commission removed the requirement that the Finance Director had to live in Berea and be a voter due to thinking this was limiting the City in finding someone with Mrs. Kavander's level of training. Mrs. Brown reminded everyone that if they do recommend this go forward to Council, it would have to be approved by Council and then placed on the ballot. The voters will need to read this and hopefully understand it and vote for it. She said the stronger the Commission is with their recommendations and the clarity they give to Council, the more likely they will be taken seriously. Mr. Gibbs and Mr. Madzy thanked Mrs. Kavander for coming this evening.

Mrs. Brown referred back to the meeting agenda and said the next portion would be Public Participation. **Gary Brown** raised issues that might arise if they change Council to four year terms. Mrs. Brown replied that there are a lot of scenarios that could happen. She pointed out that the last Charter Review Commission discussed many things but decided to keep it general because they did not want to put specific items in the Charter that were all encompassing.

Mrs. Brown moved to the next item on the agenda, Presentation from Members of Council or Directors. Being no presentation, she moved onto review of the Charter Sections XII through XVI. She discussed Section XII, Improvement and Assessments and said that Mrs. Kavander has stayed for this portion in case anyone has any questions. Mrs. Brown asked Mrs. Kavander to give an example of what a Public Improvement would be. Mrs. Kavander used Shelley Parkway as an example. She explained that the person who owned the land where Shelley Parkway is now wanted the City to put in streets so the area could be subdivided and sold off into housing. The Public Improvements was the request for the City to put in streets and assess each parcel for the cost of this. She indicated that this is a good tool in terms of helping develop an area or put in some type of street improvements/sidewalk improvements where the owners want the improvement but use tax exempt funds to pay for it. She pointed out that it does not get used a lot but she felt it was a good tool to keep on the books. She explained the assessment process. Discussion ensued.

Mrs. Brown moved to Item 2. Methods of Special Assessment; Item 3. Resolution of Necessity and Item 4. Notice Served. Mrs. Brown asked Mrs. Kavander to explain Notice Served. Mrs. Kavander stated that once they get all of the filings done then she has to send certified mailings to all of the property owners to show that they have been given notice of the project. Mr. Madzy noted that service by publication can also be made.

Mrs. Brown moved onto Item 5. Plans of Proposed Improvements and Item 6. Board of Revision and Assessments. Mrs. Brown noted that it mentions President of Council in this section and asked Mr. Madzy what they will do if they decide to eliminate the President's position. Mr. Madzy felt that if there is interest in eliminating that position that they would go through the Charter and find every place it refers to President of Council. They could have one amendment to eliminate the position and have it say "here are the sections that it impacts".

Mrs. Brown moved onto Item 7. Claims for Damages. Mr. Sawyer referred back to Item 6 under Objections and asked what happens when somebody says they cannot pay. Mr. Madzy explained that if there is an objection it is presented to the Board of Revisions and Assessments. They listen to it and have the authority to alter the scope of the project. The termini of the project can be altered or it can be placed on property taxes and people can pay over time. You have the option to either pay when the assessment comes due initially with cash or can pay on property taxes over time in which interest is incurred. Mrs. Kavander discussed a situation where this occurred years ago on Shelley Parkway and Council passed legislation to remove the interest to help those homeowners so they could lower their payments on the taxes.

Mrs. Brown moved to Item 8 and Item 9. Mr. Sawyer referred to Page 27, fifth line down and questioned the use of “meets and bounds”. He suggested they use “dimensions and bearings” instead. Mr. Madzy explained that in legal descriptions sometimes you will see a reference made to meets and bounds. Mr. Madzy said they could change meets and bounds to other words that mean meets and bounds but if it does not change the meaning there is no need to change it.

Mrs. Brown went to Item 10. Interest on Assessment Bonds and Item 11. City’s Portion of Costs and Rebates. There were no questions so she moved to Item 12. Sidewalks, Curbs and Gutters and Item 13. Improvement on Petition of Property Owners. In response to Mrs. Brown, Mr. Madzy clarified that where gutters are mentioned it is referring to street gutters.

Mrs. Brown went to Section XIII. Nominations and Elections. Mrs. Kavander exited the meeting at this time. Mrs. Brown thanked her for coming this evening. Item 1. Primary Elections. Mr. Adams noted that at the last meeting someone in the audience recommended non partisan elections which would eliminate the primary.

Mrs. Brown reported that the last Charter Review Commission changed the primary to May as opposed to having it five weeks before the November election. The Commission wanted the City’s primary more in line with what general election primaries around the Country were. She pointed out that with the primary now in May, there is the potential for an existing Mayor to lose the primary and this would leave a lame duck in office for the remainder of the year. She said they may want to think about changing the primary to a September or October date which other cities have.

Mr. Adams stated that what Mrs. Brown talks about has its advantages and disadvantages. He has been involved with communities that had their primaries like Berea used to in the fall prior to the general election but this really gives a person a short time for a transition period. He noted that if Berea were to eliminate partisan elections this would eliminate the need for primaries. Mrs. Brown indicated yes and stated that she has nonpartisan elections written down as something to discuss at the wrap-up session.

Mrs. Brown moved next to Item 2. Regular Municipal Elections. Mr. Smith pointed out that if they decide to change the Council terms to four years, they will need to change where it says each odd-numbered year. Mrs. Brown moved next to Item 3. Special Elections and Item 4. Certificate of Nomination When No Primary is Held. Mrs. Myers pointed out that this section also mentions odd-numbered year. Mr. Madzy explained that generally the odd-numbered years were supposed to be municipal and state elections whereas the even-numbered year were for federal elections so this is general municipal election versus general election.

Mrs. Brown turned to Page 30, Item 5. Designation of Candidates and Item 6. Declaration of Candidacy. Mr. Madzy reported that the Board of Elections does have an interest in looking at the 60-day period prior to the primary to file a declaration of candidacy due to having to get absentee ballots to military personnel worldwide. He said he has called Bret Mahler from the Board of Elections to see what their recommendation would be regarding a time frame to file. In response to Mrs. Brown, Mr. Madzy felt that the Board of Election preferred a 90-day period instead of a 60-day period and he wanted to speak to Mr. Mahler again to confirm this.

Mr. Smith raised a question regarding candidates having registered voters sign their petitions. He stated that a republican candidate must get registered republicans to sign their petitions and democratic candidates must have registered democrats sign their petitions, however, independent candidates are not limited to who can sign their petitions so he felt they have an advantage. He said in order to keep these parallels, the Commission could recommend that an independent candidate would need to get petitions signed by independent electors. Mr. Madzy pointed out that the independent candidate needs more petition signatures than a republican or democratic candidate. Discussion ensued.

Mrs. Brown moved to Item 7. General Provision and Item 8. Qualified Electors. As there were no questions or comments she went into Section XIV. Initiative and Referendum and asked Mr. Madzy to explain Item 8. Succeeding Officer. Mr. Madzy explained that generally prior to the last Charter Review Commission, all gaps in the line of succession were filled through Council. However, with the line of succession being changed, the Council President no longer steps in for the Mayor and the Charter specifically states in this section, "except as otherwise provided in this Charter".

Mrs. Brown moved onto Section XVI. General Provisions. In response to Mrs. Brown, Mr. Madzy stated that the offices of Treasurer and Solicitor were elected offices prior to 1961 (prior to the Charter) and then they were eliminated as elected positions and were merged to appointed positions. He said this section gives some history on Berea.

Mrs. Brown moved to Page 35, Item 2. Oath of Office and Item 3. Continuance of Contracts and Enactments. With no comments or questions she went onto Item 4. Amendments to the Charter. Mr. Madzy recommended that they add a line to this section regarding what was discussed previously about items being recommended to Council and how Council approves items to go on the ballot. He said he is working on language for this section and will have it ready for the wrap-up session. Mr. Benner pointed out that a few meetings ago they also discussed changing Council's vote from two-thirds approving to two-thirds denying and he asked if the Commission should talk

about that in this section also. Discussion occurred and Mr. Madzy felt that it would be best to cover this under both sections of the Charter. He said he would work on the language and have it ready for the wrap-up session.

Mrs. Brown went onto Item 6. Continuance in Office and Qualifications – Elected or Appointed Personnel and Item 7. Separability. With no comments or questions, she moved to Page 36, Item 8. Interpretation of the Charter; Item 9. Use of Gender and Item 10. Conflict of Interest. There were no comments or questions regarding these items and Mrs. Brown stated that this concludes the review of the entire Charter.

OLD BUSINESS:

Mrs. Brown moved to Old Business on the agenda. Discussion ensued regarding changing the date of the May 3, 2011 meeting due to it being election night. Mr. Adams suggested that they review the list of items they have discussed and identify the items they plan on bringing to the wrap-up session as possible referrals to Council. He said this would let the public know exactly what would be discussed at the final meeting. Mr. Benner thought this was a good idea. Mr. Adams asked Mr. Madzy to read the list he has compiled.

Mr. Madzy noted he had the following items for the wrap-up session: 1. The length of terms for council members; 2. whether the Council President should be separately elected; 3. Whether the Board-of-Control should have authorization over \$1,000 purchases or \$2,500 purchases; 4. The approval of Council for charter review changes requiring two thirds vote of Council to reject any recommendations coming from the Charter Review Commission; 5. Council being required to submit changes from the Charter Review Commission that relate to Council to the voters automatically without any discretionary vote; 6. The qualifications of the Director of Finance; 7. Primary elections; and 8. Changing the 60-day time period to file before the primary election.

Moved by Adams, seconded by Sawyer to eliminate from the list to be considered for Charter Amendment the elimination of Council President. Vote on motion was ayes: Adams, Benner, Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith. Nays: None. The motion carried and the elimination of Council President will not be forwarded to the wrap-up session.

Mrs. Brown asked Mr. Madzy what if the Commission does not make any recommendations to Council could Council make their own recommendations for Charter amendments. Mr. Madzy explained that Council has their own process as far as Charter amendments. Mr. Adams stated that Council could make a Charter amendment at anytime with a two-thirds vote. Mr. Madzy pointed out that the Commission could come forward with a couple of recommendations and Council may have a couple of recommendations as well.

Mr. Adams felt that if you are going to change a Charter it should be because you have had problems with something or that there is an overwhelming support to change something and he did not see this when they discussed eliminating the Council President position. He pointed out that he did not get that from their discussion about changing the term of Council to four years either.

Moved by Gibbs, seconded by Sawyer to eliminate further discussion regarding changing Council terms from two years to four years. Lengthy discussion ensued. Vote on motion was ayes: Benner, Gibbs, Jaynes, Myers, Pease, Sawyer, Adams. Nays: Brown, Smith. The motion carried and changing the Council terms will not be forwarded to the wrap-up session.

Discussion occurred regarding changing the amount from \$1,000 to \$2,500 purchases that Board-of-Control needs to authorize. In response to Ms. Hamrick, Mr. Adams indicated that Board-of-Control meetings are open to the public. Moved by Jaynes, seconded by Gibbs to forward changing the amount from \$1,000 to \$2,500 purchases that Board-of-Control needs to authorize to the wrap-up session. Vote on motion was ayes: Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner. Nays: None. The motion carried and changing the authorization amount to \$2,500 for Board-of-Control will be forwarded to the wrap-up session.

Moved by Jaynes, seconded by Myers to forward the qualifications of Director of Finance to the wrap-up session. Vote on motion was ayes: Gibbs, Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner, Brown. Nays: None. The motion carried and Director of Finance qualifications will be forwarded to the wrap-up session.

Moved by Myers, seconded by Gibbs to forward partisan elections to the wrap-up session. Vote on motion was ayes: Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner, Brown, Gibbs. Nays: None. The motion carried and partisan elections will be forwarded to the wrap-up session.

Mr. Madzy stated that the final item is the number of days prior to the primary that the paperwork has to be turned into the Board of Elections. In response to Mrs. Brown, Mr. Madzy indicated that he needs to do further research on this and Mrs. Brown said they would just move this to the wrap-up session automatically. Mr. Adams asked Mr. Madzy how many items they have for the wrap-up session and Mr. Madzy stated four.

ANNOUNCEMENTS:

Further discussion occurred regarding changing the date of the May 3, 2011 meeting. It was decided by everyone that the meeting would remain on May 3, 2011, however the meeting would start at 6:30 p.m.

There being no further business to come before the Charter Review Commission, moved by Adams, seconded by Jaynes to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 7:40 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 12th day of April, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary

**2011 BEREA CHARTER REVIEW COMMISSION
MAY 3, 2011**

The 2011 Berea Charter Review Commission met on May 3, 2011 and was called to order by Mrs. Brown. This meeting was held in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and Chapter 109 of the Codified Ordinances of the City of Berea. Mrs. Brown had the secretary call the roll. Present: Adams, Benner, Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith. Absent: None. Also present: Matt Madzy.

Mrs. Brown opened the floor to discussion regarding the minutes from the March 22, 2011 meeting. Mr. Smith pointed out that on Page 10 and 11 where it refers to Mr. Smith making suggestion, this actually was Mr. Pease. He said he notified Ms. Hubler of this error and she has reviewed the audio of the meeting and found this to be an error. Moved by Smith, seconded by Gibbs to amend the minutes of the March 22, 2011 meeting. Vote on motion to amend the minutes was all ayes; no nays. The motion carried.

Moved by Smith, seconded by Gibbs to approve the minutes from the March 22, 2011 as amended. Vote on motion was all ayes; no nays. The motion carried and the minutes were approved as amended.

PUBLIC PARTICIPATION: None

PRESENTATION FROM MEMBERS OF COUNCIL OR DIRECTORS: None

WRAP-UP REVIEW OF POTENTIAL RECOMMENDATIONS TO COUNCIL:

Mrs. Brown reported that Ms. Hubler had submitted a highlight of what the Commission had discussed at the last meeting and Mr. Madzy had distributed a document outlining the items that the Commission had decided to move forward to tonight's wrap-up session. She stated that they would go through the information from Mr. Madzy section by section reviewing and discussing the changes that have been made and then decide if they will submit the recommendations to Council.

Mr. Madzy explained how he had written up the proposed changes. He said the Commission would need to decide if they want to make changes to the current Charter and if so, do they want the changes to be submitted as he has written them here or do they want to change what he has written. Additionally, he noted that he prepared the information chronologically as it appears in the Charter, however, with the \$2,500 Board-of-Control item he made it bold in both Charter locations.

Mr. Madzy pointed out that once he researched how other communities handle primary elections, he realized that this is a big issue. There are many ways that this could be set up. For example the City could have a Council President or staggered terms. The City could have nonpartisan primary elections or no primary at all so if a candidate gets the required number of signatures on their petition then they are automatically on the ballot. Mr. Madzy cautioned that the current Charter section regarding the Mayor states that the Mayor has to have the majority of votes so if they opt to allow as many people as they want on the ballot, it may be difficult to get a majority of the vote. If there is no majority then there is a run-off in December. He was not sure that this would give the Board-of-Election enough time to certify the results by the January swearing in.

Mr. Madzy asked if they would want a partisan election for the Mayor and the At-Large or President of Council but not a partisan election for the Wards or vice versa. He said there were a lot of issues for them to consider so he tried to sketch out a couple of things that he felt made sense but that this did not mean the Commission must go with them. He reiterated do they want to make a change and if so do they want to make a change to what he has written out here. If they get to the point that they want to make changes then they would need to discuss some of these points. How do they want to handle timing, number of signatures required, percentages versus actual numbers, etc.

Mrs. Brown agreed and noted that it is not simple to change elections and it would change a large portion of the Charter itself. Mr. Madzy added that it will change a lot of the Charter and will also necessitate deleting several sections of the Charter so it is a major change. Mrs. Brown said they can certainly talk about this but also not to forget that the Charter is the constitution of the City. The Commission is not going to take this lightly but do they really want to change the entire backbone of this community right now by changing to nonpartisan elections.

Mr. Adams indicated that this is the City's constitution and he personally believes that there should be one of three reasons why they actually change a Charter. 1. Because you have had problems with it over the last four to five years (term) or there has been a problem with a particular section and it needs to be changed. 2. It is outdated and needs to be updated; or 3. There has been a "ground swell" of people requesting a change. He felt that if one of these three things is not occurring then why would you change a charter/constitution. Mrs. Brown agreed with Mr. Adams and pointed out that there were two people that made a recommendation for nonpartisan elections and felt that if more people wanted to see that major of a change they would have come here and expressed their opinion.

Mrs. Brown referred to the first item on the document that Mr. Madzy had distributed to the Commission. Department of Finance – the Director. Mr. Gibbs said he could not think of anything to add or remove from the information Mr. Madzy prepared. Mr. Sawyer asked if the Deputy Director would also need to meet these qualifications and Mrs. Brown said no and explained that the whole idea of the deputy is to get someone under the Director’s wing so they can obtain on-the-job training.

Mr. Adams reported that he had a chance to talk to Mrs. Kavander today. He asked her if there was any measurable requirement that she felt a person should have in order to be Finance Director. He gave the example of the requirement for the Law Director where it says they shall be duly admitted to the Practice of Law in the State of Ohio and shall have been engaged in an active full-time Practice of Law for a period of five years. This is something that is not subjective in the Charter and it requires a person to have something specific. You either have it or you do not. Under the requirements for the other City Directors, the Charter states “shall have knowledge”. He asked how someone could measure knowledge and the only thing he said Mrs. Kavander could think of that was measurable would be does the Commission want the person to have a degree or not.

In response to Mr. Adams, Mr. Gibbs asked what kind of a degree he suggests the Finance Director have. Mr. Adams reported that Mrs. Kavander told him that some Finance Directors have degrees and some do not. Mr. Adams pointed out that if you have a Finance Director that has a degree in some type of finance it brings more credibility to the position. Discussion ensued. Mr. Madzy suggested that they modify qualifications to say the Director of Finance shall have knowledge and experience in accounting, taxation, business administration and municipal finance. He said they may want to leave it more broad and trust that the Mayor would be able to fine tune it in the job description.

Mr. Pease asked how you can test thorough knowledge and he thought ultimately it would come down to whether you have a good candidate or not. If they do not perform well they probably will be removed from the position. He felt that the best candidate would be someone who could be an assistant to Mrs. Kavander for a period of time and then take over the position. He raised concerns regarding the difficulty they will have in finding someone with these requirements because someone with these qualifications most likely already has a position with another City and is not looking for a job. He felt it is better to find the right candidate, groom them for the position and then put them into place after a transition period. In response to Mr. Pease, Mrs. Brown pointed out that if there is a change in the administration a change in Director of Finance could happen rather quickly.

Mrs. Brown stated that the information they received from Mrs. Kavander should be more for a job description at the discretion of the Mayor. She felt this was too much to put in the Charter. Mr. Pease suggested that they include a finance or accounting degree but did not feel requiring a CPA was appropriate. Mrs. Jaynes felt that a finance, accounting or business degree would be appropriate. Discussion ensued.

Mr. Benner raised concerns regarding putting a specific degree in the Charter. He said this puts a lot of limits on the Mayor and they should not have anything that is subjective in the Charter. He recommended that they either have to have a bachelor's degree or not. Mr. Pease felt that with a position like Finance Director the person should have a bachelor's degree. Mr. Smith said he agreed with what Mr. Benner said but they should retain a couple of the things that Mrs. Kavander listed under new qualifications. He recommended that they choose a few key phrases such as core municipal finance practices, debt issuance procedures and practices, and monetary effective internal control.

After lengthy discussion, the Commission recommended the following qualifications for Director of Finance: The Director of Finance shall have a bachelor's degree in finance or a related field and shall have knowledge and experience in finance, accounting, taxation and business administration in a government setting. Mrs. Brown moved onto (b) Duties and referred to the information that Mr. Madzy had highlighted regarding changes that Mrs. Kavander had recommended for this section. Discussion occurred.

Moved by Adams, seconded by Gibbs to approve the following change to Section IX Department of Finance Item 1. The Director. (a) Qualifications: The Director of Finance shall have a bachelor's degree in finance, accounting, taxation and business administration in a government setting. Vote on motion was ayes: Adams, Benner, Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith. Nays: None. The motion carried.

Moved by Gibbs, seconded by Jaynes to make no changes to Section IX. Department of Finance. Item 1. The Director. (b) Duties. Vote on motion was ayes: Benner, Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith, Adams. Nays: None. The motion carried.

Mrs. Brown went next to Section X. Boards and Commissions Item 4. Board of Control. She noted that the only highlighted area that they talked about changing was the amount from \$1,000 and increasing it to \$2,500. She asked Mr. Madzy if this is approved by Council, how would it appear on the ballot. Mr. Madzy explained that the Commission is required to send out information to the residents regarding what the Charter currently says and then what the proposed change is.

Moved by Jaynes, seconded by Smith to approve an increase of the Board of Control limit from \$1,000 to \$2,500. Vote on motion was ayes: Brown, Gibbs, Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner. Nays: None. The motion carried.

Mrs. Brown moved onto Section X. Boards and Commissions Item 6. Charter Review Commission and referred to what Mr. Madzy had written up and pointed out that there are two options given regarding what they had discussed with Council needing two-thirds vote to decline. Mr. Madzy stated that the Commission could forward them to Council and have them package these on the ballot so if they make the change in Section X, Item 6 then it would also be the same change in Section XVI, Item 4. Mr. Adams clarified that an item would move forward to the ballot unless Council rejects it/turns it down. Currently an item does not move forward unless Council approves it to go forward. Discussion ensued.

Mr. Smith asked where the part regarding Council not voting on items involving Council was and Mr. Madzy indicated this is covered in Option 2, the second to last sentence of the paragraph “regardless of any provision of this item, Council should automatically submit any proposed alteration, revision or amendment to Section IV of this Charter to the electors”. Section IV of the Charter deals with Council. Discussion ensued on how these options should be presented to Council. In response to Mrs. Brown, Mr. Madzy stated that Option 2 encumbers both items together where Option 1 separates them. Mr. Madzy asked the Commission if they like the language and Mrs. Jaynes said she liked the language in Option 2. Mr. Madzy pointed out that the Commission has already voted that they want both to go to Council but he wanted to make sure they were comfortable with the language before it goes to Council. Mr. Pease and Mr. Adams inquired who will present this to Council and Mr. Madzy said Mrs. Brown would present the Commission’s proposed changes to Council.

Moved by Benner, seconded by Myers to approve the language that Mr. Madzy has submitted. Vote on motion was ayes: Gibbs, Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner, Brown. Nays: None. The motion carried.

Mrs. Brown moved to Section XIII. Nominations and Elections. Item 1. Primary Elections. Mrs. Jaynes asked if the reason behind possibly changing to nonpartisan elections was to eliminate the primary election and the cost associated with it and Mr. Madzy explained that if the Commission decides to go with nonpartisan elections, the City could still have a primary and general election so they would still be paying for two elections. The City would have a primary that was nonpartisan so basically everybody who submits a petition for candidacy would be in the primary and two candidates from Republican, Democrat and Independent would move onto the general election. The other scenario would be to allow all candidates on the general election ballot and at

least for the Mayor, there would be a runoff in December so there would still be two elections. Mrs. Jaynes asked why the Commission would want to change to nonpartisan elections because it seems like it would be more of a problem and Mr. Gibbs agreed and said it would open a can of worms. Discussion occurred.

Mr. Madzy felt that the time crunch that the Board of Election would be put under if there were a runoff election in December (getting votes certified prior to swearing in) would be worse to deal with than a primary election. They would be trading the primary before the November election for a runoff election in December after the November election. Mrs. Jaynes believed "if it ain't broke don't fix it". Discussion ensued.

Moved by Jaynes, seconded by Gibbs to not make a change to the Charter regarding partisan elections. Vote on motion was ayes: Jaynes, Myers, Pease, Sawyer, Smith, Adams, Benner, Brown, Gibbs. Nays: None. The motion carried.

Mr. Madzy indicated that this concluded the proposed changes they needed to go over. Mrs. Brown asked about the issue regarding timing for the Board of Election. Mr. Madzy stated that he contacted the Board of Election and they had requested more time, however, they never got back to him. Mr. Madzy said he would hate to change it without the Board of Election's guidance. Mrs. Brown said they would leave this unchanged.

OLD BUSINESS: None

ANNOUNCEMENTS:

Mr. Smith commended Mr. Madzy for all of his hard work. The Commission gave Mr. Madzy a round of applause. Mr. Adams asked what happens procedurally from this point forward. Mr. Madzy replied that he would be going over the proposed changes with Mr. Walters in order to determine what legislation they will need to introduce to Council. Mr. Madzy stated that the first reading will be at the next Council meeting. He pointed out that Council may refer it to a work session at which time Mrs. Brown could make her presentation.

Mr. Madzy explained that in August a letter will be mailed to every home in Berea (every registered voter in the City). In response to Mr. Adams, Mr. Madzy reported that it is Council's responsibility to forward any changes to the Board of Election. Mrs. Brown pointed out that Council may not approve any of the Commission's proposed changes and forward nothing to the Board of Election. Mr. Adams noted that Council could also amend the Charter Review Commission's proposed changes. Mrs. Brown stated that the Charter Review

Commission only make recommendations to Council. Mrs. Brown thanked everyone for their service on the Charter Review Commission.

There being no further business to come before the Charter Review Commission, moved by Gibbs, seconded by Jaynes to adjourn. Vote on motion was all ayes; no nays. The meeting was adjourned at 7:35 p.m.

Mary Brown, Chairwoman

Attest: _____
Carol A. Hubler, Secretary

CERTIFICATE OF COMPLIANCE

The meeting of the 2011 Berea Charter Review Commission held this 3rd day of May, 2011 has been conducted in compliance with all legal requirements, including C.O. Chapter 109 and Section 121.22 of the Ohio Revised Code.

Carol A. Hubler, Secretary