

Lance Warner opened the meeting with the **Pledge of Allegiance**.

**Members Present:** Dick Brady, Jim Corso, Wendy Dempsey, Terri Johnson, Lovey Leavell, Steve Poggiali, Wesley Poole, Jim Recker, Dennis Timple, Naomi Twine and Lance Warner.

**Upon motion of Lovey Leavell and second of Dennis Timple, the members voted to approve the minutes of the June 22, 2010 meeting. All Ayes. The Chairman declared the motion approved.**

#### **Public Comment**

None.

#### **Regular Business**

**Upon motion of Jim Recker and second of Lovey Leavell, the members voted to accept Section 4, Qualifications, as written.**

*Discussion:* Dick Brady said he would like to add wording in Section 4 to require educational resources or requirements for elected officials. He said in almost every professional field, continuing education is required and he thinks some direction should be given so that elected Commissioners are educated about how city government works. Dick Brady said he would like to see a one to three day forum to teach successful candidates, post election but prior to taking office, how government works on a local level. Lance Warner said the Chamber of Commerce has fielded an initiative with BGSU to develop an education program for all local government officials.

Don Icsman said Section 4 is probably the right section to address this; he said elected officials are required to attend a Newly-Elected Officials seminar hosted by the Ohio Municipal League. He cautioned that issues come up in relation to the Constitution with minimum educational requirements. In addition, Don Icsman said after being elected, all City Commissioners attend an orientation session about each Department and Division. He said the Department Heads provide a full day of orientation about the operations of the city. Lance Warner said this does not really help the Commissioners to understand their duty which is to set policy and priority - the administrative arm of the government is responsible for the administration. Don Icsman said this is what they should be learning at the OML seminar, although he has never attended. He said the protection of immunity is at risk if Commissioners are trying to administer rather than legislate or are doing things beyond the scope of their duties as provided by law. Jim Recker asked what entity requires attendance at this training and Don Icsman said it is tracked by the State of Ohio. Lance Warner asked if this issue is out of the purview of the Charter Review Committee and Don Icsman said it comes down to the quality of the people elected and he does not believe it is legally permissible to require anything more. Wesley Poole said the education currently obtained has been outlined and he feels it is adequate. He suggested the Charter Review Committee ask the City Commissioners to impose a training requirement upon themselves rather than making a Charter change if it is not legally permissible. Don Icsman said he could look at the educational requirements in other municipalities.

Don Icsman said the current City Commission adopted their own Rules of Order to govern interaction with each other at public meetings. Wendy Dempsey said she did not believe a Charter change adding an education requirement would be appropriate. Lance Warner said he would like Don Icsman to explore this further; Jim Recker said he would like to see Section 4 remain as it is and determine if there is another, more appropriate section, to place such a requirement.

**Nays: Dennis Timple, 1. The Chairman declared the motion passed.**

**Upon motion of Dennis Timple and second of Jim Corso, the members voted to return Section 86, Residency Requirement, to the table and accept Section 86 as written.**

*Discussion:* Dennis Timple asked Don Icsman if he was able to look into changing this Section, and a few others, for the purpose of making grammatical cleanups. Don Icsman said changing some of the language and making cleanups would cause the expenditure of money for something that the Supreme Court would say cannot be enforced anyway.

**All Ayes. The Chairman declared the motion passed.**

**Upon motion of Dennis Timple and second of Wesley Poole, the members voted to return Sections 34, Platting Commissioner, and 76, Audit and Appraisal, to the table and accept Sections 34 and 76 as written.**

*Discussion:* Lance Warner said a memorandum was distributed since the last meeting from Kelly Kresser with information about the costs for placing issues on the November ballot. Dick Brady asked if we were doing this in the spirit of saving money and Dennis Timple said nothing would be accomplished by changing these Sections now and that concentration should be on the remaining Sections concerning passage of legislation. Lance Warner asked Don Icsman if there is a way to identify the appropriate changes which are in contradiction of State Law and make one recommendation/Charter change outlining all. Don Icsman said changes can be made through referendum but any change, even if grammatical, must be approved by the voters. He said the cost must be considered; Lance Warner said this should be part of their recommendation to the City Commissioners so that at some point these minor changes can be made. Wesley Poole asked why we have to change these Sections and Don Icsman said each change, even for one word, must be delineated to the voters. Wesley Poole said he saw no positive effect in making these changes and he finds it inappropriate to spend a nickel.

**All Ayes. The Chairman declared the motion passed.**

**Upon motion of Wesley Poole and second of Steve Poggiali, the members voted to return Section 13, Ordinance Enactment, to the table and accept Section 13 as written.**

*Discussion:* Dennis Timple said with activity of the last few years, it may be worthwhile to remove the words: “. . . unless it be an emergency measure or unless otherwise provided by this Charter. . .”, from Section 13. He said this is extraneous language that opens this Section to multiple interpretations. He said the definition of ‘emergency’ is outlined in Section 14. Don Icsman said this covers every ordinance or resolution. Unless something is an emergency or unless provided for in another section, the process is two readings, not less than one week apart, and the legislation becomes effective 30 days following. This simply eliminates one of the readings; it does not make it an emergency. Dennis Timple said a long time ago, a tax was voted down by the taxpayers but it was passed as an emergency at the next meeting; he said the same thing happened with legislation for the Marina District. He said by taking this language out, the general or permanent nature is not an issue. Wendy Dempsey said this language is in line with the Ohio Revised Code. Wesley Poole said these words are in the Charter for a reason and taking them out would simply serve to wordsmith around the term ‘emergency’; he said these are two different things. Don Icsman said he does not fundamentally agree with the change being proposed by Dennis Timple as 99.9% of what we do is covered in the second paragraph of Section 13. Don Icsman said what people (Commissioners) have done with these Sections is more the issue than what they say. Lance Warner said it is the perception that ‘routine’ items are being called ‘emergency’. Wesley Poole

said there is a segment of people who refuse to accept the definition of emergency; changing the word would not change anything and people need to accept it. Jim Recker asked if legislation passed under Section 13 could allow for a 30-day waiting period with a vote of 5 members and Don Icsman said this is what is done currently. Don Icsman said the right to referendum is preserved by passing legislation this way (30-day period to become effective rather than immediately) and said he believes it works.

Dennis Timple said this issue is the right to redress an issue which is basic to the rights of our government and this has been abused in the past. Don Icsman said this issue is similar to residency; he said the argument needs to be taken to the Supreme Court because it is lawful and a Charter amendment should not be submitted that is contrary to Ohio law. He said challenges to passage of legislation should take place at the time legislation is passed, not by making Charter changes. Don Icsman said as startling or uncontroversial as it may seem, passage of legislation to avoid referendum is legal.

Lance Warner said the City Commission should be educated to get a better understanding of how to proceed with passing legislation and the staff should be presenting items in a timely fashion. Don Icsman said this is a democratic republic and officials are elected to represent the people. Jim Recker asked about the timeframe for providing legislation to the City Commissioners and Don Icsman explained the procedure for putting an Agenda together. He said generally communications and legislation are made available to the City Commissioners, posted on the internet, and in the office, on the Thursday prior to each meeting. There are times when legislation is walked in as emergency and gave the example of recent legislation awarding a Revolving Loan to a new business which would have been in jeopardy of not opening its doors if not approved on the day it was introduced. Naomi Twine said this is a good reason why this wording is in the Charter. She said the Commissioners should be held accountable and is hesitant to remove this language.

**All Ayes. The Chairman declared the motion passed.**

**Upon motion of Wendy Dempsey and second of Jim Recker, the members voted to return Section 14, Emergency Measures, to the table and accept Section 14 as written.**

**All Ayes. The Chairman declared the motion passed.**

Dennis Timple asked if it would be dangerous to change the number of City Commissioners required to pass legislation from five to six. Don Icsman said the state law requires a two thirds majority. He said the risk of changing this is if there are conflicts or absences, the Commission would not be able to pass legislation. Dennis Timple said this may give the public assurances which they do not think they have now.

**All Ayes. The Chairman declared the motion passed.**

Lance Warner said the only other business is to have a discussion about mandatory training imposed by other communities. Dennis Timple said trying to do this in the Charter would be contrary to law.

**Upon motion of Dennis Timple and second of Steve Poggiali, the members voted to adjourn the meeting. All Ayes. The Chairman declared the motion passed and the meeting adjourned at 6:38 p.m.**

**Respectfully submitted:**

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Date

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Kelly L. Kresser, Clerk of the City Commission

**Approved:**

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Date

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Lance Warner, Chairman