

**CHARTER REVIEW BOARD MINUTES
APRIL 28, 2009**

This meeting was called to order by Chairman Ed Pleasant.

MEMBERS PRESENT: Alicia Adams, Roslyn DeGood, Gary McKinley, John Popio, Martin Pratt, Mike Rose, Alan Seymour, Becky Wever

MEMBERS ABSENT: None

VISITORS PRESENT: Brian Dostanko, Department Director of Division of Personnel and Services

JOURNALISTS PRESENT: Ryan Horns, Marysville Journal Tribune

APPROVAL OF MINUTES – Approval of April 14, 2009 minutes was declared and no changes requested.

GENERAL REPORT:

Chairman Ed Pleasant began the meetings with corrections for Ryan Horns in regards to the news report from the April 14th meeting. Corrections for 'at large' candidates and for the procedure for recommendations were discussed.

He then briefly reviewed the requests from City Council:

1. Term limits on the planning commission
2. Law director – full time or not
3. Review the mayoral form of government
4. Consider resolutions that do not need more than 1 reading
5. Vacancies of finance and director of administrations

The next meeting dates were proposed and agreed upon:

- May 12, 2009 at 6:30
- May 26, 2009 at 6:30

A paper with the recommendations from Administration was passed out to the members of the board with the request to read it for the May 12th meeting.

Discussion of the contents of the additional packet of information that had been handed out focused on the description of the law direction. With a total budgeted amount of \$114,000, the breakdown of the numbers was pieced out: \$58,438 for the law direction; \$56,871 for the 2 assistants for the law director. Also discussed was how much of the law director's time was focused on each category. 65% of the law director's time concentrated on the business of the city while 35% of the remaining time was for private practice.

The question of the population of Marysville was touched upon. The 2000 Census reported Marysville as having 15, 692 people. The 'guesstimate' for current numbers was somewhere in the vicinity of 19, 000 – 20, 000.

Clarification on the dates of the city charter that included the city manager form of government: the charter was passed in 1960 and revoked in 1980.

John Popio presented two resource books for the board to consider while discussing forms of government: the Ohio Municipal League books covering forms of municipal government and municipal charters.

General discussion on the topics at hand opened with the master of organization chart with the emphasis that line of succession is procedural based, not in the charter. The department of Public Safety does not have a director but would defer to Jillian Froment, as per procedure. In the case of the Department of Finance, the successor to John Morehart would be his assistant, John Green.

It was decided that in regards to the Department of Public Safety and its vacancy, no further discussion was needed.

The question of the difference between department and division was asked and Brian Dostanko shared the following items on the subject:

- Divisions are under departments as per the charter, specifically by ordinance 27 – 94.
- You can now create divisions and departments as needed by right of the charter
- Departments are headed by directors.

Chairman Ed Pleasant brought up the fact that council can bring an amendment directly by themselves. They don't have to go through charter review.

Brian Dostanko presented the analogy of the charter likened to the constitution while an ordinance is like an amendment.

It was then decided that more information was needed regarding the ordinance as mentioned by Brian Dostanko and a copy will be provided and discussed at the next meeting.

Chairman Ed Pleasant opened the topic of term limits and the Planning Commission. The Planning Commission is the only entity of its type that is termed. Presently, term limits are 2 terms, each four years in length.

The question was asked as to why there are limits, to which the reply was 'unknown'. Alan Seymour commented that, in favor of no term limits, longevity is beneficial to this particular job since the learning curve is so high -- at least 2 years to gain a working grasp of the knowledge.

With term limits, developers would yield greater power over planners which is an unbalanced way to grow.

Becky Wever asked if the experienced members would shoot down many of the new members' ideas.

Alan Seymour replied that it is certainly a valid concern.

Gary McKinley commented that the council and the mayor bring on planning members. He asked if there are meeting minutes available from November '93 and November '01 when this term limit was passed, perhaps shedding some light as to why term limits were added. Chairman Ed Pleasant replied that a request will be made for such resources and then the issue brought back to the table.

The discussion of resolutions requiring only 1 reading was initiated. The concern from various members around the table reflected what specific resolutions should only have a single reading. Such resolutions should be clearly defined and acted upon in the same meeting. Resolutions are not the same ordinances and should be held in a different light.

Examples of types of single reading resolutions were asked for. Chairman Ed Pleasant said items such as adjustments to the budget would typically compromise such requests.

Alan Seymour asked what situations require 3 readings. The answer was all ordinances.

Brian Dostanko said that the administration recommends a single reading resolution action as well.

Alan Seymour asked about statutory resolutions – are they same thing? They seem to require more attention. There are 3 different classes of resolutions, he said.

Chairman Ed Pleasant said the intent here is to have routine resolutions to be read only once. He then referenced source material that featured proposed language from other cities.

Gary McKinley said he was in favor of that, but exceptions should be clearly made and the law director can craft the wording for such a situation.

Chairman Ed Pleasant said Connie Patterson, Clerk of Courts, would work with City Law Director Tim Aslaner to craft the wording.

Chairman Ed Pleasant initiated the discussion of Law Director by defining the basics of the position: the Law Director prosecutes and does research for Council. The clerical part – Clerk of Courts and assistants – would be the clerical arm of the Law Director.

John Popio asked if there are times when the private practice duties interfered with the city duties.

Gary McKinley answered yes, probably. It is a big job and conflicts would be logical.

Chairman Ed Pleasant agreed and said that there are times when private practice does interfere. The intent here is to have the law director at the city's disposal at all times. In other words, 100% accessible.

John Popio remarked that there might be a budget issue at heart here.

Chairman Ed Pleasant said there needs to be something crafted that would give Council latitude in this matter.

Gary McKinley said if a fulltime law director existed, than the assistants would be appointed by Council.

John Popio questioned how the relationship works between the law director and the assistants? Would they come from the law director's private practice? Or elsewhere?

Gary McKinley asked if Tim Aslaner could come to the next meeting and talk with the board regarding this matter because it seemed more basic information was needed.

Chairman Ed Pleasant replied that an attempt will be made to try and get him to the next meeting.

Alan Seymour asked if we were falling short of duties because of the lack of a fulltime attorney.

Chairman Ed Pleasant said we could get more background on that from Tim.

Mike Rose proposed the question of assistants and the lack thereof if the law director goes fulltime. Who would do his research then?

Alan Seymour suggested to look at the benchmarks of other cities.

Brian Dostanko replied that there is no norm for this in Ohio. Marysville is just on the cusp of needing a fulltime Law Director. Tim can't all things for the city – contract law, bonding, etc.

Alan Seymour asked if we needed a legal advisor that contracts with current experts for each niche.

Chairman Ed Pleasant replied that specialized needs are contracted out. Tim serves as our hub for that activity.

Brian Dostanko added that other legal resources are available as well.

It was agreed that the board needed to ask Tim questions in regards to assistants, duties, and benchmarks.

The topic of 'at large' candidates and how they are elected was initiated. There are seven members of Council. 4 are ward based. Three of those are coming up for election soon. The suggestion is should the at large candidates have different starting dates.

Rosalyn DeGood asked why have the idea of 'at large'?

Chairman Ed Pleasant answered they are encompassing all wards. Residency doesn't dictate the ward.

Gary McKinley asked if that meant no ward could dominate?

Chairman Ed Pleasant said that all wards should be balanced.

John Popio asked what problem is this trying to fix?

Chairman Ed Pleasant said there is a need for people to run for wards. Not a lot of folks are signing up to do the job.

Martin Pratt asked if this scenario puts the incumbents at an unfair advantage.

John Popio asked about the difference between elected vs. appointed and the post term limits.

Chairman Ed Pleasant said he will ask for clarification from Council on the intent of their suggestion and the advantage vs. disadvantage for 'at large' candidates. He mentioned that there needs to be an odd number for voting and 5 is good number to be at.

The mayoral form of government was initiated by Chairman Ed Pleasant. He asked if the definitions are clear enough in the charter and in the ORC. He also offered that as far as the change in the charter, history holds that there were personality conflicts at the root of it. Chairman Ed Pleasant reiterated that he would like to have some discussion on the public hearing. Citizens would be given the mike at the beginning of the meeting and have a total of 5 minutes to present their opinions and case.

Alan Seymour offered that an open discussion amongst just board review first is a good thing and allows us to test our own sense of awareness.

Gary McKinley said the federal plan of government (vs. the city manager plan) creates a strong mayor position, since the mayor has veto capabilities.

Rosalyn DeGood said we have a hybrid form of government currently in the city. The mayor is part time but not weak and there is the city administrator, Jillian Froment.

Brian Dostanko said the city of Marysville is unique in its form of government because the Ohio Municipal League describes 3 forms of governing and the hybrid form of Marysville's council/director/mayor format is not included. It works at this time, he said, because the personalities work together. Froment, while the termed a Director of Administration, is really a

city manager but the nomenclature of Director of Administration is directed by the charter. There is no Department of Administration in the Master Organizational Chart. The name itself causes confusion when collaborating with other cities and their departments. He recommended changing the charter to list the city's government as a council/city manager/mayor.

Different board members reflected on the lack of appropriately skilled people to fill the position itself as well as the lack of people running for the position. Also brought up was the limit of the populous' opinion when governed by the city manager format. Additionally, a lack of checks and balances was apparent in the city manager format as well. Also speculated was the fact that it appeared the past councils wanted to remove the city manager form of government due to personality clashes.

Chairman Ed Pleasant requested that the definitions of the different forms of government be listed for clarity's sake.

1. Council / City Manager
2. Council / Mayor / Director of Administration
3. Council / Mayor
4. Combination thereof or 'hybrid'

Brian Dostanko further refined the definitions:

1. Council / Mayor
2. Council / City Manager / Mayor
3. Council / City Manager / Director of Administration

He said that veto power defines the strength of the mayor's position.

Gary McKinley pointed out the city manager is not elected and the mayor is elected by the populous.

Chairman Ed Pleasant offered the idea to ask Tim Aslaner about the revised code and the checks and balances for the city manager.

John Popio asked about the impetus behind the change. Was it issue driven?

Chairman Ed Pleasant said Marysville switched in 12982 from the city manager form of government and was probably both personality and issue driven.

Becky Wever asked if the mayor generally uses the veto power actively.

Brian Dostanko answered the current culture is really good and so far has not been needed.

Chairman Ed Pleasant added that in previous administrations it had been used extensively.

Gary McKinley asked if Brian Dostanko could come back to the next meeting to further discuss the name change of the city manager / Director of Administration.

Alan Seymour said it looks like we need better definitions of the city manager position and the Director of Administration.

The meeting ended with a recap of the following issues up for further discussion for the next meeting:

1. 'At-Large' candidates: advantages and disadvantages
2. Obtain a copy of the 27-94 ordinance
3. Any minutes for term limits
4. Craft resolution for the 1 reading of ordinary resolutions
5. Ask Tim Aslaner to come to next meeting
6. Investigate the revised code as it applies to the mayor form as well as all forms of city government.