

**CITY OF HIGHLAND HEIGHTS
CHARTER REVIEW COMMITTEE MINUTES
February 9, 2022**

Present: Lisa Benedetti, Kenny Godnavec, Tammy Cappadonna-Kloss, Phil Piccus, René Polin, Phillip Tripi, Mike Zernic.

Absent: Michael Barber and Jim Meola.

Also present: Mayor Chuck Brunello, Law Director Tim Paluf, Council President Ann D'Amico, and Assistant Law Director Michael Lograsso.

Mr. Paluf called the meeting to order at 7:05 P.M. He asked for a volunteer to be secretary. Ms. Benedetti volunteered. Mr. Paluf asked for a volunteer to be chair. Mr. Tripi volunteered.

Mr. Tripi asked for any suggestions or questions for Articles I through VI under review this evening.

Article IV - The Council

Section 4.04 Salaries and Bonds

- Who would be required to have a bond on council?

Mr. Paluf replied the finance director is bonded. Regarding a council member, it would be council amongst themselves.

- How are the salaries derived for council and is approval needed above council's decision?

Mr. Paluf stated they look at surrounding communities for comparison, especially ones of similar size. But they have to wait until the next municipal election for it to take effect. They are looking at that matter now, but it would not be effective until January 2024, after the 2023 elections. Council is the only body to approve the decision for an increase.

Article V - The Mayor

- How many part time versus full time mayors are there and are there any other titles/duties?

Mayor Brunello stated there are several full time mayors in the area, as well as part time. He noted mayors always work full time hours. The mayor also serves as the safety director in some municipalities, as he does. These are separate duties from the mayor's duties. Larger cities probably would have separate positions.

Whole Charter

- There should be gender neutral language.

Mr. Paluf explained there is language in the Codified Ordinances for this language. It is not a bad idea for the Charter.

Article VI - Administrative Departments

Section 6.03 Finance Director.

- How is the finance director chosen and are there specific qualifications?

Mr. Paluf stated the mayor appoints that person with council approval, as he does with all the department heads. There are job descriptions for each position.

- Historically has there been a lot of turnover for the finance director and are there specific qualifications, so someone cannot be hired just because they may be a friend?

Mayor Brunello responded there has not been a lot of turnover. The current finance director was hired under the previous mayor and the Mayor retained him, as he is good. The checks and balances of requiring council confirmations helps get the best candidates for department heads.

Section 6.05.03 Promotional Appointments (under The Civil Service Commission)

- Can the police chief be picked from outside the department or only within?

Mr. Paluf stated in this city civil service rules only allow for internal promotion. There is a test for the lieutenant and sergeants, which is then ranked. The top three are given to the mayor to make a choice. Mayor Brunello noted there is one lieutenant and five sergeants in the department, along with the police chief as department administrators.

- Does the lieutenant have an advantage over the sergeants who take the test?

Mayor Brunello explained the lieutenant is the second in command, so yes, that person would have an advantage.

- Would the Mayor like to have the option of choosing from outside the department?

Mr. Paluf stated this has been discussed in the past. The issue is what does it do for the moral in the department. Both the police and fire chiefs are civil service positions. All other department heads serve at the pleasure of the mayor. Qualifications for each position are listed separately from the Charter.

- Are there residency requirements for the police or fire chief?

Mr. Paluf said no, nor for any department heads. Mr. Lograsso added the Ohio Supreme Court a few years ago ruled that residency requirements could not be required. This was from a lawsuit filed against the City of Cleveland.

Section 6.05.01 Classification of Service

- What is the difference between classified and unclassified positions?

Mr. Paluf stated the positions are in the civil service rules. There is a list of unclassified positions, so anyone not on that list is classified. While the city has its own rules, it can mirror the State Civil Service positions. The city has a Civil Service Commission who oversees all that and gives the tests.

General Questions

- If the Committee wants to make amendments, how does that happen?

Mr. Paluf explained the amendment would be suggested to the Committee and voted on. If it was adopted then the law director would prepare language in the form of a question, which would then be sent to council for approval to be placed on the ballot.

- Will any department heads or council have the opportunity to make suggested amendments?

Mr. Paluf said yes, the Committee can invite department heads and council to a meeting for that purpose. This Committee may need about six meetings to complete its review. Any suggested amendments need to be completed by the end of July in order to be placed on the November ballot.

The Preamble

- The Preamble has reference to God and blessings and probably should not be in there as there is supposed to be the separation of church and state.

Mr. Paluf said it does not have to be in there, but it is not hurting anything. He can check with other cities. It might also be a difficult sell. And Mr. Tripi suggested it may get politicized if introduced. He would like to focus on changes that would directly benefit the City.

Article IV - The Council

Section 4.12 Removal

- Who defines persistent failure to abide by the rules of council? This came up during the 2011 charter review and the same language is still in the charter. Is there a definitive answer?

Mr. Paluf stated it would be constant, continuous failure of the council member to do their duty.

- If council determined to proceed with the removal would the member be aware this was happening and what is a definition of reasonable time for council to take action?

Mr. Paluf stated he would think a council member would be aware of any action. Regarding a reasonable time, it would be what the right amount of time is. Mr. Lograsso added it would probably depend on the situation and would be on a case by case basis. Mr. Zernic pointed out Article 5.09 Removal (of the Mayor) discusses how the removal would happen with notification to the Mayor and a hearing. Perhaps this would pertain to the removal of a council member, as well.

Article VI - Administrative Departments

Section 6.02 Director of Law and Section 6.03 Director of Finance

- These sections provide for a two year appointment of the law director and a four year appointment of the finance director. Is there a reason for that? It was brought up at a previous Charter review too. There should be consistency.

Mr. Paluf replied he did not know the history of how this was set up, but it does not really matter, as the appointments are at the pleasure of the Mayor with council approval, as are any other department head. Mayor Brunello noted he appoints all the department heads at one time. It has been done by past history.

- To clarify then, every two or four years the mayor submits the names to council and if he does not, then that is the expiration of that person's term?

Mr. Brunello said that was correct.

Section 6.04 Planning and Zoning Commission

- This section states a council member is selected to serve on this Commission. Is this the only double position of a council person and if not then why is this Commission the only one where it is stated?

Mr. Paluf replied no, there are several other boards and commissions council members serve on. Mayor Brunello explained that all members have other assignments on committees, both council committees and city committees. This is as prescribed by the Charter or Codified Ordinances.

General Questions:

Mr. Tripi asked how often the Committee will meet. Mr. Paluf replied it depends on people's schedules. The Committee needs to finish going over the rest of the Charter and can then ask department heads, the administration and council for any suggested amendments. The Committee agreed to meet every other Wednesday to start off.

Tentative schedule with all meetings beginning at 7:00 P.M.:


February 23 - The Committee should review Articles VII through XIV, the remaining articles of the Charter. Mr. Paluf will invite department heads to attend with any suggestions.

March 9 – Mr. Paluf will invite the Mayor and council to attend with any suggestions.

March 23 – Discussion of any suggested changes and vote to proceed or not.

Mr. Tripi moved to adjourn the meeting, seconded by Mr. Zernic. All in favor. The meeting was adjourned at 7:35 P.M.

Approved:



Phillip Tripi
Chair

Submitted by:



Lisa Benedetti
Secretary