

CITY OF SANDUSKY  
2015 CHARTER REVIEW COMMITTEE MINUTES

JUNE 23, 2015

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**Mike Will, Chairman, called the Charter Review Committee (CRC) meeting to order at 5:05 p.m. and led the Pledge of Allegiance.**

**Members present: Donovan Cole, Dennis Feltner, Talon Flohr, Andy Gundlach, Dan Kaman, Nicole Lloyd, Mike Meinzer, Chris Parthemore and Mike Will.**

**Members absent: Darwitt Garrett, Christine Mack, Jennifer Washington and Conor Whelan.**

**Staff members present:** Kelly Kresser – Commission Clerk & Dennis Murray, President of the City Commission.

**Also present:** Michal Graham – Strategy Design Partners.

### **APPROVAL OF MINUTES**

**Upon motion of Dan Kaman and second of Chris Parthemore, the members voted to approve the minutes of the June 9 meeting and suspend the oral reading. The Chairman declared the motion passed.**

### **CURRENT BUSINESS**

Mike Will said Dennis Murray, President of the City Commission, is present to share some of his thoughts with the members. Dennis Murray stated he has been following the progress of the CRC as the members come closer to tentative conclusions. Dennis Murray said he was initially resistant to some of the changes being proposed and he has spoken to Mike Will about having a special City Commission meeting on July 1 for the purpose of having a panel discussion regarding the recommendations. Usually this is done through a memorandum from the CRC members to the Commissioners, but feels this is disrespectful to the members and wants to ensure a good dialogue takes place. The two most important issues are how the Finance Director and Law Director are selected and retained. The issue of changing the makeup of the commission from seven to five members is important and fits with the discussions thus far. The National Civil League has been the steward of model city Charters for over 100 years and the City Manager form of government is preferred with all other employees reporting to him or her so there is one single, accountable executive. There are other cities where persons in these positions are selected by the council or commission, or nominated/approved with the consent of the commission, but they are a minority. Sandusky and Dayton were two of the first twenty cities to adopt this form of government. Elyria never adopted this form of government and today have the worst form of government available with the Law Director and City Council members elected by the public. The National Civic League has come to believe having a single executive makes for a very accountable form of government. Dennis Murray said management by committee makes it easier for people to duck and hide as more people are added and the same thing happens at the commission table, although the present commission works very well

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together. There have been commissioners over the years who have pushed problems and issues to others and this is disruptive to the city's growth and economic development. Dennis Murray said the members have their eyes on two of the issues but this is another problem and respectfully asked for support for this change. The public feels motivated about what is going on in Sandusky and we have an opportunity with the CRC and support of the City Commission to take a package of issues to the ballot for success. Dennis Murray said he understands minority representation and for the past 20 years the city has had disproportionate representation with 22% minority population in the city and 28% minority on the Commission. Sandusky voters are open-minded and recognize the need for diverse representation on the commission and this will continue with five or seven commissioners. The issue of creating wards has gone to the voters a couple of times but they have thumped it pretty well and it has now been academically discredited. At-large representation can actually increase minority representation because voting patterns have changed and he would not consider asking for this proposal if he thought it would fail. The commissioners have a diversity of opinions with different backgrounds and different histories and this is a very important part of governing a city. Dennis Murray said he is not worried about the expense of placing these important issues on the ballot and waiting until the 2016 election may drown them out as it is also a Presidential and big State candidate election. These are important issues which deserve their own attention and this is also a great thing about having ballot issues on in an odd-year. Mike Meinzer said Conor Whelan had brought up changing the number of commissioners to nine but he (Mike) was worried about the commissioners not being as effective when they were increased to seven. The culture of the city's politics has changed over the years and thinks this increase has the opposite effect with retention of charter officers. It has been difficult to attract and retain city managers and believes this new reporting relationship will provide some control over things. Mike Meinzer said changing the makeup of commissioners to five would seem to give more control to part-time commissioners although there is a great commission right now. This could have the opposite desired effect if the reporting relationships are also changed. Dennis Murray said for a lot of years, the city did fine with just five commissioners and he is not sure there is a correlation, but the city struggled previously with seven commissioners. The attitude has changed and the caliber of candidates has improved. The city has always struggled with where the legislative role ends and where the administrative role begins. Mike Meinzer said he agrees it was more functional with five commissioners than with seven and we retained city managers for a longer period of time. Dennis Murray said he is not sure how to support this, but perhaps could call on some of the supporters of Issue 8 through debates hosted during the election, and/or through forums or letters to the editor by members of the CRC. Andy Gundlach said 23 of the 26 cities researched have seven commissioners and this seems popular; Dennis Murray said seven has become a common number perhaps because it is the required statutory number mimicked by charters. Michael Graham said the statutory number is seven, but the statute also states four of these should be ward-based while three should be at-large; cities have the ability to tailor this to their specific needs. Dan Kaman said he wants active commissioners as an elector and the founding fathers created a balance of powers and asked why the city manager cannot become a strong mayor. Sometimes accountability happens when

commissioners ask department heads questions and then fix things. The city used to have a lot more money with income tax and \$100,000 could easily get lost but that is not the case anymore, rather, the budget rating rules. Dan Kaman said he is not sure this is the right way to “make the buck stop here” and predicts something will happen and the commissioners will not hear about it until it is too late and nothing hurts more than paying legal fees for these kinds of things. If three executives are untouchable we are setting ourselves up for failure. Dennis Murray said he has been through too many executive sessions where people are laying blame and this change places accountability for “where the buck stops” in one place. City government is complex and picking someone skilled to run the city with a \$70 million budget out of the electorate who is would make us just darn lucky. Dennis Murray said the issues to be placed on the 2015 or 2016 ballot will be decided by the City Commissioners. Mike Meinzer asked Dennis Murray about Section 25 and increasing the \$10,000 limit required for competitive bidding. Dennis Murray said this is simply a vote and not a big deal for the commissioners, although he understands the staff’s concerns about how it impedes some of the things they do.

Mike Will said Michael Graham provided draft language for Sections 17 and 18 with two variations. Michael Graham said he has compared 26 cities similar in size to Sandusky and with a City Manager form of government as to how they appoint their Finance Director and Law Director. There were four approaches regarding appointment of candidates to these positions:

- 1) City Manager appoints his or her choice;
- 2) City Manager provides candidates to the City Commissioners for majority approval;
- 3) Election;
- 4) Commissioners appoint candidates.

In thirteen of these cities, the City Manager appoints the Law Director while 3 cities require commission approval, 2 are by popular vote, and 11 are appointed by the City Commission. For the position of Finance Director, 20 cities have appointments made by the City Manager, 6 by Commission approval, 1 by popular vote, and 11 by direct appointment. In terms of the size of the Council or Commission, the overwhelming majority (23 cities) have 7 members, while one community had 9 members and one had 6 members. There can be anywhere between 5 - 17 commission members according to statute and this may have something to do with the majority being at 7. This is interesting to look at but there must be rationale for what is being recommended.

### **Charter Sections Recommended for Change**

Mike Will opened the floor for discussion about Sections 3, 6, 17, 18, 25 and 87 of the Charter and stated Darwitt Garrett could not attend tonight, but indicated he was okay with recommending change to Sections 17, 18 and 87.

**Upon motion of Dennis Feltner and second of Dan Kaman, the members voted to present all six Sections for change as discussed previously without prioritizing them.**

*Discussion:* Dennis Feltner said it will be up to the City Commissioners to decide which of these to send to the ballot and they are all important. Mike Will said he has thought about these Sections since the last meeting and now believes some of them might not be a good idea. With the passage of Issue 8 last year, loosening the threshold for competitive bidding and raising the pay of the commissioners does not seem like a good idea anymore. Nicole Lloyd said she also does not feel supportive of recommending all six sections for change and in speaking to some of the current commissioners, raising the salary will not help; with regard to Section 87, it would only be more expensive during every other charter review and this is not such a big issue. Mike Meinzer said he agrees not to send all six recommendations, but believes it would be important to pick the top ones. Andy Gundlach said he did not have an opinion either way after the last meeting, but thinks there are too many items and does not think the commissioners will agree with raising their salary. This will not attract quality people to run and may actually dilute the other Sections and we need to narrow the list down to two or three. Changing the number of commissioners from seven to five has not been put through the Charter Review process and he is not certain how he feels about this.

**The President declared the motion failed with no dissention.**

Mike Will asked for discussion about **changing the makeup of the commission from seven to five members**. Mike Meinzer said the argument made tonight is one he understands and when there were five commissioners it was more functional. Dennis Feltner said with a smaller group of commissioners, those not pulling their weight might become more of an issue. Nicole Lloyd asked if the city will lose representation with five commissioners by giving them more power. Dennis Feltner said he does not see representation of citizens as an issue – bad management would be an issue. Sandusky has always had a strong group of commissioners from Cedar Point, but at the end of the day they are always the ones who carry the water or bring things back to reality. We are trying to find a way to alleviate bad management or commissioners but we really cannot; we can only pick the lesser of the two evils. Dennis Feltner said his experience with the Engineering and Police Departments is they are lacking in their abilities to carry out things and to see things and rely too heavily on citizens or the newspaper complaining and being reactive rather than proactive. Talon Flohr said although he would like to consider this, it is late in the process. Dan Kaman said the City Commissioners can put any issue on at any time with or without recommendation from the CRC. This issue was brought up from the beginning of the CRC meetings but it did not get any traction.

#### Section 87 – Review of Charter

**Upon motion of Chris Parthemore and second of Andy Gundlach, the members voted to strike Section 87 from further discussion.**

*Discussion:* Dan Kaman said there will be more people at the polls during general elections although charter issues could get smothered with others. Chris Parthemore said this would only be the case with every other review committee.

**The Chairman declared the motion passed without dissent.**

Section 6 – Salary and Bonds

**Upon motion of Dan Kaman and second of Andy Gundlach, the members voted to strike Section 6 from further discussion. The Chairman declared the motion passed without dissent.**

Section 3 – City Commission. Creation and powers

**Upon motion of Nicole Lloyd and second of Talon Flohr, the members voted to strike Section 3 from further discussion.**

*Discussion:* Dennis Feltner said for a lot of commissioners, they really start to get the flow during their second term and then the process starts all over again with new people. Talon Flohr said this has been smacked down at the ballot and is willing to let go of it.

**The Chairman declared the motion passed with the dissent of Dan Kaman and Dennis Feltner.**

Section 17 – Law Director and Assistants, Section 18 – Department of Finance Audits  
& Section 25 – Expenditures

**Upon motion of Nicole Lloyd and second of Donovan Cole, the members voted to recommend changes to Sections 17 and 18, and to talk about Section 25 in the presentation to be made to the City Commission.**

*Discussion:* Donovan Cole said we can still discuss Section 25 without making specific recommendations for change. Mike Meinzer said as a former department head, there was plenty of time to plan ahead and budget for things. Talon Flohr said although he gets the optics of this, it would be a good idea to recommend change to Section 25 (raising the limit for competitive bidding). Nicole Lloyd said she is not certain how taking the hiring for the position of Finance Director away from the commissioners will look while at the same time taking away the control of expenditures and giving it all to a City Manager. Chris Parthemore said he agrees with striking Section 25 as he does not think it will pass at the polls and does not want people to strike down all three because of disagreeing with one. Dennis Feltner said the city has not yet shown how they are going to spend the Issue 8 money and the city staff has to earn the change to this section.

**The Chairman declared the motion passed with the dissent of Dan Kaman and Talon Flohr.**

Mike Will said Sections 17 and 18 are proposed for change and asked for feedback regarding the draft language as presented by Michael Graham. Michael Graham said there are two versions, the first provides power to the City Manager to appoint the Law Director and Finance Director; the second provides power to the City Manager to appoint the Law Director and Finance Director, with the concurrence of the majority of the City Commission. The duties for both positions will not change, simply the hiring authority. Dennis Feltner said he is concerned about the appointment of assistants in the Law Department as they should be hired by the Law Director rather than the City Manager. Mike Will said the language currently reflects this but assistants are not appointed that way. Andy Gundlach said the City Commission should be included in the hiring of the Finance Director and the Law Director along with the City Manager. Michael Graham said he could change this version to require the City Commission concur with the City Manager's recommendation and can delete the words "and his or her assistants". Mike Will said to be specific about the recommendations being made but reminded members the City Commissioners can change this as they desire. Dennis Feltner asked about adding language requiring specific licensures such as a C.P.A., Master's Degree or Bachelor's Degree for the Finance Director or licensed practicing attorney with the State of Ohio for the Law Director. Andy Gundlach asked if there are statutes about having a C.P.A. license if serving as a Finance Director for a municipality and Michael Graham said some cities have language specifying a municipal Law Director be a licensed attorney in the State of Ohio, but does not know of any requirements for a Finance Director. Michael Graham said if a Law Director loses his or her license and serves at the pleasure of the City Manager, the City Manager should fire him and if he does not there is something wrong with the City Manager. As far as the C.P.A. licensure, this might be better if left vague as this licensure may change. Mike Will said there is no requirement to be a C.P.A. now and this certification is set up more for those in private practice. He is hearing there is consensus to remove the sentence regarding appointment of assistants for the Law Director as well as to make both of these appointments made by the City Manager with the ratification/approval of the City Commission. Mike Will said it should be up to those making appointments to ensure persons hired are properly qualified. Nicole Lloyd said the charter wording should not be so specific as to hire a qualified person. Dennis Feltner said he has brought these issues up but they are not deal breakers for him; he would like to make sure the Law Director is permitted to hire his or her own assistants. Michael Graham said he will add language to these sections to indicate the Law Director must be a valid, licensed attorney and the Finance Director language should be left as it is as far as education, experience and professional certification. Dan Kaman said when the Audit/Finance Committee was formed, our Finance Director at the time was not a C.P.A. but some of the members of the committee are. Mike Will said job descriptions will spell out the exact requirements. Mike Will asked for Michael Graham to send a new draft of these Charter sections for review although the CRC will not be meeting prior to July 1.

**OLD BUSINESS**

None.

### **NEW BUSINESS**

Nicole Lloyd asked if her understanding is correct the commissioners can put items on the ballot at any time without recommendation from the CRC. Dennis Feltner said this is true but it could leave a bad perception with voters if changes were proposed without the CRC recommending them.

Mike Will asked how the members feel the presentation on July 1 should be made to the City Commissioners and as Chairman, he will make the presentation, but would like others to attend and offer input. The CRC has gone through many steps including reading through the entire Charter and discussing every Section. Information was then gathered from other municipalities and how they operate. Professional educators were brought in to educate the members about different forms of government in Ohio and the public was invited to provide input. Several sections were identified as needing attention and motions were passed specifically recommending a change to six; further discussion led to reducing this number to only two. This will lay the groundwork for the commissioners and they can then ask questions of the CRC members.

### **AUDIENCE PARTICIPATION**

Sharon Johnson, 1139 Fifth Street, said she is speechless, the CRC back-stepped on a lot of this and the most important thing is there are only two recommendations being made, but the City Commissioners can do anything they want.

### **ADJOURNMENT**

**The Chairman declared the meeting adjourned at 6:55 p.m.**

**The next meeting is scheduled for: Wednesday, July 1, 2015 at 5 p.m. This will be a special City Commission meeting to allow the Chairman of the CRC to present the recommendations of the 2015 Charter Review Committee.**

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Kelly L. Kresser, CMC  
Clerk of the City Commission

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Michael J. Will  
Chairperson