



CHARTER REVIEW COMMISSION

March 15, 2022- Meeting Minutes

Present: Ken Emling, Scott Maitland, Andrea Diedrick, Aaron Cantu, Lisa Galek, Eugene Orynych, Billy Bisco, Suzanne Lambert
Not Present: Robert Boldt
Also Present: Vince Ruffa, Sam Alai, Lisa Putka
Guests: Tom Pavlica, Marilyn Houdek, Mark Cartellone

Chair Scott Maitland called the meeting to order. The meeting opened with the Pledge of Allegiance. Recording Secretary Lisa Putka took roll call; Bob Boldt, not present, was excused, all others were present. Council Member Tom Pavlica was in the audience.

Andrea Diedrick made a motion to approve the March 8, 2022 minutes, Aaron Cantu seconded the motion, all in favor.

Chair Scott Maitland preceded to go through the remainder of the Charter, starting with page 15. Then continued to review the resident submittals starting with a submittal from resident and Civil Service Commissioner Jim Giomini regarding Section 9 Civil Service Commission

Sec. 9 – Civil Service Commission

(c) Powers and Duties

1. The Commission shall provide for ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, the Revised Code of the State of Ohio, and for appeals from the action of the Director of Public Safety of the Director of Public Service in case of transfer, reduction or removal except as otherwise provided in this Charter. *Suggested change:*

The commission shall maintain civil service rules, regulations, and the appropriate administrative function regarding the appointment and promotion of employees in the classified service of the city. The Commission shall comply with all required mandates by the Constitution of the State of Ohio, the Ohio Revised Code, and all applicable requirements for the appeal from actions of the police and fire departments and the Director of Public Safety in cases of transfer, reduction in grade or removal except as otherwise provided in this Charter and appropriate negotiated collective bargaining agreements.

Chair Scott moved forward to discuss the other suggestions that were submitted. His concerns were the change requests did not come in with wording. Some of the items were just questions. If the submittals come without the suggested change, then we cannot review them as such.

Rec. Sec. Lisa wanted Chair Scott to clarify when the submittals were going to be reviewed? As they come in? Or at the April 5th meeting as we originally planned? Chair Scott stated that since the suggested changes are in the last half of the Charter they would go through them as they go through the remainder of the Charter. For any other submittals, we would wait until April 5th. Rec. Sec. Lisa mentioned that there were inquiries regarding submittals and she explained to them that the submittals would be reviewed on April 5th. Vice-Chair Lisa stated that they should go through the Commission comments first, then review

the submittals all at once after they all come in. It was decided to wait until the Commission completes their review and go through the submittals at the next meeting on March 21st.

Moving forward, Eugene asked for clarification on the **Editors Note on page 16 (e) Appointment of a Full-Time Fireman, Division (e) was repealed by the voters on November 5, 2002.**

Vince referred to page 15 **(d) Classification of Service (2) The classified service shall comprise all persons employed full-time within the Police and Fire Departments for which it is practicable to determine the merit and fitness of applicants by competitive examination or who have been appointed pursuant to Article V, Section 9 (e), of the Charter except for the Secretary to the Police Chief, the Secretary to the Fire Chief and all employees engaged in the activities that are principally clerical in nature.**

As Vince read that section, he emphasized, 'or' stating that some employees hired before the repeal are still employed, so it needs to remain in the Charter. Eugene suggested that it should be updated and removed because that section is empty. Vince stated that the reference needs to be there for the employees that were appointed before 2002; therefore, we cannot remove it. Eugene disputed that it is not clear because the reference is not there. Vince explained that if the reference is there, *'Division (e) was repealed by the voters on November 5, 2002.'* Eugene continued by stating that if he wants to know what the criteria of their appointment is, it is not shown in the Charter, it does not exist. If the public wants to know, where should they go? Vince explained that if that reference is needed, it is a public record. It is not in the document, but it can be found. Eugene continued to express that it is unclear.

Chair Scott commented that to locate the reference, one would have to go to a Charter before 2002. Andrea suggested adding to the Charter where the reference can be found. Vince stated that is what the Editors Note states. Vice-Chair Lisa reiterated that based on the Editors Note, someone would know to go to the City and request that document. Eugene debated the meaning behind the Editors Note, and it only states that it is not there. Discussion continued on how to obtain the information as a public record.

Suggested change: none

Suzanne Lambert inquired about Section 10, B, 1, **(b) Parks and Recreation Advisory Board. (1) Effective with this Charter Amendment, the term of each member of the current Board of Recreation and Activities shall terminate.**

Suzanne asked if Parks and Recreation Advisory Board was what the committee used to be called. Vince stated that it was called the Parks and Recreation Advisory Board at one time.

Billy Bisco brought up **Section 10,**

(4) The Director shall be required and shall have the power to schedule and regulate the use of the facilities in the City in all areas of recreation. The Director shall give first preference to the citizens and organizations of Broadview Heights in the scheduling of the use of any recreational facilities.

(5) The Director, with the approval of the Mayor, shall prepare a set of rules governing the use of recreational facilities and the supervision of personnel used in conjunction therewith, and shall make the same as a public record.

Billy asked Suzanne if there would be any consideration to allow residents only & guests of residents at the Splash Pad. He mentioned that it gets so crowded with non-residents that sometimes our residents cannot use it. Mayor stated that the Charter states that the Director has the power to decide. Right now, we choose to allow non-residents. The Charter enables the Director the choice to allow non-residents at all parts of our facility, including Human Services. Since other cities our using our facilities, we barely have enough room for our residents, so now we will have to limit Human Services to only residents. This can

also be applied to the Splash Pad. The ability is there. That is what the Charter is saying. **Suggested change: none**

Chair Scott moved forward. Aaron read the second paragraph on page 18. **Council shall appoint one of its members as an ex officio.** Vince explained the meaning and Rec. Sec. Lisa stated that this should be **ex officio** and this is a typo. Vince said that typos will be fixed during codification.

Chair Scott moved forward to page 19. Eugene has a suggestion on **Sec. 13, (c) Powers and Duties.** Halfway through - **He shall have charge of making and preserving all surveys, maps, plans, drawings and estimates for public works and shall attend all meetings and perform all other duties consistent with his office and as may be required by this Charter, by ordinance of the Council, and/or as directed by the Mayor.**

Eugene stated that since these are public records that are cared for, such as surveys, these should be subject to an independent audit to confirm that everything is being done correctly on behalf of the residents. He continued to state that the public should be able to get an independent audit to ensure that permits are processed and filed correctly, easements, property surveys, anything that has to do with public records.

Chair Scott asked Eugene what wording change he would like to add? Eugene stated that it should say 'You are subject to an independent audit'. Otherwise, it is only left in the good faith that this is being done correctly. Aaron understood what Eugene was saying, but explained that some rules need to be followed, but there is no guarantee that the job is being done correctly. How do we know if that person knows what he is doing?

Eugene questioned whether the jobs were being performed correctly to protect the public's records. Same with Finances, he would like the same thing here, '...subject to an independent audit to report to the people that this is working'. Eugene thought Vince would have a suggestion on how to word it correctly. Suzanne asked Eugene to clarify if he was talking about the residential change such as a fence? Or government property? Eugene stated he is talking about preserving surveys, maps, plans, drawings, and estimates for Public Works. Suzanne asked for reclarification in regards to people's homes. Eugene stated yes. Eugene gave an example of a survey on his own home. The surveyor gave the survey to the City and he wants to make sure the city filed it.

Chair Scott is unclear about what Eugene wants to be audited. Eugene explained that these are public records and the auditing can start at city permits, look through the records, and the permits that were filed. He wants to make sure that everything that gets filed, gets filed.

Mayor Alai pointed out that all records are public records, emails, police reports. The City is obliged to keep them and only dispose of them within the law of the State of Ohio. Mayor continued to explain what the State Auditors do and the kind of records they audit. Mayor continued to give examples of the auditing process when the auditors are here. Mayor also clarified how the process of surveys is filed. Mayor Alai reiterated that all changes need to go on the ballot to pass. If we put complicated language on the ballot, it needs to be clear and concise and must make sense.

Eugene maintained he cannot write it, it is trying to convey to Mr. Ruffa what he wants. He continued to explain that this involves the people's money and public records. It is important to be transparent and allow the public to feel confident that everything is being done correctly, and money is being spent correctly. Eugene brought up Frank May as an example. He explained that he was stealing from the city

of Brecksville. Eugene continued to reiterate how there needs to be openness to the public when it comes to their monies.

Vince explained to Eugene that the finances do get audited by the State every year. They either hire or independent accounting firm or come in themselves and spend 4-6 weeks in the City every year. Vince is not sure you can add to that. Rec, Sec, Lisa announced that she gets audited every year. She explained how meticulous they are and they ask for a lot of information. Eugene was unaware of this process until now, he suggested adding something like, 'Applicable to State Audit.' Vince reiterated that state law requires every city and township to go through this process. It would be superfluous to add it to the charter since it is required anyway.

He said that adding an independent audit to go over what the State does is inappropriate to add to the Charter. Vice-Chair Lisa also stated that all of these records are subject to Ohio's Sunshine Law, meaning that anyone can go to the City and request any available record. If the record exists and the City does not produce it promptly, they violate that law. Vince agreed with Vice-Chair Lisa and continued to explain that all created documents are maintained within a certain period. We have a retention schedule that allows us to dispose of certain records. You cannot get rid of some documents until after 20 years and others a lot earlier. Lisa Putka is in charge of this. Vince also explained that we have a Public Records Commission that meets twice a year. Vince describes how the process works. Lisa sends out a notice to all employees to send her a list of any documents that they want to dispose of that are not in our Retention Schedule. The Records Commission reviews the list, and if approved by the Records Commission, the list gets forwarded to the Ohio State History Commission, which also approves or denies. Vince explained the consequences of getting rid of a document that is not either on the retention schedule or reported with the State. He also explained that we could not ask why the requestor wants the record. We have to produce the document regardless. Vince concluded that the rules are very particular and very strict. We have to dot our i's and cross our t's.

Aaron reiterated that regarding auditing, the State has that covered. Eugene continued to debate that in addition to asking for a public record, we should be able to ask how the process is done. Eugene stated that the public should be allowed to come in and match records to see if the job is being done correctly. Vince confirmed with Lisa Putka, saying that the auditors do that. Suzanne also mentioned that her husband regularly contacts the City to verify square footage or land records. Eugene argued that how things are done needs to be written down so the public can say the City is following the process correctly. Chair Scott explained that the City is subject to the State of Ohio rules. Eugene declared that he understands that the City's finances are only subject to the State of Ohio. Eugene is not sure that easements are subject to the state audit, which is the only reason he is fighting this. Chair Scott mentioned that Lisa Putka indicated that everything gets audited. Vice-Chair Lisa requested adding this to be considered later so we can move forward. Lisa Putka stated that it is already on the list from last week. Chair Scott moved ahead.

ARTICLE IX
ORDINANCES AND RESOLUTIONS AND EFFECTIVE DATES
Sec. 1. Action by the Council.

On page 21 Eugene noted a spelling error Action by the Council. Lisa Putka and the Mayor stated that the y is cut off at the line. Eugene noted that he did a spell check on the document and argued that this is a v. Lisa explained to the Commission that when she cleaned the document, the underlines may have cut off some of the letters. Mayor brought up the County has a section in their Charter to allow for spelling and

typo corrections. The Charter may want to consider similar wording to allow spelling corrections and typos.

Vice Chair Lisa asked for explanation of:

Sec. 2 Effective Date of Ordinances and Resolutions – Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds (2/3) of the members of the Council for its enactment.

Vince explained that under State Law, the law says that any piece of Legislation that is approved shall not go into effect until 30 days after it has passed, unless it is considered an emergency.

A lot of our Legislation states something like, 'Resolution to enter into a contract withand declaring it an emergency.' If that is in there, there is no 30-day waiting period. Vince continued to explain that the reason was to keep the City running smoothly and efficiently. Vice-Chair Lisa asked if this statement could be removed from the Charter. Vince said that this could not be removed from the Charter, it is a state law. The mayor also explained that the City uses the emergency clause on items like donating to after prom or scholarships where you don't have 30 days to wait because it will be too late by then. We will not declare an emergency for important items like Charter Review and use the 30-day rule. Discussion continued about how the state law requires a certain amount of readings. **Suggested Change: none**

Moving forward, Vice-Chair Lisa suggested adding the City is an Equal Opportunity Employer under Sec. 7 Gender Neutrality. Vince suggested adding a new section, Section 8.

Vice-Chair Lisa also pointed out a typo under ARTICLE XV a. Right to Pure Water is missing 'in' All residents, natural communities and ecosystems 'in' the City...

Vince pointed out that this section is no longer valid. Vince explained how ARTICLE XV came about. We cannot remove this article because the voters voted for it.

The State of Ohio changed the law for gas and oil well drilling. This resulted in having 93 wells in Broadview Heights. Some residents were upset, and to stop this, they created the Community Bill of Rights, and it went to vote and passed. After it was passed and added to the Charter, the Supreme Court ruled that cities cannot regulate oil and gas. Only the State can. We cannot change it until it is put out to vote to remove it from the Charter. If you put it out to vote to remove the Community Bill of Rights, it will not go over well. **Suggested Change: none**

Chair Scott announced that we are at the end of the document and running out of time for today's meeting. Scott asked if everyone would be here next week. Mayor will not. Also, the April 5th meeting will be 2 hours.

Aaron asked how language is created for suggested changes, Vince will prepare the language. Sometimes the Board of Elections will tweak it. Vince also reminded everyone that each change would be an ordinance.

Chair Scott brought up the County's Charter regarding typos and misspelled words. Scott read it to the Commission. Vince will re-word it to reflect the City of Broadview Heights. Vince suggested adding it as a new section to Article XIV Miscellaneous Provisions.

Vice-Chair Lisa Galek made a motion to adjourn, and Suzanne Lambert seconded. Meeting Adjourned
Submitted by: Lisa Putka, Recording Secretary