

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

Present: Michael Barber, Lisa Benedetti, Nick D'Angelo, Sr., Kenny Godnavec (left 7:55 P.M.), Tammy Cappadonna-Kloss (arrived 7:15 P.M.), Phil Piccus, René Polin, Phillip Tripi, Mike Zernic.

Absent: None.

Also present: Mayor Chuck Brunello (left 7:30 P.M.) and Law Director Tim Paluf.
Mr. Tripi called the meeting to order at 7:05 P.M.

Mr. Godnavec, seconded by Mr. Piccus, moved to approve the minutes of February 23, 2022 as mailed. All in favor, motion carried.

Mr. Tripi stated we thought council members would be here, but there was a miscommunication as to which date they were to come. April 6, 2022 will be the public hearing meeting for any members of the public to come and state their opinions. The deadline for comments is April 1 and is on the city website. This meeting can be combined with having council members attend, if they have any suggestions. If there are, the sections in question would be sent out to the Committee for review prior to that date. The Committee will not meet March 23 as Mr. Paluf is not available. Mr. Tripi suggested tentatively scheduling meetings every two weeks at 7:00 P.M., starting April 6. The dates would be April 6 and 20, May 2 and 18 and June 1, 15, and 29, if needed. Mr. Tripi suggested that any amendments that come before the Committee either from the public or council be reviewed carefully and have the person hear the Committee's reasons for any decision made on the suggested amendments. Discussion on any proposals, can be held on April 20, 2022.

Mr. Paluf reported back on questions from the February 23, 2022 meeting. The gender neutral language for the Codified Ordinances is under Section 101.03 Rules of Construction (b)(2). He can amend the section to include the Charter and council can adopt it. This would not have to go to the voters.

Section 8.08.02 Measures Subject to Referendum

This is more complicated, but basically the last sentence means, once Council votes to send it to the Board of Elections, if Council then repeals it before it goes to the electorate, it still has to go to the electorate. It is very complicated, confusing and superfluous. No one could remember any referendum coming before the electorate. Discussion was held on maybe trying to change it to clarify the language, but Mr. Paluf thought it would be difficult and that is why it has never been changed. A referendum is where a petition signed by qualified electors is submitted to council to have an ordinance or resolution adopted by council either repealed or sent for a vote of the electors. May want to look at this again to see if it does need to be clarified.

Mr. Tripi stated Ms. Benedetti prepared a list of possible Charter amendments which had been brought up by members at prior meetings. These can be reviewed to see if there is a need to

move forward on them or not. We need to seriously consider whether something should be changed if there has not been an issue with it or if something would cause a negative vote, should it be proposed.

Preamble

References to God should be removed.

Ms. Benedetti stated that while it should not be part of the preamble, this is not the time to amend it.

She withdrew consideration of it from the active list and there were no objections. Mr. Tripi noted unless this was brought up by someone else, this item is no longer under consideration.

Gender Neutral Language

Mr. Paluf reiterated what he stated earlier that he does not think it needs to go the electors. It would be up to council to approve an amendment to Section 101.03(b)(2) to include this language in the Charter, if it can be done.

There being no objections, Mr. Paluf will bring this to council.

Article IV The Council

Section 4.12 Removal

A question was raised if there are any definitions.

Ms. Cappadonna-Kloss asked if definitions of persistent failure (of a council member), definitions of a reasonable time (for council to act) and is a member notified if a procedure for removal is begun, is covered somewhere that the council member and council would know, perhaps from a human resource perspective, what steps would be taken. Mr. Paluf stated yes as there are rules of council to follow and it would take something horrendous, as defined in 4.12 for this to happen. If it went to court, they would interpret it as needed. Mr. Paluf stated he does not think any definitions by us would be helpful. Mr. Tripi and Mr. Zernic pointed out there are some specific steps detailed in this section. Ms. Cappadonna-Kloss just wanted to make sure council would understand what this means.

She asked it be removed from the active list and there were no objections. Mr. Tripi noted unless this was brought up by someone else, this item is no longer under consideration.

Article VI Administrative Departments, Boards and Commissions

Section 6.02 and 6.03 Appointment of Law Director and Finance Director

One is a two year appointment and one is a four year appointment. This should be consistent. Mr. Paluf stated an appointment is more intricate for a finance director, but does it make any difference as both positions serve at the pleasure of the mayor who can terminate them at any time. Ms. Benedetti noted it would clean up housekeeping and be consistent. Mr. Paluf mentioned the law director is only part time and the finance director is full time, which may be part of the reason for the difference. Mr. Piccus asked what the disadvantage was with two different appointment times? Ms. Benedetti believed all the department heads were on a four year appointment schedule coinciding with the mayor's term so this would make it consistent, but Mr. Paluf replied that was not the case. Once appointed, the person serves at the pleasure of the mayor, and is not reappointed. Mr. Tripi asked what department heads are under civil service

and Mr. Paluf stated only the police and fire chiefs. Mr. Tripi asked if there was any other body that would review the mayor's decision to terminate a department head. Mr. Paluf said no. No one knew what the history was in defining two different terms. Discussion was held that while there are no qualifications listed here for the finance director, there are job descriptions for all positions and council has to confirm any appointments so there is a check and balance. By not having qualifications listed it gives the city the flexibility to make changes to qualifications as the needs of the job may change. Mr. Tripi noted that while the law director is part time, he or she could also have duties in other municipalities, while the finance director, being full time, owes all his or her fiduciary responsibility to the city, which is another check and balance. Mr. Godnavec remarked it seems there are enough checks and balances to make sure a person is qualified for the position.

Mr. Godnavec, seconded by Mr. Barber, moved to remove Sections 6.02 and 6.03 from the active issues list. All in favor, motion carried.

Section 6.05.03 Promotional Appointments

The question was raised if changing police and fire chiefs to non-civil service would be better for the city.

Mr. Godnavec stated it was just a question for informational purposes, not something he wanted to pursue. Mr. Paluf added that both chiefs are adamantly against not promoting from within the department.

Mr. Tripi stated for the record this was only a question, not an issue.

Article VII Nominations and Elections

Section 7.01 Procedures

Both council at large and ward seats require signatures of 2% of the voters in the last general election, but the ward language also states a minimum of 25 and no more than 100 signatures are required.

Mr. Tripi does not have a problem with that and it would be easy to get those numbers. Ms. Benedetti asked if there was a potential conflict with the 2% and then a set number for the ward requirements. Mr. Zernic asked why there was a cap. Mr. Paluf stated he did not know, but most candidates get more to make sure they have enough signatures. While there is a 2% requirement, the minimum and maximum takes precedent over that requirement. The Committee decided to defer this matter as a question for council to see if it has ever been an issue. Mr. Tripi asked if the Committee should also ask council if the ward system works. He sees no issues and would like to keep wards.

Mr. Tripi, seconded by Mr. Barger, moved to remove this matter from active status unless council requires action on it. All in favor, motion carried.

Article VIII Initiative- Referendum – Recall

Section 8.02.02 Measures Subject to Referendum

The last sentence of the last paragraph is confusing.

Mr. Paluf answered this earlier in the meeting and suggested it be left as is, as it would be very difficult to explain to the voters what the change would be about.

Mr. Godnavec, seconded by Mr. D'Angelo, moved to remove this matter from active status. All in favor, motion carried.

Mr. Godnavec left the meeting at 7:55 P.M.

Section 8.03 Recall

What is the actual effective date of removal if an elected official is recalled by the electors?

Mr. Paluf stated it is probably immediate or after certification by the Board of Elections. Mr. Tripi remarked the votes might be close also, so a recount would be necessary and therefore, immediately might not be reasonable. Ms. Benedetti asked Mr. Paluf if a person was recalled and prior to certification of the vote, participated in a council decision where the vote was close, would that person's vote be legal. Mr. Paluf stated that would be up to the courts. Ms. Benedetti commented the mayor was recalled in the City of Richmond Heights a few years ago and asked if the Committee could find out when she officially left office. Mr. Paluf will check to see how that was handled and report back to the Committee. Mr. Zernic added perhaps we should also ask if they had to change their charter or code because of this.

Mr. Tripi stated this matter would be deferred to the April 6 meeting pending Mr. Paluf's research.

Mr. Tripi asked if there were any other issues the Committee wanted to discuss.

Mr. Piccus asked for a recap of how amendments, if there are any, go to the voters. Mr. Paluf explained if the Committee suggests any amendments, he writes it up and after approval by the Committee, it is then sent to council. They have to approve to send it to the voters, whether they agree with the amendment or not. No changes can be made by council either.

Mr. Paluf stated a question was asked if the Committee could meet in private to discuss anything and the answer is no. Everything has to be discussed in sessions open to the public per state law (known as the Sunshine Law).

Scheduled meetings, if needed, with all meetings beginning at 7:00 P.M.:

April 6 – Public hearing with comments from the public. The Mayor and Council to attend if they have any suggestions.

April 20, May 4 and 18, June 1, 15 and 29.

Mr. Barber, seconded by Mr. Piccus, moved to adjourn the meeting. All in favor. The meeting was adjourned at 8:05 P.M.

Approved:

Submitted by:

Phillip Tripi
Chair

Lisa Benedetti
Secretary

Attachment to Charter Review Committee Minutes of March 9, 2022

**REVISED LIST OF POSSIBLE CHARTER AMENDMENTS
AFTER MARCH 9, 2022 COMMITTEE MEETING:**

Article VII Nominations and Elections

7.01 Procedures

Wards - Requirement to get petitions signed by 2% of registered voters from the last general election, seems to conflict with a further statement of at least 25 and not more than 100 signatures required.

Action: Take off of active list, but defer to council to see if they have had any issues with this or want action taken, at which time it can be taken under consideration again.

Article VIII Initiative-Referendum-Recall

8.03 Recall

What is the actual effective date of removal if a person is recalled by the electors; right after the election or when the vote is certified by the Board of Elections.

Action: Defer to April 6 meeting pending research by Mr. Paluf regarding the procedures in Richmond Heights when a mayor was recalled recently, when was she officially out of office and did their charter or codified ordinances need to be changed if there were any issues.