

**THE CITY OF HURON, OHIO**  
**Proceedings of the Huron City Council**  
**Work Session Tuesday, July 12, 2022 at 5:30 p.m.**

**Call to Order**

The Mayor called the work session of the Huron City Council to order at 5:30pm.

**Roll Call**

The Mayor directed the Clerk to call the roll for the Council work session. The following members of Council answered present: **William Biddlecombe, Sam Artino, Monty Tapp, Matt Grieves and Mark Claus.** Councilmembers absent from meeting: **Joe Dike and Joel Hagy.**

Staff in attendance: City Manager Matt Lasko, Finance Director Jeff Hall, Law Director Todd Schrader, Assistant Law Director Gary Ebert, Service Director Stuart Hamilton and Clerk of Council Terri Welkener.

**Old Business**

None.

**New Business**

**Presentation regarding Charter Review process.**

Mr. Ebert explained that the City's Charter started in 1961, and it is his understanding that there has not been a review since its inception. Most cities have charter reviews every 10 years. You don't have them every year and don't you want to have a charter amendment put on the ballot every election year. You generally appoint a committee to review the charter. The committee is never composed of council members, it is composed of residents who live in the city. Those members make a recommendation to city council of anything they believe should be contained in the charter or changes in policies and procedures for the charter of the city. The norm is every 10 years.

There is also a provision that 10% of the registered voters, at any point in time, can have a charter amendment put on the ballot.

Also, 5/7 of City Council can have something put on the ballot at any time. He cautioned that this only used in an emergency situation.

Huron's Charter is pretty bland as far as there are no provisions included as to how things are done. A charter will often will state how many meetings you have each month or each year, whether you have a summer recess, what the times of those meetings are. That way, someone new to the office knows they will have "x" amount of meetings and there is going to be a recess in July/August. They have a summer recess in Avon Lake. The terms of the electorate are in there, the dates of office, and that's always done in the charter. For instance, Huron's Charter simply states that it follows the Ohio State Constitution, Article 18, Section 9, which talks about the electorate being able to put something on the ballot, i.e., if someone doesn't like something and they are resident, that person can have something put on as a charter amendment to be submitted to the voters at the general election in November.

Mr. Ebert advised that he can identify various topics that he thinks are the normal topics in a charter, and are missing in Huron's charter. Ward districting is something that could be included in the charter. Huron has its change of office in December, while most charters have the change of office occur at the end of the year. The electorate elects people in November, and that councilperson takes office on January 1 in most cities. That's always a difficult situation when people have to come to a meeting on January 1. All the time he was in Bay Village, they would always have people with hangovers from New Year's Eve parties, but it

was always held at 11:00am on New Years Day for the swearing in of the new officers. This happens in big cities – the Mayor is sworn in the night before, even though have a formal ceremony the day of January 1<sup>st</sup>. Huron’s is the 1<sup>st</sup> of December.

Mr. Schrader had several questions, which were answered by Mr. Ebert:

Q: If Council was to go forward with establishing a charter review committee, how many people are generally involved?

A: Seven to ten.

Q: Are those people all selected by Council?

A: Council and the Mayor, but they are not giving slip of paper to them to make sure that certain items are reviewed. Council may submit changes they would like to see for review. They may review an item, but not select that particular item to go back to Council. Unless Council then has a vote of 5/7 to put that on the ballot, it is not happening. That committee makes the decisions as far as what they believe should be submitted to the voters, and then Council votes whether those items should be submitted to the voters.

Q: So, before it goes to the electorate, it is a Council 5/7 vote – whatever the topics are?

A: Right.

Q: Given that this hasn’t happened, apparently since 1961, let’s say you get 7-10 citizens that are going to be involved and have had no experience doing this. They aren’t going to have the knowledge or experience that existing Council, staff, etc. has to look at these provisions. He was just messing around making a very small list, and feels that maybe guidance from the City...

A: If you decide to do this, I always recommend that each Councilperson and the Mayor goes through the Charter one provision at a time to see, how many time did we have a problem with this provision? Was there a problem with this provision because it wasn’t clarified enough? That’s how you start this process. Those are the issues you are going to see at this committee. Take a look at those items you are going to submit to them, in addition to any items they believe the City is missing out on. They have to have some idea of how the process is administered in the city. There has to be some sort of education. It’s not Council’s or staff’s influence on them to decide what they are going to recommend back to Council. This is not a catch-all. Unless you have a real problem or concern with the charter as submitted back in 1961 by the founders of the City of Huron, you don’t change everything every time a new council comes in.

Mayor Tapp said that since the Charter is so old, there are things in there that are not even germane any longer. Mr. Ebert confirmed that those items can be removed per the charter review process. Any change to the Charter, whether it’s an addition, revisions or deletion, must go through the electorate. Council has the final say as to what gets on the ballot, unless a citizen obtains signatures of 10% of voters to have it submitted on that same ballot.

Mr. Artino said there are some things related to the Mayor performing weddings that are pretty biased, and those are legal issues that really need to be looked at. That entire section needs to be looked at. He thinks there are people in the City that might be interested in, including former Council members, serving on the Charter Review Committee. Mr. Ebert agreed that a prior Council member would be a good choice to serve, as they know some of the issues Council has faced over the years.

Mayor Tapp asked if this committee is formed through applications, or does Council suggest names. Mr. Ebert answered that it is an application process – the City would make an announcement and ask for applications by a certain date. Mr. Lasko said that in Sandusky, in addition to taking application, or instead

of taking application, Commissioners simply made appointments. Mr. Ebert answered that Council can do that, as well, and the application process is done to see if someone is interested in serving. The idea is to get a cross-section of the community so it is not stacked on one side.

Mr. Ebert stressed that the charter review process should not be taken lightly. Council should take some time to study the Charter. Most charter review committees meeting for months (3 months in the case of Bay Village). They must vet their ideas before make a final recommendation to the City Council. Mayor Tapp asked if the State of Ohio requires that a charter review if performed every 10 years. Mr. Ebert that as a chartered municipality, Huron can designate how often the review is required. 10 years is the general rule and is recommended. There is nothing in Huron's Charter that states how often it should be reviewed. Ten years gives you time to live with something before deciding to make a change. If it's something serious, you can always go to the ballot at any time.

Mr. Ebert said that he and Mr. Schrader had done a brief review of the Charter, and there are sections that are archaic and should be changed. Mr. Schrader said there are residence requirements that have been deemed unconstitutional, etc. Mr. Ebert said that in 1961, Council received \$200/year. It says that you can later make a different salary – the amount shouldn't be put in there, it should be taken out. Salaries are dictated and determined by Council.

Mr. Claus asked who facilitates the committee, would Todd or our legal team do that? Mr. Ebert said they could help to facilitate the first meeting, especially since this is the first time this is being done. This would be similar to what they did when they met with BZA to tell them what their obligations and duties would be so that they understand what they in for. The committee would assign a chair. Mr. Schrader said that legal counsel and the staff should take the opportunity to at least take a hard pass through the document, and then get with the committee to indicate where they found weaknesses or areas for improvement, and be able to explain why. Because this is the first time, it is important to have somebody involved to help. Mr. Ebert said that after the first meeting, they shouldn't need that, and it will become part of the administration as to how that's down.

Mr. Ebert asked the Clerk if there are any minutes available from 1961, and she answered that records are limited. He suggested that they look to see what we have from back then to see if there was a committee at that time. It would be interesting to see whether this was done by an ad hoc committee in-house. Those records are not digitized, and are currently in paper form in folders.

The charter review would take some time, and would certainly not be completed in time for the November ballot – possibly next spring. Mr. Ebert said that since this hasn't been done before, each Councilmember should go through the Charter to see what should be changed.

Mayor Tapp asked if it legal counsel's opinion that it is in the City's best interest to form this committee. Mr. Ebert answered that what he and Mr. Schrader would first do is put something together with some of the ideas they have and then Council could meet and go through those items, along with Council's suggestions, and then form a committee after that. Mr. Ebert said that he would use examples from other cities he is familiar with – some have good boilerplate provisions that stand the test of time.

It is possible that the committee may review a handful of provisions, but only recommend one change to Council. There should be more than a few items on the ballot for Huron, however, because there is a lot of updating that could be done. The average person is going to vote for those updates.

Ballot issues cannot be bundles, e.g., replace entire charter with revised charter, but must itemize each section change. 5/7 of Council can recommend putting any item on the ballot, but if it fails at the ballot, it

cannot be changed by Council alone. The same goes for any committee-recommended item not placed on the ballot by Council – it can still be placed on the ballot by 10% of electors.

Mr. Ebert gave an example of an unconstitutional item existing in a charter. The committee added footnote language stating that this provision was deemed unconstitutional in 2022. It's in the Charter, but it doesn't have to immediately go to the ballot, because it can't be enforced if it's unconstitutional. Mr. Lasko added that in some cities, if something is unconstitutional but the City likes it or supports it, they leave it in there so that if it becomes constitutional at a later date, they don't have to go back and change it. Sandusky has a residency requirement, but they don't take it out because they don't want to have to put it back in. Mr. Ebert said that he has seen that exact example in two other cities.

Mayor Tapp said he can foresee that there will be many changes requested, but is that something they want to do all at one time. Mr. Ebert answered that he would not recommend having 20 items on the ballot – they are not going to get read, and there will be people that vote “No” straight down the ballot. You want to start slow. He recommended that they take the most important provisions that are obsolete/unconstitutional/difficult/unenforceable. Asked by Mr. Artino if they can give the committee that direction, Mr. Ebert answered that they could. The recommendation from the committee should be limited to 10-15 items, with Council deciding how many make it on the ballot.

Mr. Lasko asked if there is a situation where a job title is used throughout the charter, but that title is irrelevant or never used. Can you make a blanket provision that says if there is a reference to “A”, that it actually means “B”? Mr. Ebert said that could be done. Mr. Schrader said there are references in the Charter to a “Purchasing Agent” and the purchasing agent is, more likely than not, either the City Manager or the Finance Director – can that be done? Mr. Ebert confirmed that that can be done, as well.

Mr. Ebert recommended that the committee have 7-9 members, and it is important that it not be an even number. He and Mr. Schrader will put together some ideas for boilerplate items, and then it would be up to the committee to review those items and others suggested by staff or Council. Having a prior council member or mayor on that committee would be helpful, but limited to one or two.

Assuming the committee proceeds and items are selected to be put on the ballot, Mr. Schrader asked if there should be a public meeting where all of the changes are explained for the benefit of the community. Mr. Ebert answered that because this is the first time this is happening, he absolutely recommends that happen. That can be done at a Council meeting.

Mayor Tapp said that he feels that there is consensus that this needs to be done, and asked if they should come up with some names. Mr. Lasko answered that he can only speak to his own experience in Sandusky, where commissioners (or council members) each appointed 2 members to the committee. That resulted in 14 people on the committee, which is a little unwieldy in terms of number, but it was helpful for each commissioner to appoint someone because it ensures unilateral representation across the board. There could also be a hybrid where Council takes applications, but that's up to Council.

Mr. Ebert said that in other cities they put a notice out at a Council meeting that they are going to accept applications or requests to service on the charter review committee, and to please submit them to the Clerk of Council. Others are selected by Council. The goal is to try to have equal representation from all over the city.

Mr. Biddlecombe said he liked the idea of the hybrid because, that way, at least people that might be really interested that Council may not be thinking about have the opportunity to say they are interested. If we don't get seven people that way, then they can start appointing. Mayor Tapp suggested that each person on Council reach out to a couple of people they are interested in and also do the applications.

Mr. Ebert said that he and Mr. Schrader will put some highlights together of some provisions that they see need to be changed, and they will also give Council some ideas for the selection process – they will get that done right away. Council can then hold another work session. Mr. Claus said that for our size city, 7-9 would be the maximum, and that should provide a pretty good work session. Mr. Artino agreed that 7-9 is big enough, and there can also be issues with people all being able to come to the same meeting. He would like to see at least 1 or 2 of the past Council members on the committee – Mr. Claus agreed.

Mayor Tapp asked if there were any more questions. There being none, he asked for a motion adjourning the meeting.

### Adjournment

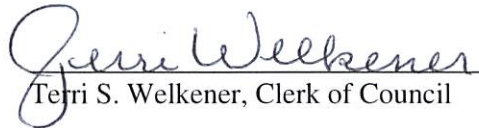
#### **Motion by Mr. Biddlecombe to adjourn the meeting.**

The Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

**YEAS: Biddlecombe, Artino, Tapp, Grieves, Claus (5)**

**NAYS: None (0)**

There being more than a majority voting in favor of the motion, the Mayor declared the work session of July 12, 2022 adjourned at 6:04pm.

  
Terri S. Welkener, Clerk of Council

Adopted: 09 AUG 2022

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