

Meeting Minutes
CITY OF WILLOUGHBY HILLS 2015 CHARTER REVIEW COMMISSION
Monday, June 15, 2015
Willoughby Hills Community Center, O’Ryan Room

Call to order by Chairman Andy Gardner at 7:00 p.m.

Roll Call:

Members Present:

Dr. Stephen Atkins, Chairman Andy Gardner, Mrs. Joyce Grady, Mrs. Judy Shrefler, Mrs. Sandy Taddeo, Mrs. Tanya Taylor-Draper, Vice Chairman Jim Walsh and Mr. Jerry Wolanin

Members Absent:

Jennifer Greer

Eight members are present for a quorum.

Approval of Minutes:

Approval of Charter Review Commission minutes of 06/01/15:

Motion to approve the minutes by Joyce Grady

Seconded by Tanya Taylor-Draper

Vote: 7 AYES/0 NAYS/1 ABSTENTION (Walsh).

MOTION PASSES to approve 06/01/15 CRC minutes.

Public Portion #1:

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills: (a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion. Pursuant to a Resolution of the Commission adopted on February 17, 2015, Public Portion is limited to 3 minutes per speaker and will occur at the Beginning and End of Commission meetings.

Public Portion opened at 7:02 p.m.

No one spoke.

Public Portion closed at 7:02 p.m.

Old Business:

Chairman Gardner opened the floor for discussion on the recent Ohio Ethics Seminar at Lakeland Community College. This was attended by Judy Shrefler, Joyce Grady and Sandy Taddeo. Joyce Grady stated she thought it was a good opportunity for Questions & Answers, but there was not a formal presentation. Judy Shrefler thought the webinar seemed to be more helpful for her. She did ask about the “no

relatives policy” and she was advised that local governments cannot legally adopt a “no relatives policy.” The speaker said you cannot have a lower standard than State guidelines. Chairman Gardner said that the balance comes between Home Rule (cannot be less than State law); if you have a “no relatives policy”, you could open yourself up to scrutiny and you would lose. Sandy Taddeo said that “emancipated minors were brought up” and the rule that the income of a child under the age of 18 is considered to be the “parents’ income”, so that would apply to Community Center monitors. (We currently have no one working at the Community Center that this would be applicable to). Clerk Gloria Majeski will be providing a CD of the Ohio Ethics Class (that was made possible by PC-ABR Clerk Katie Lloyd) to each of the CRC members upon Mayor Weger’s request.

Chairman Gardner then recapped the issues we need to finalize for the Prioritization List:

Issue #39 9.1 *Should Section 9.1 be revised to state that volunteer Board/Commission members are not City Officers? Should these volunteers be covered by prohibitions against immediate family members being employed by the City? Should they be excluded from Conflict of Interest/Nepotism policies (except Statutory requirements of the Ohio Ethics Commission, etc.)?*

Chairman Gardner said that people who sign up for Boards and Commissions need to be aware of their responsibility to practice good ethics. Steve Atkins said that a “conflict of interest” should not exempt a volunteer. Vice Chairman Walsh agreed that you are almost “punishing someone for volunteering, even if there is a child who is a minor who is employed.” “There is no good civic duty message sent,” he added. Chairman Gardner agreed that City Officers should be subject to ethics laws. The hiring authority is the HR Manager and Mayor. The State standards should cover what we do.

Issue #42 9.22/9.4/5.5 *There is no prohibition against a member of the City’s Civil Service Commission being related to a candidate for a Classified Civil Service position. Would such a prohibition be appropriate or could a Civil Service Commission member recuse themselves with respect to matters related to a relative?*

Clerk Gloria Majeski asked Chairman Andy Gardner if she could provide the CRC with some information from the Civil Service Commission that would show that this issue has already been addressed and there is probably no need to address it in CRC. He obliged.

Mrs. Majeski read the following:

On 8/1/14, Civil Service adopted seven revisions to the Civil Service Code, which were then submitted to the State Personnel Board of Review in Columbus. The Review Board acknowledged receipt and acceptance in their 3/16/15 letter to Civil Service Commission stating:

“After a review of your materials, it appears that the WHCSC has sufficiently addressed and adopted procedures to deal with potential conflicts of interest...” The

Civil Service had reviewed this as a result of their attendance at a Civil Service meeting in Columbus earlier in the year.

The following was the change that was adopted:

“Section 1.4 Meetings of the Commission – To avoid a potential Conflict of Interest by a Commission Member in the preparation of a Candidate List for an appointment to the Classified Service of Willoughby Hills, each member of the Civil Service Commission shall divulge any and all relationships with each candidate on the preliminary list. Each member of the Commission will identify candidates for whom they believe they should recuse themselves from all subsequent procedures and discussions in the preparation of the Final List. As a final effort to avoid any Conflict of Interest, each Civil Service Commission Member shall vote on the eligibility of the other Commission Members to participate in any subsequent proceedings and discussions in the decision process. Any Commission Member receiving negative votes from both remaining Commission members, for a particular preliminary candidate, will be excused from any subsequent proceedings for said candidate.”

Following this, Joyce Grady made a motion to “take no action on this Prioritization List Item #42.” The motion was seconded by Jerry Wolanin. VOTE: 8 AYES. Motion passes to take no action on this item and instead rely on Civil Service rules to cover this point.

Item #43 9.22 *Review and examine whether a nepotism/conflict of interest policy be included in the Charter or required by the Charter to be created by the Mayor or Council Ordinance? Any nepotism policy/conflict of interest policy should consider the size of the City and the potential issues in obtaining volunteers for City Commissions and other positions.*

Chairman Gardner reported that we still need Jennifer Greer’s input, but opened the floor for other CRC members’ input:

Vice Chairman Jim Walsh stated that we should have State guidelines with individual Commissions making the call, rather than putting it in the Charter.

Chairman Gardner offered his opinion in that we should not have an issue if we follow State standards and Council can make it more restrictive if they choose. He personally feels that the Charter is a good place to say “we expect you to comply with State law.”

Sandy Taddeo added that this should go hand in hand with Article 9.21 and likes the proposed language.

Judy Shrefler agreed that the proposed language looks good and this was devised after “much discussion.”

Jerry Wolanin said that “trying to get fancy can create more problems, but a statute is a statute.”

Vice Chairman Jim Walsh agreed that you never want two things to address the same thing for fear of contradiction.

Chairman Gardner asked the group to keep an open mind and he will check with Jennifer to finalize for the next meeting. Steve Atkins suggested that Chairman Gardner may wish to email the group with her thoughts prior to the meeting so we know how to

research concerns prior to the meeting. Chairman Gardner agreed then to keep Item #43 open until we get Jennifer Greer's input.

Item #51 & #52 & #53 9.41, 9.42 ***“Should a provision be added to Section 9.41 to make clear that any amendments to 9.4 will not affect any employee currently on “probationary” status?” “Should part-time members of the Police Department and Fire Department be Classified Civil Service?” “Should a provision be added to Section 9.42 that the “assistants” to the Fire Chief and Police Chief will not be Classified Civil Service positions?”***

Chairman Gardner said he thought the Part-time changes to Classified status may be too big an issue to take care of at this time. “Probationary” would go along with that and is not applicable at this time. As far as “assistants”, it was his opinion that “if it is not broken, why fix it?” He said that Council reviews job descriptions after Civil Service and asked Councilman Fiebig if that is correct. Councilman Fiebig stated that “job descriptions are administrative, not Council responsibility.”

Steve Atkins agreed that the “Part time issue” probably needs to be “pushed back.”

Judy Shrefler said that “Civil Service is a process and we are adding more layers to it.” She pointed out that having an availability list is a good idea (which happens with the part-time Classified conversion); however, the candidates may not be available when you get to the list. Also, the Chief may have to choose from someone lower on the list when he may have 3 new great candidates who are not on the list. In addition, the part-timers may not work regularly and it makes it harder to dismiss unwanted employees.

Joyce Grady is concerned about not having better screening. (Mayor Weger currently has Civil Service Commission review ALL applications for completeness, including part-time applicants).

Tanya Taylor-Draper agreed with Joyce that these are “highly technical positions and we want to be sure that they are qualified candidates.” The screening through Civil Service ensures the extra sets of eyes looking at it.

Vice Chairman Jim Walsh asked if we can have Civil Service review the credentials, but not be Classified?

Chairman Gardner said, “Yes, and we may like the vetting (investigating with a purpose), but that is not written in stone anywhere.” He would like to verify with Law Director Lobe if we could do that legislatively rather than in the Charter. Joyce Grady volunteered to follow up with Law Director Lobe on this point. Item #52 may be changed to read **“Should part-time members of the Police Department and Fire Department be vetted by the City's Civil Service Commission?”**

With regard to #53 (“Assistants”): Chairman Gardner explained the recent dilemma with this term when trying to fill the Police Department’s Community Service Officer position. A straw poll was conducted and it was agreed to hold #53 open until Civil Service is consulted further.

With regard to #54 (Job Descriptions): Chairman Gardner will discuss with Law Director Lobe.

New Business:

Chairman Gardner opened the floor for determination of action items’ priority.

Vice Chairman Jim Walsh asked about Item #33 (8.31 – Runoff election). He said he would like to see this included. (This item has been dismissed by the group previously as “no action”. This was in Vice Chairman Walsh’s absence.). Jerry Wolanin gave the Richmond Height mayoral race as an example; lots of candidates and the winner did not get a majority, ended up in recall. Now absentee ballots could help in the event of inclement weather if there was a December runoff in Willoughby Hills. Joyce Grady and Steve Atkins also felt that “this is too important of a job to end up possibly with 21% of the vote and a mayor being elected.” Vice Chairman Walsh saw their points and the meeting continued with regard to prioritization of ballot items.

Steve Atkins offered that Items #36 and #40 (9.3 and 9.1) should be included. Tanya Taylor-Draper agreed that Item #36 should be included to resolve issues related to Article IX. The group then discussed prioritization to include the following:

- 9.1 and 9.3, to include #40 through #46 except the “no action” items (#42,#45)
- 8.33 (Item #35) Chairman Gardner- “to get the info out to the voters”
- Items #21, #23, #25 Steve Atkins – “Charter Review Commission items”
- 7.2 (item #29) Steve Atkins – “Board of Elections deadline”
- All of Article IX will be reviewed upon Jennifer Greer’s return.

Chairman Gardner asked all members to review the priority sheet and to keep an open mind with regard to the nepotism policy as we await Jennifer Greer’s input.

The plan will be to have Joyce Grady, Chairman Gardner and Vice Chairman Walsh to follow up with discussion items.

We will need to plan approximately three more meetings to finalize our ballot issues for Law Director Lobe’s review for ballot language and they are planned as follows:

Monday, June 29, 2015	7 p.m.	Willoughby Hills Community Center
Monday, July 13, 2015	7 p.m.	Willoughby Hills Community Center
Monday, July 27, 2015	7 p.m.	Willoughby Hills Community Center

Jerry Wolanin made a motion to approve the meeting dates as presented. Judy Shrefler seconded the motion. Vote: 8 AYES/0 NAYS. Motion passed to accept the meeting dates as presented.

Clerk will notify Council Clerk Savage to post and Finance Assistant Michney to post on website and WHTV.

Public Portion #2: opened at 8:37 p.m.

- 1) **Frank Cihula, 35060 Dixon Road, Willoughby Hills, OH 44094**
Mr. Cihula discussed Item #33 (run-off election). He wondered if we had checked with the Election Board as it may “smooth the process and eliminate some of the disadvantages we have.”
- 2) **David Fiebig, 35701 Hanna Road, Willoughby Hills, OH 44094**
Mr. Fiebig thanked the Commission for their hard work. He had two points to share with the group:
 - 1) At the OH Ethics Commission seminar, the speaker talked about the distinction between volunteer and elected officials; if you are appointed to a Board, you take an oath because there may be undue influence.
 - 2) You can contact the Ohio Ethics Commission if you have questions.
- 3) **Linda Fulton, 2990 Marcum Blvd., Willoughby Hills, OH 44092**

Ms. Fulton asked if background checks are done when people are hired. If so, why is it necessary for Civil Service to do them? (She was then advised that Civil Service does not do background checks, rather they check credentials. Also, background checks are done on all employees (except minors) by Guarino and Associates and sports teams background checks are done by National Initiative Services).

Ms. Fulton then questioned if there was nepotism by way of the relationship of volunteer Recreation Chairman Dan Philipp and PT Recreation Coordinator Denise Edwards.

Public Portion #2 closed at 8:48 p.m.

For the Good of the Order

Fall Corn Fest Free Concert on Thursday, June 17 from 7 to 9pm

YMCA Dream House on Lilly Lane in Concord; tickets now on sale

Willoughby Car Cruise, Saturday, June 20 from 6 to 11pm

Adjournment

Motion to adjourn made by Joyce Grady.

Seconded by Sandy Taddeo

Vote: 8 AYES/0 NAYS; MOTION PASSES to adjourn the meeting.

Meeting adjourned at 8:51 p.m.

APPROVED: _____
Andy Gardner, Chairman

Date

ATTEST: _____
Gloria Majeski

DRAFT