

**MINUTES**  
**CHARTER REVIEW COMMISSION**  
**MONDAY, FEBRUARY 8, 2021**  
**7:00 P.M. – Tallmadge Municipal Building**  
**46 North Avenue, Tallmadge, OH**

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1. **CALL TO ORDER:**  
**Chairperson Raber:** It is now 7:00 p.m. and I would like to call to order the February 8<sup>th</sup> meeting of the Charter Review Commission.
2. **ROLL CALL:** Steve Clark, Helen Fire, Bob Higham, Katie Lindhe, Serif Krkic, Megan Raber, Ted Roy, Kimberly Sabetta, Randy Sarvis, Meghan Thompson, Mary Tricaso – all present.
3. **APPROVAL OF 1-25-21 MINUTES:** Robert Higham moved to approve the minutes. Seconded Mary Tricaso. Voice vote 11-0. **The January 25, 2021 minutes were approved by a vote of 11-0.**
4. **AGENDA ADDITIONS:**  
**Chairperson Raber:** We do not have any agenda additions this evening.
5. **PUBLIC INPUT:**  
**Chairperson Raber:** We do have Councilman Loughry who has signed up to give public input this evening. I will defer to Mr. Loughry at this time. Mr. Loughry, do you have any input that you wanted to add at this point in the meeting?  
**Mr. Loughry:** OK. I am having difficulties today. So, thank you for allowing me to participate this evening and thanks again to each of you for volunteering to serve on this very important political committee.  
The first question I have is for Mrs. Raber. Megan, I know, and you have assured me that no decisions will be made and that everything is open and to be revisited, but when the time comes to make a decision; will that be done by consensus or will it be done by a vote of each member?  
**Dir. of Law:** So, we will have a vote of each member when we are actually voting on Charter language that we want to recommend to Council. Until that point though, it kind of I guess depends on the flow of the committee and what its choice is; they can always make a motion to solidify something if we want to kind of put some finality to it or we can work through consensus as we go and so it just kind of depends on the flow, but before we would actually forward something to Council, we would take a vote on that recommendation.  
**Mr. Loughry:** Thank you very much. Next, and this is for the commission members; the comments that follow will just be my personal opinions as a long-time Tallmadge resident who has been and remains very involved and active in our community, as a former City employee who was an appointing authority and my perspective as a Republican office holder in our City relating to a few topics that you discussed at your last meeting.

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**Mr. Loughry (Cont'd.)** First, in my opinion, we should not add any requirements that make it harder for someone to be on the ballot. I believe that our existing partisan system already lends itself to us having uncontested elections. Also, please do not add any additional qualifications to our at-will positions. Do not handcuff the appointing authorities. I do think that during this process you should look at our Civil Service procedures regarding consistency of use and positions and whether our present policies work at making us a more diverse employer.

Secondly, having no term limits provides several advantages to the incumbent. Incumbents get re-elected most of the time. They have increased name recognition on the ballot, and they do much better in fundraising and almost always have more money to run their campaigns. Our goal should be to provide opportunities for new ideas and new energy and not to create kingdoms.

Thirdly, regarding remaining a partisan community. I only ask that you listen to what I feel can be a possible impact of this committee making a recommendation to City Council that Tallmadge continues as a partisan City for the next ten years. Ten years is a very long time, especially in politics. Our City's demographics are changing, and this is happening primarily because of increasing property values on existing homes and the increasing cost of new residential construction. I see our City's demographics changing more rapidly in the next ten years for the following reasons. The school district facility plan is almost completed. The only thing left to be constructed is the boy's baseball field. Our school district is a magnet for families and children. It is the sole reason that our property values and our real estate taxes are soaring. Only higher income earners can afford to move and remain here.

Our City's Comprehensive Plan was just recently updated. We do it every ten to twenty years. The last update the City did, it took five years to complete and we only tweaked the plan. It will not be updated soon or changed drastically I believe until it is updated again.

We have about 800 contiguous vacant acres all zoned to R-1 and all located in the 2<sup>nd</sup> Ward. About 700 of those acres is owned by just two entities. This is by far the most valuable land in the City. R-1 is our highest and best. Our JEDD in Brimfield gives us the luxury of keeping our vacant R-1 land zoned as is and our recently updated Comprehensive Plan supports that R-1 zoning and the R-1 vacant land property owners support that as well. The property owners do not live in the City. I believe that some of that land will be developed residentially in the next ten years and much more will be developed in the next twenty years.

Past residential in the last ten years will impact our Ward boundary lines soon and future residential development during the next ten years will impact those boundaries again before the next Charter Review process is completed. This is tied to the census. In our City the Ward boundaries will continue to shift towards the 2<sup>nd</sup> Ward because that is where the new development and population growth will continue to primarily occur. These demographic changes impact every Ward, but particularly the 1<sup>st</sup> and 3<sup>rd</sup> Wards. The 4<sup>th</sup> Ward is predominantly all built out and has many of our smallest and older homes and most of our rental homes,

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**Mr. Loughry (Cont'd.)** apartments, and subsidized housing. In residential development the cost of the land is a very good indicator of what the price of the new home will be. Typically, four to six times the cost of the land. The price of the home is a good indicator of what the political affiliation of the homeowners are. \$200,000+ homes have a very high percentage of Republican and Independent owners. Percentage increases as the price of the home increase. Because of all of this I feel that in the next ten to twenty years that the 4<sup>th</sup> Ward will continue to lean Democrat and Independent and the 2<sup>nd</sup> Ward will remain Republican and Independent and the 1<sup>st</sup> and 3<sup>rd</sup> Wards will continue the present shift from being Democrat and Independent to becoming more Republican and Independent. However, the Independent growth will out pace both the Democrat and Republican growth in all wards. Democratic shift in our City was evident in last November's Presidential election. President Trump won in Tallmadge by over 500 votes just as he did in many if not all Summit County suburbs. Because our demographics continue to shift, I believe that most of our Republican and Independent residents want us to become a non-partisan City now just like many other suburban communities in our area, especially those under the age of 45. I believe that most of our new residents will continue to be younger adults with school-age children. The time has come for us to do this. Partisan politics without term limits and a local suburban environment is our cake and only lends itself to uncontested races and kingdom building. Again, just my opinions and my Republican perspective. Time will tell if I am correct. I would also ask at some point during this process that you please review the Charter Preamble, and I would ask to please be able to ask some questions of Mrs. Raber this evening regarding 3.04A, 4.06, 4.07A, 4.07C and 4.07C and 4.08. Thank you very much for your time.

**Chairperson Raber:** Alright, thank you. We received no other correspondence or communications and there is no one else that registered to speak tonight. I will remind the public that they are welcome to provide public input at every meeting and we will have the opportunity on the agenda of every meeting for public input.

**6. AGENDA ITEMS:**

**Article 1 – Name and Boundaries**

**Chairperson Raber:** I will open up again for input specific to Article I. Mr. Loughry did you have anything more that you wanted to add with regard to Article I specifically?

**Mayor:** I think we pushed him back to the attendee not the analyst.

**Mr. Loughry:** I am good Megan until 3.04A.

**Chairperson Raber:** OK, so not until Article III for Mayor. Alright. Did you have something Mr. Loughry with regard to the Preamble that you mentioned?

**Mr. Loughry:** I just think that it would be good for the commission just to review or to affirm that we like the Preamble as it is. But I guess if we don't look at it, I guess it would be understood that we are happy with the way it is.

**Chairperson Raber:** Sure, so we can pull that up. Everyone has had an opportunity to take a look at everything hopefully for the agenda this evening. The

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**Chairperson Raber (Cont'd.)** Preamble wasn't specifically called out, but it is prior to Article 1. Did anyone have any strong opinions on changing the content, besides the double periods that I see there which is just a typographical error? No one responded. Then we can go ahead and move to Article I in its entirety which is the Name and Boundaries and Form of Government. So, I would say that at this point if we are not looking to change the form of government as we had talked about at the last meeting that this would be appropriate so if anyone wants to discuss this section or make any suggested changes, now would be the time to do that. I hear none.

### **Article II – Powers of the City**

**Chairperson Raber:** Article II, Powers of the City. This is manner of exercise of powers; this is all in Article II. Anyone have any comments or suggested revisions for these sections? No one responded. OK, we will go on to Article III. Again, just to make sure everyone is clear, does anybody have any revisions or suggestions to the entirety of Article II which is all of these Section II provisions?

**Meghan Thompson:** Are we speaking about what Councilman Loughry brought up or are we just speaking in general?

**Chairperson Raber:** Either. We are going to get into Article III here in just a minute with regard to the Mayor, but if we want to revisit any of those things that he brought up; you are welcome to do that at this point as well.

### **Article III – Mayor**

**Chairperson Raber:** OK, so the first is the Mayor. I think it more naturally fits with regard to term limits, and language for term limits would be in each of these individual sections if we were to go to that. The partisan election thing would be down towards later in the Charter which we would address later, but let's open it up to Article III for Mayor. I think Mr. Loughry you indicated you wanted to address something specific with regard to this section.

**Mr. Loughry:** Section 3.04. So, as I said earlier, ten years is a long time and if we just look from our last Charter review to now, not only Covid, which will go away, but technology advances, so when are . . . for the Mayor or any of us, but particularly the Mayor and you, Megan . . . I guess it's just the Mayor, when are you out of town? I have been trying to think about this you know, Dave has a grandchild in Columbus now and you like to go to Columbus, but you know, what is out of town? Is it out of the City of Tallmadge? Then I started to think about is time; is it distance because you know to drive to Columbus, but I can fly to Tampa in two hours. So, with technology I believe that the Mayor can do his job pretty much from anywhere as long as he can communicate and then with those who work for him, and I guess with the residents at large, but then I started thinking about what is the definition of temporary? Again, this is ten years old

and you have replaced Penny within that period of time and so maybe and you interpret this; the Law Director interprets this so maybe your definition of temporary could be different than what Mrs. Taylor's would have been. So, I didn't know that if the wording that we have if it is good just the way it is and if that is the case, if you

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**Mr. Loughry (Cont'd.)** should give an interpretation of what that is, or do we not need to do that? Because again, I think that really the Mayor could be anywhere temporarily and still be able to do his job without having to turn that power over to the President of Council.

**Chairperson Raber:** So, I think it depends Mr. Loughry, I mean right now we were under unprecedented times with the pandemic and we are having these meetings virtually, but they are going to expire. They are set to sunset in June and so we will be back to having in-person meetings and so if there is something that needs to happen in person and the Mayor is physically away and cannot perform it, then the other person has the ability to step in.

**Mr. Loughry:** There are very few things that only the Mayor can do. I mean, the Mayor has the authority to delegate almost everything to one or several of his direct reports. And so, I just think that again, and because of technology, we should give more latitude to being out of the City and still being able to function in that capacity.

**Mayor:** Mrs. Raber, since I am the Mayor and have been for the last ten years; the way I operate, if I leave the City and I am unable to be reached, I definitely let the Clerk of Council know that I am out of town and I let her know if I am leaving out of town anyways if I go to Columbus, I'll say I'm going to Columbus for the weekend, but there is no time that my phone is away from me and I cannot be reached and I cannot answer a call and I can't direct everything. My direct appoints should not act in my absence. The only one that can act in signing and fiduciary responsibilities, legal responsibilities is the Clerk, or the Council President. At that point, then I would relinquish that duty at that point. But, if I am out of town; say I was on a cruise and I am unable to be reached, she is 100% in charge, but that is how I have operated for the past ten years and I know the previous Mayor operated that same way because I was his Service Director for 15 years prior to that. So, it has really not been an issue, but if you look at the first sentence, "when the Mayor is temporarily absent from the City" and Megan you will have to make that ruling; it has never been an issue in the twenty years I know of, but if it is an issue; or if it is a word that has to be tweaked; maybe it needs to be tweaked.

**Mr. Loughry:** And that is why I brought the question up Mayor is because I think the key word is the definition of absent. You know, if you can communicate then in my mind you are not absent. That's all. We only look at this every ten years and so look at where we are at today and look what technology . . . it is hard to project these things out but look at where technology may be ten years from now and so I just thought it would be good to have a discussion on that point. That's all.

**Chairperson Raber:** Well, I can see if we wanted to eliminate the language, “is temporarily absent from the City or” and just say “when the Mayor is temporarily unable for any reason to perform the duties of that office” because it is really . . . then it is whether you can’t perform them because they are ill, or you are away from town or whatever. It doesn’t matter what the reason is which is kind of I think is already designed to cover that possibility and so again it hasn’t been an issue. I don’t know that it needs to the end if we think we want to come back and

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**Chairperson Raber (Cont’d.)** readdress it, it might be a good idea to do that if we don’t have too many issues, but I don’t necessarily think it is one that is so important and this is my personal opinion, not my legal opinion. It is not one that rises to the level of needing to be addressed by the entire electorate when it has been working and interpreted fine over the years. I don’t think we ever had an issue with it.

**Mr. Loughry:** And I agree with that Mrs. Raber. I think that some of these things again is your interpretation and so if you say that absent means not able to communicate in your mind, I don’t think that would need to go before the electorate. I think that would just be the interpretation that we follow. That’s all. That’s all. Just discussion on a Monday evening.

**Chairperson Raber:** What we are all here for. Is there anything else in the Mayoral section that anyone wants to raise or bring up? I will raise that I think under the Vacancy section that is for a permanent vacancy and I do think that we need to put some language there that mirrors the language that we find in the Council vacancy for Independents because we really did not address that. So, I think just cleaning that up. So, this Section 4.05 Vacancy of Councilman without party affiliation just talks about the sequencing in the event that there is somebody who does not have, did not designate a committee so we can maybe mirror some of that language. What I would propose to everyone is that we kind of make a decision tonight on the things that we would want draft changes for and then what would happen is at the next meeting, we can come with actual language changes so that you could look at that and then we would vote on the actual draft language changes. Does that seem like a fair way to do it to everyone?

**Kimberly Sabetta:** Yes.

**Robert Higham:** Yes Megan, I think that makes sense to have consistency throughout the Charter is something that we should strive for.

**Kimberly Sabetta:** And you are speaking of 3.04 under the Permanent Vacancy mirroring the 4.05?

**Chairperson Raber:** Yes. I don’t know that the way that the Mayor’s section is laid out. I think it would just probably fall under Section B. and it would be spelled out kind of in a similar manner but not necessarily called out as a separate header. But we can take a look at that when it is drafted, and then can I get any other input with what we had previously discussed with the absence in Section A. 3.04. Does anybody have any comments or input on that section.

**Steve Clark:** I would say that I would agree that the wording is poor in that in that I read it as, you know if you read it for what it says, when the Mayor is

temporarily absent from the City, then as soon as he crosses the boundaries he is no longer acting as Mayor and the President of Council is and so I do feel like although I feel like it has been working fine, it is subject to being problematic in the future if we don't change that wording and maybe it never comes up, but I can see the point because it is pretty black and white in reading to me when he leaves the City, there is no time limit on that and it doesn't say how far away he is, it just says temporarily absent from the City and with the word temporary, that is a pretty small time and I

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**Steve Clark (Cont'd.)** do think we need to address that, but I don't think that is a big change, but I feel like it should be changed.

**Chairperson Raber:** Do we think that the language, if we just eliminated that first phrase, "is temporarily absent from the City or" if we just deleted that and just left it with the generic, "is unable for any reason to perform the duties" is really the test that I think that is really used is that I am not available and I can't make a decision because of illness or I am out of touch and I can't be reached by phone or I need someone to be physically able to sign off on something that I can't sign off on. The second one seems to be a good catch-all and makes more sense.

**Steve Clark:** Maybe we change the "or" to an "and" when the Mayor is temporarily absent from the City and is temporarily unavailable for any reason. Because we are saying that if it is an "and" he can be out of the City; he can be in Columbus, but he is not unable to perform the duties because his phone is with him and so possibly that one word change might do it. I'm not sure.

**Chairperson Raber:** The only concern with changing it to "and" is that you could have a scenario where there is an illness involved and so the Mayor is actually physically in the City but is unable to perform the duties. So, you know or is recovering from some kind of illness or something and is at home but is not really able to perform the duties. So, I almost think that "and" makes it a higher threshold to meet.

**Steve Clark:** So, bullet point A is temporary vacancy and then bullet point B is permanent vacancy; right?

**Chairperson Raber:** Correct.

**Steve Clark:** There is not a C is there?

**Chairperson Raber:** No.

**Steve Clark:** Yeah, I see your point there too. You almost need a bullet point C that is a medical vacancy or physically unable . . . I'm not sure. I see your point though.

**Mary Tricasso:** Can you just take out, just keep, "when the Mayor is temporarily unable for any reason to perform the duties." Take out the temporarily absent from the City. Is that possible?

**Chairperson Raber:** To me that makes the most sense, but I want us to kind of work through that. Does that make sense to . . .

**Mary Tricasso:** That makes the most sense to me.

**Katie Lindhe:** Yeah.

**Randy Sarvis:** It makes sense to me.

**Kim Sabetta:** I would agree with that as well.

**Ted Roy:** So do I.

**Chairperson Raber:** OK. So not quite all of that, we want to keep the word, temporarily. And temporarily I don't think we want to define or restrict that specifically, I think it is kind of one of those things that you know it when you see it when it becomes a permanent type of situation and so you know it is hard to judge what that might be and so I think we want to use the general English dictionary definition which is basically for a limited period of time and it is not permanent. Does anyone else have anything else to add to this section 3.04A?

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**Helen Fire:** Who determines if he is unavailable to perform the duties? It is kind of vague there. I mean, I am assuming that he has decided that he you know, he or she can't perform the duties, but it doesn't really say who determines that unless you get down into the permanent vacancy which includes the recall or what does it say, or removal, but with a temporary vacancy; who determines that there is a vacancy?

**Chairperson Raber:** I think it could be more than one person; right? Like, so I think it could be the Mayor knowing that you are not going to be available or it could be a family member making a phone call to the Council President saying that the Mayor has been in accident and is temporarily unconscious and cannot perform or whatever. I mean, some unforeseen event and so . . .

**Kim Sabetta:** Does it matter, or is this too vague or vague enough that we could deal with any issue outside of the obvious type ones if you know someone feels you know that he is not able to perform the duties and there is that whole question you know, is this vague for a reason or should it be shored up a little, or am I just going down a rabbit hole?

**Mayor:** I also think part of the Dir. of Administration and the Mayor's secretary; they know if something is wrong with me. They would contact the Law Department and also the Council, so . . .

**Kim Sabetta:** So, there is a safety net there.

**Mayor:** There is a safety net.

**Chairperson Raber:** And could there be some scenario that could come around you know there is always a possibility of something. There is always a possibility I think for any of this, but I think that on the normal . . . so if this does get used just for point of reference; it has gotten used, but it is not that frequent and it is typically if you know the person is traveling abroad and really is not available or they are in a place that has remote connectivity and something needs signed in short order and that person is not there to sign it. So, it is not very common, but it does get used, so the more day to day applicability of it is the Mayor, like he indicated, notifying the President of Council in advance or the Clerk of Council and say hey, I am going to be out of town and just be prepared just in case someone needs something. Would you say that is accurate Mayor Kline?

**Mayor:** Yup. That's accurate. The President of Council is here too.

**Pres. of Council:** Yes, I can attest that he lets me know anytime he is going out of town and really there hasn't been any reason for me to sign anything; it's just a safety net.

**Meghan Thompson:** Should we remove absent from the next line then, “if the Mayor and President of Council are both temporarily absent or unable.”

**Katie Lindhe:** There are two more down there.

**Chairperson Raber:** I think just make it unable; right?

**Meghan Thompson:** Correct. We are all absent right now.

**Chairperson Raber:** I agree. Any other discussion or questions on this section?

**Katie Lindhe:** If we are getting rid of all the absences; there is one right above it too.

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**Chairperson Raber:** Oh yup. At the end of the sentence in the first paragraph there. Alright. Anything else on that section? So, what we will do is we will come back next meeting with the actual strikethroughs and be able to vote on that. Then like we said, 3.04; we will mirror 4.05. Is there anything else in the Mayoral section that anybody wanted to raise, discuss, talk about?

### Article IV – Council

**Chairperson Raber:** I will open this back up to public input. I don't know Councilman Loughry if you have anything you wanted to . . .

**Mr. Loughry:** Just on 4.06; I think that whatever was decided on 3.04A should be also addressed in 4.06 for consistency.

**Chairperson Raber:** I think there is the same type of language when the President of Council is absent, so we would take out “temporarily absent” language and make that be “unable to perform the duties.” Anyone have any discussion with regard to that? Did you have anything else on Article IV Councilman Loughry?

**Mr. Loughry:** 4.07A is something that you and I had discussed in that most of our resolutions are roll call . . . not roll call; just a voice vote and as opposed to changing the wording and going to the electorate you had suggested that going forward, we should probably just always do a roll call vote on resolutions and I agree with that.

**Chairperson Raber:** Yeah, just so everyone else knows what he is talking about, so typically we have voice vote only on ceremonial resolutions, I will call them ceremonial type resolutions like resolutions of congratulations to someone who is retiring or a resolution of sympathy for someone whose family member has passed away. So, it looks like the best practice would be to follow the letter of this and just go ahead and do roll call vote every time so that was something that was raised by Councilman Loughry earlier and I concur with that. Is there anything else that you wanted to raise Councilman Loughry?

**Mr. Loughry:** No. Everything is good. Thank you.

**Chairperson Raber:** Did anyone else on the commission have anything that they wanted to raise on this section and again, I know that we do have the President of Council with us here tonight just in case you had any questions on this section as well. Carol, I don't know if you have anything you want to add or phrase?

**President of Council:** No, I really don't at this time. I think that I do agree with the Section 4.04, or I'm sorry, 4.05 when there is a vacancy of a Council member without a party affiliation which is already highlighted right there. I think that needs to be looked at and just probably the consistency in 4.06, or 4.04 which we had already talked about; I'm sorry, 4.06 just the wording in that last sentence when the President of Council is temporarily absent, you know we could take out the temporarily absent and just keep it unable for any reason to perform the duties. That would be all that I really think needs to be shored up. So, if anyone has any questions, they would like to ask, and I would try to answer them for you.

**Ted Roy:** I have a question. Why are those two separate? What is the difference between an At-Large vacancy compared to the Ward vacancy.

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**Ted Roy (Cont'd.)** Shouldn't that all be put into one and just say you, vacancy of a Councilmember instead of having two separate?

**Chairperson Raber:** I think the only real difference is that it calls out that the Precinct Committee's people will only come from that Ward where the vacancy is and then it says for the At-Large it is like for the entire City. So, I think that is why they separated it initially.

**Mayor:** So, Megan, a person as a Ward person who has no party affiliation so their signatures on the back of their petition that they fill out, that would be their party to replace them.

**Chairperson Raber:** That's not a party; it is their committee. So, if you scroll down a little bit, you see that they are not a member of a political party then the replacement shall be chosen by the committee listed on the nominating petitions of the candidate within 30 days, so they fill out this form . . . the form is prescribed by the Ohio Secretary of State and it is not something that comes to the City; it goes straight to the Bd. of Elections and it is when they file their petitions when they become a candidate and it has lines for who their committee is and so that had been discussed I think at the last meeting that you know there is some confusion as to how that committee is formed with regard to how many people need to be on that committee, but that form is not something that gets vetted by the City or comes through the City; it goes to the Board of Elections and so . . . and it is promulgated and created by the Ohio Secretary of State, so I don't know that we really want to get into any kind of specification of what that committee looks like. That person is an Independent so they don't have a party affiliation, I think that the intent is that they have a trusted person; it could be one person or it could be three people or whatever, that know how that person thought or how that person would have voted and so they are seeking a representative to fill that vacancy until the electorate can do that and so that is how that works. So that is slightly different because it doesn't matter whether . . . you are not pulling from the Ward and you are not pulling from the whole City; you are just pulling from that committee that is on your petition. Does anybody have any questions on that?

**Pres. of Council:** Megan, so just to reiterate then so there is no way that we could put a number of people like say there needs to be 5 people or 15 people if it is a Ward Independent?

**Chairperson Raber:** Yeah, so thank you for that. I did, in anticipation of this question coming up again tonight and I did reach out to the Bd. of Elections and there is no other community that has done that. They have a hard enough time I think with all the different filing deadlines that each City imposes and again the forms are created by the Ohio Secretary of State and I am not really sure that we would even have jurisdiction to even make that restriction and then it would be very challenging to enforce because again, we are not the one vetting that petition being filed, it is all a different body and so I made the call. The initial feedback that I got was that they did not think that that would be a very . . . that that would be a very useful thing to do, so I mean if we really want to continue to explore that, I can

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**Chairperson Raber (Cont'd.)** continue to explore that avenue, but I don't know that we need to do that. Again, it is something that is in the Ohio Revised Code and it is promulgated by the Ohio Secretary of State and I don't know that we really have the jurisdiction over that.

**Mayor:** So, Megan, let me ask you a question. On the back of the petition for a person filing that direction, a non-political or a non-party affiliation; there are five spots. Do they have to fill out any of those spots and if they do not, who then appoints the person or would they down at the Bd. of Elections make at least one person on that form and just as I think Councilman Loughry did the last time; he wanted more than 5 so he chose to get a number of like I think it was 15. That was his choice, and they would accept that.

**Chairperson Raber:** Yeah, and again that was the Bd. of Elections deciding whether or not that petition met their requirements. So, if you scroll down back to that section, there is a mechanism that if that committee . . . so if the person never filled it out and didn't have a committee, then it says right here that if the member of Council did not designate a committee, Council shall fill the vacancy within 14 days and so there is a mechanism or there is a backup if that didn't happen. Then I think, let's say, the person only picks one person like I mean really is there a difference between one person and five people and again I think the intent is that as a non-party affiliated person that you would select someone on that committee that just like represents or knows what you would represent or what you would want in selecting that next person that would vote similar to how that person might vote as a form of representative democracy basically until that vacancy could be filled by the general public.

**Mr. Loughry:** Mayor and Mrs. Raber, so when I did that obviously I went to the Board first and basically, they said you are a Charter community, and you can do what you want and whatever your Law Director says you can do; that's what you can do. Then I wanted to be absolutely sure of that and so I contacted the State and that is what they said as well. They said you are a Charter city and you have

a Charter and you can do whatever is within your Charter. You can operate the way you want to operate as long as it is within your Charter.

**Chairperson Raber:** Right, so I think right now it is silent and I don't know, and again I just kind of like do we want to go there and what purpose does that serve?

**Mr. Loughry:** I just didn't think that again, and this was just me, but I didn't think that it would have been fair to bar residents if something were to happen to me and I had to step down or be replaced that my wife or she and my sons and daughter-in-laws could choose that replacement to represent the City At Large. So, that is the only reason I did what I did.

**Chairperson Raber:** Alright thank you. I would like to just hear from the committee members now.

**Robert Higham:** Megan, I would just state that I don't know if that is opening a can of worms, we really want to open up with putting an arbitrary number in there such as 5 or 15.

**Randy Sarvis:** Maybe I just need educated a little bit. It sounds like the Precinct Committee there; is that determined by each candidate as they file?

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**Chairperson Raber (Cont'd.)** No, so if you have a party affiliation then the Precinct Committee people are actually voted in by the electorate for the party and so there are different people in each Ward that and in each precinct that represent that party and so then when there is a vacancy those people have the opportunity to fill that vacancy through a meeting. Where if you are Independent by nature of being Independent, you don't have party affiliation and therefore there is not a bunch of people out there who had been elected to fill the vacancy in your absence instead you file this petition and you put the names of your committee on that petition form when you file to run for that office. Hopefully, I explained that a little better.

**Randy Sarvis:** Yes, that's good, thanks.

**Mary Tricasso:** I agree that I don't know that we want to open that can of worms either especially after the research that you did that, we really don't have the jurisdiction to do that.

**Chairperson Raber:** Well, like I said, its preliminary and I can certainly look into it if we really feel strongly about it further because if Mr. Loughry got an answer at one point and that was what I was told today is that it is very challenging to kind of look and again, I think the other thing that I am noting is that there is no other jurisdiction that has done that in their Charter where they have limited the number of committee people for an Independent candidate or designated that and so I think it would make it hard for someone to . . . potentially hard for someone to even find that information or know that information as Independent.

**Meghan Thompson:** Megan, I have a question. I know I had actually reached out to you before about this, but does this same thing apply to a current Ward Councilman who is possibly running for an At-Large spot? Then the party affiliation that that committee gets to appoint someone for that Ward spot then after an At-Large person is elected. Does that make any sense?

**Chairperson Raber:** Yeah, so however the vacancy occurs, if they are affiliated with a political party then if they were to create a vacancy by virtue of getting a different position, then those precinct committee people would vote to fill the vacancy or the position that was left open.

**Meghan Thompson:** And I believe you said that we cannot put in the Charter anything about someone who is already in a current position running for another position because of the State Election Board; is that correct?

**Chairperson Raber:** Well, I mean, again that is kind of a can of worms. I don't, I think I had indicated to you that I can do more research if we really want to go down that path, but typically as long as you meet . . . I mean what we would have to do is change the requirement and say that somebody who is already holding an office can't hold another office and so I will just give an example, let's say somebody wanted to move from one Ward to another Ward; they would have to wait like a two-year period or four-year period if it was Ward to Ward and if they wanted to go from Ward to At-Large they would have to wait that two-year period of not being a Councilperson before they could run if we were to put a requirement that you could not have another position to run for the other office. Again, I would be happy, if you raise it that we could discuss it; I don't know if anybody else has

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**Chairperson Raber (Cont'd.)** any input on that concept? I do know that it is not unusual for those types of things to happen to where somebody is holding a position and running for another one. OK, I am going to open it up one more time with regard to Council. Is there anything else that we want to add here? No one responded. OK, I think that we have got a couple of good revisions here that we will put together and formalize and then next meeting you can expect to see that and have an opportunity to look at them and review it ahead of time and then be able to vote on that and then we will take the next few articles that are coming up. So, if I don't hear any other comments, suggestions or anything coming from the commission, I will entertain a motion to adjourn.

7. **ADJOURNMENT:** Ted Roy moved to adjourn. Seconded Robert Higham. Voice vote 11-0. **The Charter Review Commission meeting adjourned at 7:57 p.m.**

sb

Minutes transcribed by Susan Burton