

Meeting Minutes for the Charter Review Commission
June 30, 2014
Columbus City Hall, Council Chambers

Attendance:

- Marchelle E. Moore, Esq., co-chair
- Representative Michael F. Curtin, co-chair
- Dawn Tyler Lee, commissioner
- Jeff Cabot, commissioner
- City Auditor Hugh J. Dorrian, commissioner
- City Clerk Andrea Blevins
- Josh Cox, chief counsel, city attorney's office
- Bryan Clark, Columbus City Council liaison to the Commission
- Sherry Kish, Mayor's Office liaison to the Commission

Mr. Curtin welcomed fellow Commissioners, staff, and the public to the eighth meeting of the Charter Review Commission.

Mr. Cabot made a motion, seconded by Ms. Tyler Lee, for adoption of the Minutes for the June 26th meeting.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark stated there was one public comment received on June 26th regarding Council composition.

Mr. Michael Eccard, Deputy Director of Civil Service, presented information on the residency requirement language in the Charter; those affected by it, next steps, and proposed timeframe.

Auditor Dorrian asked Mr. Cox if a Charter amendment is adopted in the future regarding residency and current employees are not in concert with the new agreement, would current employees be grandfathered in. Mr. Cox replied that concern could be addressed in the proposed amendment. Auditor Dorrian stated that current employees should be protected if a change was made. Mr. Curtin agreed with Auditor Dorrian.

Mr. Clark concurred with the recommendations from the Civil Service Department and stated the best course of action was leave the Charter 'as is' regarding residency and make any necessary amendments once a clear public policy is in place.

Mr. Clark presented the updated language recommendation addressing the issue of transition from temporary inability to permanent inability. Mr. Cabot stated his concern was addressed with this language.

Mr. Curtin asked staff to read proposed sections in entirety if possible or give as complete a summary as possible and asked if the Commission would be voting on each amendment singularly. Mr. Clark stated it was the decision of the Commission. Mr. Curtin recommended voting on each amendment individually for the record.

Mr. Cabot asked if the electors will be voting on each issue separately or as a whole. Mr. Clark responded with a summary of the Council actions that will take place regarding the amendments after the Commission forwards their recommendations to Council. Mr. Cox responded that the grouping of items for the ballot would be a decision of the City Council.

Mr. Clark presented the proposed language for Annual Reports of the City of Columbus, Section 231, and read the section in its entirety.

Mr. Cabot made a motion, seconded by Auditor Dorrian, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the proposed language for Charter Review Commissions charter amendment and read the section in its entirety.

Ms. Moore stated there had been great benefit of having a co-chair and would like some flexibility in the language to allow for the possibility of a co-chair. Mr. Curtin asked Mr. Cox if the language as proposed would limit the appointment of a co-chair and if the language should be amended if the Commission agrees with Ms. Moore's proposal. Mr. Cox responded the language does not preclude having a co-chair but identifies the member jointly appointed by Mayor and Council as the person serving as chair, which would tend to limit it to one person.

Mr. Curtin asked if Ms. Moore would like to propose an amendment to require a co-chair or have permissive type language that would allow it. Ms. Moore stated preference for permissive type language and that she could accept the language as it is, but would like to add the benefit of a co-chair, if possible and if there was agreement from the other Commissioners.

Auditor Dorrian proposed language that in the absence of the chair, the Commission may elect a co-chair to carry out the duties of the chair. Ms. Moore replied that if the chair were present at every meeting, there would be no relief in the workload. Auditor Dorrian replied he could accept the concept and any language suggested. Ms. Kish explained the thought process behind the language as proposed, the extended timeframe of six months for the Commission to complete its work, and the possibility of a time when Council and Mayor do not agree there would be a joint person from both sides, and then two appointed representatives from each for fairness.

Mr. Cabot asked about the history of chairing the Commission. Mr. Clark replied the most recent Charter Review Committees had a single chair and vice-chair.

Mr. Clark added that the proposed language would provide enough flexibility to accomplish the goal of sharing the burden of work and that Council echoed the administration's concern of writing a co-chair into the Charter based on the way the appointments are made and the chance that an appointee of the Mayor or Council may have more control over the agenda or the items that come before the Commission.

Ms. Moore stated she could accept the language as written.

Ms. Tyler Lee made a motion, seconded by Auditor Dorrian, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5

- Nays – 0
- Motion carried

Ms. Kish presented the proposed language for the Charter Technical Corrections charter amendment and read the section in its entirety.

Mr. Cabot made a motion, seconded by Ms. Moore, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark summarized the proposed language for The City Clerk, Sections 11, 14, and 145, charter amendment.

Mr. Curtin asked Clerk Blevins if the City Clerk's office was comfortable with the proposed amendments to these sections. Clerk Blevins replied that she was in agreement, that there are other duties of the City Clerk within City Code, etc. but as far as language that is included within the City Charter, the proposed amendment is accurate.

Ms. Moore made a motion, seconded by Mr. Cabot, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish presented the proposed language for the Civil Service Re-instatement to the Eligible List, Section 149(k) charter amendment and read it in its entirety.

Ms. Tyler Lee made a motion, seconded by Ms. Moore, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the proposed language for the Elected Official Compensation, Sections 7, 15, and 59, charter amendment.

Ms. Moore asked if the last sentence in Section 15-4 had always been in the proposed language recommendations. Mr. Clark responded it had been in the recommendations from the beginning.

Mr. Cabot asked if Section 15.5 intended to mean that Council can accept the recommendations for the Mayor, City Auditor, and City Attorney and not Council or if it meant that Council can adopt for all offices up to the number the Commission recommended. Mr. Clark responded it would cover both proposed scenarios.

Auditor Dorrian asked if the language gave Council the authority to set its own salaries and but not the salaries for the Mayor, City Attorney, and City Auditor. Mr. Clark responded that under the current charter, Council has the authority by ordinance to establish the salaries of any elected office holder and the proposed language would maintain the independence of Council in making the decision regarding

salaries but would give an objective standard to inform that decision. Auditor Dorrian responded that care should be taken so that no actions should impede the independence of the offices of the Mayor, City Attorney, City Auditor and Council itself in their designated roles and separation of powers.

Ms. Moore made a motion, seconded by Ms. Tyler Lee, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark summarized the proposed language for Elections, Sections 41-56, 200-223, and 234, charter amendment.

Ms. Tyler Lee asked if this recommendation was approved by the voters, what the process would be to inform the citizenry of the new process for the circulating of petitions and the filing with the City Clerk. Mr. Clark responded the new policy and templates would be posted on the City Council/City Clerk website so there are clear, consistent, and predicible guidelines.

Mr. Curtin thanked staff for its work and stated the provisions will go a long way toward balancing state statutes when necessary and maintaining city's home rule authority. Mr. Cabot requested the 21 pages be forwarded to the board of elections for their review, as well.

Mr. Curtin stated a recommendation that Council would approve this provision to stand as a separate proposed change for the voters of Columbus.

Mr. Cabot made a motion, seconded by Ms. Tyler Lee, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented proposed language for the Equal Rights and Non-Discrimination and read the section in its entirety.

Ms. Tyler Lee made a motion, seconded by Auditor Dorrian, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish presented the proposed language for Ethics and Prohibited Acts for Public Officials, Sections 6 and 227, charter amendment.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish presented the proposed language on the Mayor's Budget Estimate, Section 26, charter amendment and read the sentences including the changes.

Auditor Dorrian made a motion, seconded by Ms. Tyler Lee, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the proposed language for the Open Meetings charter amendments and read the section in its entirety.

Ms. Moore made a motion, seconded by Ms. Tyler Lee, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish presented the proposed language for the Prohibited Use of Public Funds charter amendment and read the section in its entirety.

Mr. Cabot made a motion, seconded by Auditor Dorrian, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the proposed language for the Public Records charter amendment and read the section in its entirety.

Ms. Moore made a motion, seconded by Mr. Curtin, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark summarized the proposed language for Qualifications for City Elected Officials, Sections 4, 6, 58, 66 and 79, charter amendment.

Mr. Cabot made a motion, seconded by Auditor Dorrian, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish summarized the proposed language for Recreation and Parks Commission, Section 128, charter amendment.

Mr. Curtin made a motion, seconded by Ms. Tyler Lee, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark summarized the proposed language for the Sinking Fund, Sections 15, 26, 32, 61, 93, 120, 121, 123, and 133-141.

Auditor Dorrian stated this proposed language was a co-recommendation to streamline government services. Auditor Dorrian asked if the language regarding its effective date was in the proposed language of the amendment. Mr. Cox replied the language would be included in the ballot question authorized by City Council.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the proposed language on The Council, Sections 3-19, 33, and 34, charter amendment.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Clark presented the issue of Council Wards. Mr. Curtin stated there was no recommendation for changing the current structure of Council but this issue is the most repetitive comment from a few members of the public.

Auditor Dorrian stated his strong belief Council should retain the at-large structure, that every elected official should be responsible for and should answer to every voter in the community, and did not support the decision to move to wards. Ms. Tyler Lee stated support of the current structure. Mr. Curtin concurred with Auditor Dorrian's reasons why Columbus is better off with the at-large system and opposed the current public effort to move to a ward system.

Mr. Cabot made a motion, seconded by Ms. Moore, to express the Commission's opposition to efforts presented to change Council composition from an at-large to a ward system.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish presented the staff recommendation regarding the residency requirement.

Auditor Dorrian moved to accept the recommendation of the administration regarding the residency requirement being held or tabled until such time that has been sufficiently reviewed and studied by all parties involved.

Ms. Tyler Lee recommended the 18-24 month timeline be included in the Commission's final report.

Auditor Dorrian made a motion, seconded by Ms. Tyler Lee, to hold/table the residency requirement at this time.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Kish summarized the proposed language on Utilities, Sections, 188-124, and 194, charter amendment.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to approve the proposed language and forward to City Council for their consideration as a proposed Charter amendment.

- Yeas – 5
- Nays – 0
- Motion carried

Mr. Curtin stated 18 items were being sent to the Council for consideration on the ballot.

Mr. Clark stated the Commission's packets will be updated based on the actions in the meeting today.

Mr. Cabot observed there was no real in depth discussion about Civil Service Commission specifically due to time restrictions. Mr. Curtin stated it is the intent going forward that the recommendations and the cover letter will be put in final form for a final sign off, but that today is not the end date for changes and recommendations.

Ms. Moore recommended putting all of the proposed changes online and asked when will that be done and how those comments will be communicated. Mr. Clark responded that presentations thus far have been published on the website, some for several weeks now, and that the final report would be placed online as well.

Auditor Dorrian added before the final sign off that the final minutes of the meeting be made available to Commission members for review and edit.

Commission members gave closing remarks and thanked staff for their work and effort.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to adjourn the meeting.

- Yeas – 5
- Nays – 0
- Motion carried