

CHARTER REVIEW COMMITTEE

Minutes for Charter Members Meeting Thursday, March 22, 2007 7:30 a.m.

Charter Member Meeting started at 7:30 am

Purpose: To Review Charter every 7 years.

Session:

Council Chambers Conference Room

Roll Call: Sign -In sheet was sufficient.

- 1) Bernard Sargent
- 2) Anna Tomasek
- 3) Darcie Loreno
- 4) Howard Scanlan
- 5) Dorothy Stratton
- 6) Everett DeVaul
- 7) Ron Baker
- 8) Ken Seidner
- 9) Dennis VanScoy
- 10) Elizabeth Hipp
- 11) Kay Conrad
- 12) William Benz
- 13) Richard P. Wolfe, II, Law Director

Ken Seidner: 4 Items to Review

1. Make the Charter Gender-Neutral
2. Changing the Charter to allow outsiders to apply for Police and Fire Chiefs,
3. Changing the Finance Director, Law Director, appointed vs elected.
4. Assessments, possibly changing the Charter and go by State Law.

Kay Conrad: Made correction to the 8th page of previous Minutes from Thursday, March 8, 2007. Replace her name instead of Elizabeth Hipp.

Howard Scanlan:

- On the Assessments, Charter mostly worded for ORC. When you start removing whole sections from the Charter, we are starting to slide down that slope saying, we're just going to give in and lose our Charter, that sets

a precedence for other committees, to say well we don't like this. What I am saying is ; If you start removing things in its entirety, you are giving everything up. I would be against taking anything out.

Kay Conrad: Speaking of gender-neutral, are we not destroying a little bit of history here when we are completely taking it out? As opposed of putting in an addendum?

Ken Seidner: Yes, Whatever we do is going to be a recommendation to Council.

William Benz: We did talk about revisiting the last recommendations.

Dorothy Stratton: I believe that Ruth Detrow mentioned the idea of exploring a City Manager form of Government.

Ken Seidner: That was one of the things brought up in the last meeting; we spent a lot of time on that. Maybe get more opinions on that.

Howard Scanlan: I would go with the Finance and Law Director appointed. I would recommend that.

Ken Seidner: Anna Tomasek, we will turn the floor over to you.

Anna Tomasek: For an Elected Finance Director, it depends on your form of Government. Like City of Barberton, City of Medina, City of Ashland, City of Shelby. If you have a strong Mayor type of Government, then it is the type of Government that you would want and elected Finance Director and Law Director because you have to make sure you have your Checks and Balances. With a strong Mayor, that is why other offices are elected typically. When you do have a City Manager type of government, like (for example), the City of Berea; that is an appointed Finance Director but with approval of Mayor and that usually if you have an appointed Finance Director and Law Director you should have some Civil Service protection just because you don't want one person or conflict, or personal conflict to disrupt the level of Government. If you are going to go with an appointed level position for these offices, there just needs to be some protection so that 1 or 2 people to begin with have legal ramifications that the overall status quo of Government is efficient. If you choose a strong Mayor, usually you have an elected Finance Director and elected Law Director in the State of Ohio and the reason being is for Checks and Balances. Currently you have a strong Mayor Government, so therefore everyone is elected and it is up to the citizens of Ashland to choose their candidates, and should have basic qualifications.

Howard Scanlan: In the Charter, there are no qualifications for Finance Director.

Anna Tomasek: You could make the qualifications for Law Director; you have to have a Law degree and be in good standing with the Bar Association. With the Finance Director, there are certifications, CPA you could probably definitely get

the job, but Government finances differ from the private sector accounting. There are licenses through Ohio Association of Public Treasurers and the Government Finance Officers Association. You could require, (for example), Certified Public Financial Administrator. Those are the basic qualifications, a City Auditor has. And the other thing is some Cities, we are Charter, and you have some Cities that are statutory. Some Statutory Cities also have an Auditor and a Treasurer, some are appointed and some are elected. I would not recommend splitting our positions up into 2 different sectors. I would keep it Finance Director. Some cities have 2 people to do currently what I am doing.

Ron Baker: My feelings are that I am a strong believer in the Electorate and I think the Electorate is smart enough to know if someone is qualified for a job regardless of what it says in the Charter.

Ken Seidner: If they become appointed positions, you almost have to have these people under some Civil Service protection.

Anna Tomasek: You can get into an ethical dilemma with Finance saying, okay you have to pay this bill, It is the Mayor's appropriations, I gave my opinion, but it is his ultimate authority and that is where the Checks and Balances come with an electorate.

Ken Seidner: The current system, in my opinion, is doing quite well.

Dorothy Stratton: What would be the typical Education for someone in your position now?

Anna Tomasek: A typical education is usually a Bachelor's degree and typically we are required by the State of Ohio under Chapter 1305 to have 9 hours of State training of investments. That is for every Treasurer, Finance Director across the State of Ohio, in ORC. Under investments. A Bachelors degree in Public administration, Political Science, Accounting, or a Business Degree of some sort. It is not required, but my colleagues have a Bachelors degree. Some don't because government and nonprofit accounting is an elective, so when you get accounting degree, you could not even take that course. Some of my colleagues got on the job training.

Dorothy Stratton: So what beyond education allows you to get the type of certification you were talking about?

Anna Tomasek: It takes 3 years to get the License through Kent State University, a 3 year program and it is based on work experience, your education and you are required to attend conferences, on a point system. 100 points to get your license after 3 years. You have to maintain CEU's to keep that license. They call it a certification.

Dorothy Stratton: What would you say would be the ideal educational background for someone in your position?

Anna Tomasek: I would say at least a Bachelor's Degree and a certification. Accounting/ Financial background. To give you an idea of my background. My degree is from the University of Akron, Local Science of Public Employees Management. It is a Hybrid degree. It is accounting, finance, it is HR, Political Science and Economics and I have a Masters Degree in Financial management. Most of my colleagues do not have a Masters, some do and some don't.

William Benz: Do you know any communities that have the opposite, that is a strong Mayor and appointed?

Anna Tomasek: No.

William Benz: So we are a real exception?

Ken Seidner: Any Comments or Questions for Anna Tomasek?

Howard Scanlan: Just reflecting on what Anna said that she has a Bachelors in a Science, would that be worth looking at qualifications to be changed for the Director of Finance?

Ken Seidner: Yes that could be something we would look at.

Anna Tomasek: I would recommend it be someone with a Bachelors Degree because it is a position of trust and educational qualifications.

Ken Seidner: Last meeting we talked about the City and a 5 year Spending Plan or 10 year Capital Plan for the City.

Anna Tomasek: We are actually doing that, and we have done it since 2002 and it is part of the tax budget and the appropriations and in 2006, May of 2006, we actually came up with the financial forecast for 5 years and that is for all revenues and expenditures for the City. City Schools are required in the State of Ohio to come with a financial forecast. No township or municipal governments are required by law to do that. But we are doing it.

Dorothy Stratton: Would it be important then that the Charter reflect what their doing. If they are doing it and it is working well so it continues?

Anna Tomasek: There is no policy on it, it is just something I initiated in 2006. The Forecast is part of the Tax Budget. I decided to make it a part of the planning process.

Ken Seidner: You are the Law in here Rick, anything you would like to say? Anything to address?

Richard P. Wolfe, II: Previously, a discussion on Charter being Gender-neutral and Mr. Baker suggested perhaps there may be 30 places in the Charter that

would be affected, it turned out to be about 99 places. I took the liberty of going through and showing you what all the changes would be if we made those changes and I put them in the proper form that it would be if Council adopts it and he puts it on the Ballot, so this will serve two purposes. An example of what a suggestion that you would make to Council and what it would look like on the Ballot.

One of the rules of construction or drafting is (at least in a Legislative area) when you are changing something and something is being removed, it is shown with a line through it and the something that is new is Capitalized so you can look at the one document and see what it was, what it is and how it is changed. It is necessary to list every section that has a change and list the change, that is the only way we can do this. The Preamble, the first part and introductory part to section 1, any changes that are adopted, they will all look pretty much like that. At the beginning and then on the last page starting with section 2, 3, and 4 that will all be the same. Then whatever changes are to be adopted would come under where proposed amendment, then it would be whatever the changes are. It will have to be published, there will be an expense involved. When you make a Charter change, notice to the voters is one of the things that has to be done and there are a couple of ways of doing that; you can mail to everyone rather than publish it. So those are the things needing to be done with any proposed change to be made.

Thank you very much Rick for all of your hard work.

If we feel that strongly about it, an amendment doesn't serve what we want to accomplish, so I think an amendment is not the answer to this solution. If we feel strongly, this is what we should recommend and have.

Bernard Sargent: I think though you need to accept the position that if you publish something as big as this, there is going to be a lot of people vote no to not do this because it is too big and too cumbersome. I think you have to accept that going in because I will tell you right now, I don't know that I would read something that big.

William Benz: Explain in a few sentences of what it is about and put it at the top, it would probably mean that no one would read it even if it were in the paper.

Howard Scanlan: A short explanation changing He to They.

Here is where you rely on our News Agency to do their editorials, because this entire thing would be published in the Times Gazette.

Dorothy Stratton: I think we have to trust that we can give an explanation.

Howard Scanlan: A brief explanation because, not too many people will read the entire Charter.

Dorothy Stratton: I feel that we should consider some kind of a qualification added to the Finance Director position, I am not sure exactly what it should be, but the requirements of the position. (Section 36)

William Benz: The same way it is done for the Director of Law, should be an Attorney of Law,

Ken Seidner: How does everyone feel regarding election or appointing Finance Director and Law Director?

Howard Scanlan: Well it is approximately 50% of the electors hitting the polls and no ballots really being filled. I would try to avoid this myself. Right now, there are no qualifications. For this election, it is too late. You have to look down the road. I would go with appointed, if not, you have the Mayor who will make the decision and then would have to go through the rest of the Legislative branch. When it comes to the electors, you have to choose your Council person and the Mayor and let them make the decision. You have to go back and look at the percentage of voters that actually hit the polls anymore and it is not very good here in Ashland, Ohio.

William Benz: I was impressed with the fact that no community has a mixture of the two that Anna knows of, it is either the strong Mayor model, being an appointed, or the elected.

Everett DeVaul: Why don't we ask that Mayor Strine be present at a meeting.

Bernard Sargent: I think we should ask him about the City Manager position also. I obviously am out of step with this committee on many things. I am very much in favor of this Civil Service position and Financial Director because you are dealing with things down the road constantly and if you want to get continuity, you need the same person in there with an oversight, and we do not have it. Has anyone diagramed out these City positions? It is a strange diagram that you end up with. You have 3 elected positions and the Mayor is strong, it is almost iron made. This Charter is the kind you would expect in a 10,000 person community, which we are not, we are moving to 30,000 people. Even the Mayor will tell you he has too much to do and it is going to get worse rapidly. Excuse my language, but that is it. I think we should have the Mayor in here, and we should listen carefully to what he has to say. The Finance Director is very strong, very independent position as it is now. There is no continuity, qualifications, you're right, we need some STRONG qualifications. I do not think just a Bachelors degree does it. A lot of experience and you better have the experience in the right area and I am in favor of the Civil Service position. I think that is almost going to be a necessity. Because right now the elected, the Director, it is not under the Mayor, not under anyone the way it is set up right now and if you start changing every 4 years, which could happen, you are going to be messing up what is coming up in the next 10 years because there will not be the follow through that you need, or get caught unprepared. It is true they are working on a 5-year plan. I think we need to look down the road. The community is not

10,000 it is going to be 30,000. It is over 22,000 people now. That is a lot of headaches coming. A lot of our departments are overloaded at the present time and I think everyone knows that. So we have problems coming ahead that we need to look down the road and I like to look down the road.

Ken Seidner: In my opinion, I do not see anything wrong with keeping the Law Director elected. I do not have a problem with having the Finance Director being elected every 4 years. You have the same when you have a new State Treasure, State Auditor, every 4 years in the State of Ohio. The State is still functioning, not too well sometimes, but the bigger the entity the tougher it gets to be. I think an elected position give them the independence. If somebody is in there and they are doing a reasonable job, they will get re-elected. Some people do not want that position. It does not pay what private Attorneys can make. That is one of the reasons a lot of people would not want that job of Law Director.

William Benz: What has been the experience here for Finance Director? Do we have qualified people always on the ballot?

Ken Seidner: As far as I know, there has not been a big turnover.

Bernard Sargent: That could change overnight. What we have had before has been re-elected, and re-elected. That's fine, but you know with the growth of the population, you are going to have a political change situation as well. I just see a lot of things happening.

Qualifications plus political questions.

Elected or Appointed, 111111 for elected, with qualifications and a Bachelors degree. A CPA.

William Benz: May be a minor point, if you elect them, the odds of them staying to term are pretty high, appointed they could be moving on rather quickly and not feel it is beholding to their office.

Ron Baker: Regarding the Mayors Duties. I would like to ask Bill what his thinking would be about the establishment of the Director of Public service. As well as being the Mayor, he is also the Director of Public Safety and Service by splitting that off, I would like to hear his comments.

Ken Seidner: We would like to ask Mayor Strine to be at our next meeting on Thursday April 5, 2007 at 7:30 am.

Meeting Adjournment at 8:20 am.

Submitted by
Valarie Bishoff
Clerk of City Council