

DRAFT
CITY OF UNIVERSITY HEIGHTS, OHIO
MINUTES OF CHARTER REVIEW COMMISSION
APRIL 18, 2023

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The 2022-2023 Charter Review Commission met on Tuesday, April 18, 2023 at the Wiley Building, 2181 Miramar Boulevard, University Heights, Ohio.

Present: Mr. Stephen Wertheim, Chair
 Mr. David Farkas (arrived late)
 Dr. Margaret Duffy-Friedman
 Mrs. Jacquelyn Gould
 Mr. David Jackson
 Mr. Wesley Kretch
 Ms. Threse Marshall
 Mr. Chris Myrick
 Dr. Alicia Sloan

Also Present: Assistant Law Director Michael Cicero
 Vice Mayor Michele Weiss
 Assistant Clerk of Council Jeune Drayton

1. Call to Order

Chairman Wertheim called the meeting to order at 7:03 p.m. It was noted that Mr. Crumrine is absent due to COVID. Mr. Farkas will be arriving late. Mr. Bobes was absent.

2. Review Minutes of April 4, 2023

Motion by Mr. Myrick, second by Ms. Marshall to approve the minutes of April 4, 2023 meeting. On roll call, all voted “aye”.

3. First Reading of Amendments to Article 7 and 8 regarding ongoing employment and hiring practices.

Mr. Wertheim discussed material included in the packet regarding Article 8, Section 11 of the Charter, specifically the page titled **Replacement of Article 8, Section 11** (attached to original minutes). He read the paragraph prepared by Mr. Crumrine which follows:

The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, or any other classification protected by applicable federal, state, or local law unless reasonably necessary to normal operations and having a substantial relationship to job function and responsibilities.

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There was a discussion regarding whether an additional section was being added or whether the existing language would be replaced. Mr. Kretch noted that Mr. Crumrine's proposal had struck the language in Section 11 and replaced with new language. Mr. Cicero recommended that this proposal would be to add this as Section 12 to Article 8. Section 11 has already been amended by the Commission.

Mr. Myrick recommended that caste and tribal affiliation be included in the proposed amendment. Mr. Jackson noted that even if there is a rare situation, those protections should be given and he would support adding same. Mr. Cicero suggested that the **words caste, tribal affiliation, be added after citizenship status in the paragraph above beginning with "The City shall not discriminate..."**

Mr. Cicero cautioned the Commission that by passing this, nefarious tribal affiliations are included and this does not create a cause of action which would expose the city. Mr. Kretch questioned the issue of required citizenship for employment. Mr. Cicero stated that state standards and regulations would apply and supersede this language.

Motion by Mr. Myrick, second by Ms. Marshall, to adopt the proposed amendment with language as noted below, as an addition, not a replacement, to Article 8 and would be Section 12.

The City shall not discriminate on the basis of race, color, national origin, religion, age, disability, marital or partnership status, sex, sexual orientation, gender identity, gender expression, genetic information, pregnancy, citizenship status, caste, tribal affiliation or any other classification protected by applicable federal, state, or local law unless reasonably necessary to normal operations and having a substantial relationship to job function and responsibilities.

(Notations in red are added language)

On roll call, all voted "aye". The motion passed with eight (8) ayes; all present.

4. Amendment Responsibilities/Next Steps in Development of Final Report

Mr. Wertheim discussed a page distributed this evening entitled "Amendment Responsibilities" and reviewed with the commission. The following amendments and person responsible for same were verified:

Law Director	Kretch
Equity in Employment/Hiring	Wertheim/Crumrine
Term Limits	Duffy-Friedman
Gender Neutral	Wertheim/Crumrine
Decennial Charter Review	Wertheim

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Initiative/Referendum	Crumrine
Removal from Office	Crumrine
Department Name Changes	Wertheim
Rank Voting	Crumrine
Hybrid Elections	Sloan/Myrick

Mr. Wertheim stated that he would still like a report on hybrid elections since the vote was so close.

(Mr. Farkas arrived at this point).

Dr. Friedman mentioned that Mr. Crumrine has authored many proposed amendments, and it was agreed that members of the Commission would reach out to assist him.

Mr. Crumrine's example of reporting was discussed (see email attached). It was agreed that the format is succinctly informative in paragraph form. Mr. Cicero noted that the cover page of the amendments is well done and suggested that at the bottom of the page the votes can be indicated and the second page could be the paragraph(s) summary and the actual text of the amendment. It was agreed that extra documentation could be placed on line and copies of the supplemental material can also be made available.

Motion by Dr. Duffy-Friedman, second by Mr. Kretch, to cancel the April 24, 2023 and add May 2, 2023 as the new meeting date, which will include the Public Hearing. On roll call, all voted "aye".

It was reiterated that the format for the reports will be the cover page that has been used with the vote shown at the bottom for each of the amendments; the second page will be a paragraph(s) describing the amendment, and the backup information will be online and made available.

5. Other Business

Mr. Wertheim referred to information from the Board of Elections (see attached) distributed to the Commission regarding the University Heights Charter.

Mr. Cicero stated that information from Brent Lawler, from the Board of Elections, looked at the Charter and made suggestions. It is not known who, if anyone, contacted the Board of Elections regarding this data; perhaps they saw our public legal notices of meetings. Mr. Cicero quoted the following case for the record and discussed same, noting that the Commission has already addressed some points raised by the BOE.

State Ex Rel Huebner versus West Jefferson Village Council. The legal citation is 75 Ohio State Third 381 (1995)

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Mr. Cicero explained that there was a petition circulated in the Village of West Jefferson to limit the village to tax wages originating in its boundaries at 1%.

As a public policy matter, it is not fair to those who are trying to file petitions to know exactly how many petitions you need if it's the total number of registered voters because the way you should read that provision is the number of registered voters on the day you file the petitions. And that could change between the time petitions are pulled and day petitions are filed; and, it could be altered as the Supreme Court alluded to by voter drives during a hotly contested election season that would drive up the number of registered voters. If you take the "x" percent of voters in either the last gubernatorial, presidential or municipal election, that person or persons knows exactly how many signatures are needed the day the petitions are pulled if they want to get something on the ballot. There is a finite number that can't fluctuate, so the Ohio Supreme Court reversed itself and has basically held invalid the provisions saying total number of registered voters.

Mr. Cicero stated that there is a pragmatic matter that the BOE mentioned regarding Article 4, Section 1 on Initiative, we only gave sixty (60) days from the time of filing to set the election. That cannot be done because the Board needs 46 days for overseas and mail-in ballots. The recommendation is to change the timeline voted on in Article 4, Section 1, from sixty (60) days to ninety (90) days which gives them time to send out overseas and absentee ballots.

There were questions about what triggered the Board of Elections to review the University Heights Charter. Mr. Cicero was not aware, although the points brought up were valued. He noted that some of the Charter provisions are outdated, not current.

Mr. Cicero suggested that a proposed amendment to the already-passed changes to Article 4, Sections 1 and 2, changing the timing of the election in Section 1, from sixty (60) to ninety (90) days for more inclusivity for absentee and overseas voters.

Motion by Mr. Myrick, second by Mrs. Gould, for a proposed amendment changing Article 4, Section 1, Initiative, from sixty (60) days to ninety (90) days to the date of the election for inclusivity for absentee and overseas voters. On roll call, all voted "aye". (All nine (9) present)

Motion by Dr. Duffy-Friedman, second by Mr. Myrick, to change Article 4, Section 3, proposed amendment to set the recall election date to be held not less than sixty (60) days and not more than ninety (90) days from the date of the final determination.

On roll call, the following voted "aye": Mr. Wertheim, Dr. Duffy-Friedman, Mrs. Gould, Mr. Jackson, Mr. Kretch, Ms. Marshall, Mr. Myrick and Dr. Sloan. The following abstained: Mr. Farkas.

Eight (8) Ayes; 1 Abstention

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6. Audience Participation

There was none.

7. Adjournment

Motion by Mr. Kretch, second by Mr. Myrick to adjourn the meeting.
On roll call, all voted “aye”.

The meeting adjourned at 8:15 p.m.

Submitted by,

Jeune Drayton
Asst. Clerk/Council

Stephen Wertheim, Chair
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