

THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Work Session Tuesday, May 23, 2023 at 5:30pm

Call to Order

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

Roll Call

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

Old Business

None.

New Business

The Mayor said that they are going to discuss Charter Review Commission composition terms. He turned the meeting over to Mr. Lasko.

Mr. Lasko explained that this is a follow-up to a work session they had a couple months ago about the idea of a charter review process. The City has not had a charter review since it was incorporated. Most cities do charter reviews every 5 to 10 years. Based on the last work session, they have been working with SSEG to research a few things, and what they uncovered, for better or for worse, is that our charter also does not lay out how a charter review should be done, which is a little atypical. Most charters have a section related to the composition of a charter review commission, how frequently they should be done. Our charter is quiet as to that process. In those conversations, they believe the most appropriate process, before they can do a charter review, is to go and create a Charter Review Commission, which because it's an amendment of the charter, has to go to the ballot. The good news is that in lieu of a Charter Review Commission, Council can with a 5/7 vote, put any charter amendment on the ballot. What they were thinking was to go to the ballot this fall with an amendment to the charter specific to creating a Charter Review Commission. I am eventually going to turn things over to SSEG to facilitate, but he thinks some of the basics they are hoping to get out of this work session are: how many individuals from the community should be on the Charter Review Commission, how those individuals are appointed, and how often Huron should do a charter review. There may be a few other nuances, but with that, he turned things over to the folks at SSEG, unless there are any initial questions.

Mr. Hagy asked what happens if it doesn't pass. Mr. Ebert said that if it doesn't pass by a simple majority, it doesn't pass, and you would have to rely on a 5/7 vote of Council to submit amendments to the ballot. 10% of the electors can also submit a proposed amendment to the charter. Interestingly enough, he has three charters with him now, and one of them says that the Charter Review Commission shall recommend to Council, while 2 of them say that the Charter Review Commission's recommendation shall be placed on the ballot without Council's approval. In other words, it's mandatory whatever the Commission comes up with. That's something to decide, also. He recommends that it should be recommend to Council, and if they still want it on the ballot, they go back to get 10% of the voters on a petition to place it on the ballot. It is also important to decide the term. You want to do your Charter Review Commission every 5 years or 10 years. The Charter is your gospel. If you want to change it, it is going to be a little more difficult than just having a resolution or ordinance passed by Council. Every time 5 years comes up, you are going to have an election, and you are going to have to pay for that issue to put it on the ballot, etc. Therefore,

it is important to decide how often you want to have a Charter Review Commission appointed, and the terms of those people – that should be worked out tonight. Those are 2 things to start with.

Mr. Dike asked how much it costs to put something on the ballot. Mr. Lasko answered that if it is in the general election (in November), at most it cost \$10,000, but could be a little bit less because it's a general election. If it were a special election – you may remember that Sandusky just had to do one – it would be \$25,000, give or take a few dollars. Let's assume a maximum of \$10,000 worst-case-scenario. That's why we don't do it every 5 years. Mayor Tapp said that we don't currently have a Charter Review Commission, is that something that the State requires? Mr. Schrader answered that it is recommended by the State, and the Huron charter refers back to the Ohio Constitution for any amendments to the charter – the Charter Review Commission or any amendments thereto. Anything that they do has to go back to the circa 1959/1961 charter, which references the part of the Ohio Constitution that Mr. Ebert has been talking about. Mr. Ebert added that most cities want more flexibility, because they have more specific needs. Most cities include establishment of the Charter Review Commission in their charters. Huron's is completely silent as to the charter review process. Mr. Artino said that did have a little bit of a discussion on this years ago, and it got tabled for some reason. That's probably why. Mr. Hagy asked if there is an urgent need for a change to the charter, or is this housekeeping to make sure that we've got that flexibility? Mr. Ebert that Council would know if there is a need. Most cities want to have that specified. Huron's charter doesn't talk about how many members – most Charter Review Commissions consist of 9 members. There are different appointments to make sure each ward is represented. Mr. Lasko answered, no. With his past governmental experience, he was a little surprised that Huron doesn't have a section of its charter that creates the Commission. Speaking just for staff, although this isn't exhaustive across all departments, he wouldn't say that there's an urgent need or recommendation in terms of something that's really inhibiting us from doing our job, but there are a lot of sections of the Charter that are defunct, out-of-date, obsolete – you name it. He thinks they are probably going to have to tackle it in chunks versus sending 50 things to the ballot. That would be the responsibility of whatever Charter Review Commission is created, but there is a lot of work to do just to clean it up. Mr. Ebert added that you don't want to put a large number of issues on the ballot, because they may all go down in defeat. You want to start out small and make sure you get the most important one needing change on the ballot. Most Charter Review Commissions will have the public give their input – it is handled like a Council meeting – but when you get down to the brass tax, the Charter Review Commission will choose which issues should be talked about and really need to be changed, versus the litany of stuff where maybe one person has a view on this versus a majority. Mr. Hagy said it is his understanding that if Charter Review Commission got together and found 15 things that need to be corrected in the charter and recommend that those 15 things be on the ballot, he is saying that there would be 15 separate issues on the ballot. Mr. Ebert said that he would never recommend 15. He is going through this right now in the City of Avon Lake. There are probably going to be only 2 after meeting for 6 months. There has been a lot of dialogue and discussion, but when you get down to it, you have to be careful what you ask for. There is some language in our charter that is obsolete. He knows of one city where the changed one word, it got voted down, and now that section is void now. You have to be careful how it is submitted, e.g., the language used. Mr. Lasko added that because the Charter Commission would have to come to Council, the 15 items issue could be avoided. Mr. Ebert said there are two provision he would recommend Council put in the charter – the Charter Review Commission makes recommendation to Council. He has another charter right here, the City of Avon Lake – whatever they say, it goes on the ballot – you have no say as a Council once they submit it to you.

Mr. Schrader provided an example of a needed change to the charter, the City Manager residency requirement. Mr. Lasko said to even get to that point, you still have to create the Commission itself. Mr.

Ebert said there are two important points right now: creation of the Charter Review Commission, and determining when that Commission meets and how it is appointed.

Mayor Tapp said that what they need to discuss is how many people Council wants on the Commission, how long their term will be, and where they come from. Mr. Hagy said, how many, how often, and how they are selected. Mr. Artino said there should be 7 members. Mr. Ebert offered to give an example of two:

In City 1, the Mayor appoints a commission of 9 qualified electors, and the appointment shall be confirmed by Council, at least 5 of whom shall hold no other office or appointment by the city. Said 9 electors shall serve as a Charter Review Commission, and within 6 calendar months, confirmation of appointment shall be made. Mr. Schrader added that the commission ceases to function on the day after the next election.

In City 2, 5 of the 9 members shall be appointed by the Mayor, 4 of the members of each ward shall be appointed by Council. You want to have a cross-reference in your city, so you don't get one person appointed with all of their friends. Mr. Hagy said he can't get over the fact that the cleanup will take so long, considering they only meet every 5. It's going to be 150 years before it gets cleaned up. Mr. Ebert said you want to create the commission and the term of the review (how often you review it), first. The next time, you will have the members appointed, and you start cleaning up the language. He recommends keeping the number of issues you want to put initially on the ballot.

Mayor said some of the stuff in the Charter is already defunct, such as the residency requirement for the City Manager. That's a pretty easy one to explain on the ballot, because legally, we have to do this. Mr. Hagy said the problem is that you have to do it one at a time. If you have 20 clean-ups to do, you are talking 20 years. Mr. Biddlecombe added, and \$10,000 every election.

Mr. Artino said that he would recommend putting only 7 people on this committee. He has facilitated a lot of meeting, and anything more than 7 is harder to manage. Mr. Tapp asked what is standard. Mr. Ebert answered that it is based on your population – Bay Village and Avon Lake both have 9. Based on the size of Huron, 7 is probably the perfect number – you don't want an even number, obviously. Mr. Hagy said what's more important than the number on the body - although he agrees that if you get too many people, you get nothing done – is ensuring we have the representation and whether that's by neighborhood or by rural vs. urban, or by east vs. west. It's making sure we have the representation across the City. Mr. Tapp said the only thing on the upcoming ballot will be the formation of the Commission. That's all we're doing right now. The ballot issue will state the number on the commission and how often they review the Charter. There would be two separate issues. Mr. Ebert said he has seen that most cities like the 10-year period. Council can always put issues on the ballot. If you have a lot of reviewing to do and Council wants to do every 5 years, that's fine. Whatever is chosen is in perpetuity, unless there is another amendment to change the term. Mr. Lasko said that he has been through this with Sandusky, who reviews every 4 years, and they are caught up. He is not against the short term, but he wants to be sensitive of the fact that the commission meets intensely for months, and it's a big time commitment for the group.

Mr. Hagy asked how the commission works. Do they make a recommendation to this body, and this body can choose which ones will appear on the ballot? Mr. Ebert said that verbiage is important, it can be "recommend" or "shall" for placement on the ballot. Mr. Lasko said it is Council's prerogative, but he'd be fine with even 4 years, and maybe it gets to a point there is no recommended changes. Mr. Ebert said the least he has seen is 5. Mr. Ebert said he can give Council a sample.... Mr. Hagy asked, if you have this commission and somebody didn't like something on the commission, whether they did or didn't do it,

what's this 10%. Mr. Ebert answered that they can take a petition around and if they obtain the signatures of 10% of the voters who voted in the last election, and they that issue would have to be placed on the ballot. If Council says no to a certain charter revisions, 10% of the voters can get that issue placed on the ballot. Mr. Hagy asked what happens if they propose something outrageous. Mr. Ebert answered that it is still mandatory that it be placed on the ballot. Mr. Tapp said he believes what staff is looking for from them is a number, and then they can move forward to say they are going to form a Commission. Mr. Lasko said they are looking for number, term and how they are appointed, and then he assume s you then craft language that would have to come to this Council to obtain a 5/7 vote, and they would need to do that probably by mid-summer to get it on the ballot. Mr. Tapp said the 7 sounds fine to him, just because of our population. Mr. Biddlecombe agreed. Mr. Ebert said if they are in agreement that there will bee 7 members, the next thing is to determine how they are selected. Is it based on your various districts, your various wards... that has to be spelled out in the provision itself.

Mr. Tapp said that if they choose 7 to be the number, he doesn't have a problem with each Council member appoint 1 member. Council discussed whether it should be by neighborhood, north or south of the tracks or east/west using the river as a boundary.

Mr. Tapp said the hardest thing is that this is a bid commitment, and you will have to find people that want that commitment. Mr. Artino believes they are going to have a hard time finding people willing to serve. Council would have 6 months to appoint the Commission. Mr. Hagy asked about resident versus business owner. Mr. Ebert answered that normally it is residents. Mr. Schrader suggested that each member of Council appoint one person, with an intent to have as wide a cross-section from the community, as possible, or from the west/east, etc.

Mr. Tapp asked if the ballot issue will state how often they will meet. Mr. Ebert answered that that is up to the commission – they just know they have a deadline before the election to get it on the ballot. Mr. Lasko said that in his experience, the commission starts in January or February and meet fairly regularly through early summer to then have the recommendations come to Council. The commission runs themselves. They elect a Chair, they can bring people in to make presentations, they can bring people in from other cities, and they can bring in department heads or staff to ask what they challenges are. They become their own operating body. The Law Director is, usually, fairly involved. Mr. Ebert added that the commission can as City Council, the City Manager, etc. They run their meetings just like a Council meeting. They take the recommendations and hear the input.

The Mayor asked if this is something they can treat like other committee appointments. People can make application and Council then goes through applications. Mr. Ebert answered that it is, generally, an appointment, but you can do that. He suggested that each Council person select one person. Mr. Biddlecombe suggested that it might be easier of each member of Council found one person, versus trying to take application. He thinks some committee seats have gone without any applications coming in. Mr. Artino added that it is going to be difficult to find somebody that wants to make this much of a commitment. Mr. Lasko said that having each Council member appoint a member might be more supported by the community, because if you had a divided Council, at least everyone is going to feel like they are going to have some type of representation.

Council agreed on 7 members, with each member of Council appointing one person. After some discussion, it was also decided that the members must a resident and registered voter, cannot currently be a current appointee on a committee, etc., a member of Council, or an employee of the City. In addition, the members must represent as much of a cross-section of the community is their intent and aspirational

goal. It may not happen every time, but they are going to do their best. After some discussion, they agreed that 10 years should be the frequency.

Mr. Ebert explained that Council can put anything on the ballot at any time with a 5/7 vote.

Asked if there is anything urgent needed, Mr. Schrader said that there are certain department head references that don't fit nicely, etc., but as confirmed by Mr. Lasko, there is nothing that he thinks is stopping them from effectively doing their jobs. He just thinks it's good government practice.

Several members of Council indicated that they would like a list of some of the changes recommended by staff and/or the Law Director. Mr. Schrader said that he would.

Mr. Hagy and Mr. Dike both stressed that diversity is important, and asked if they are allowed to put language in to that effect. The Law Director said that they shouldn't, but could if the diversity meant by population.

Adjournment

Motion by Mr. Biddlecombe to adjourn the regular meeting of Council.

The Mayor asked if there were any questions on the motion. There being none, the Mayor directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Biddlecombe, Artino, Claus, Tapp, Dike, Grieves, Hagy (7)
NAYS: None (0)

There being a majority in favor of the motion, the Council work session of May 23, 2023 was adjourned at 6:09pm.

Adopted: 10 OCT 2023



Terri S. Welkener, Clerk of Council