

CITY OF OLMSTED FALLS

26100 Bagley Road • Olmsted Falls, Ohio 44138
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Chronological Overview of Charter Review Process

OPENING STATEMENT

From time to time it is necessary to update and streamline the way we conduct business as a public entity. In all business environments a certain time of the year is set aside to evaluate the performance of the business and assess operational and governing techniques. Maxine Goodman Levin College of Urban Affairs, who Olmsted Falls use as our municipal academic resource, teaches us that it is important when assessing the City Charter that the assessment is done in a neutral, objective and nonpolitical environment. The process and assessment of the City Charter needs to be done in our academic environment for the public good to be served.

Over the years many Olmsted Falls elected officials believed that the Olmsted Falls City Charter was cumbersome and in need of revisions to bring it into compliance with the Ohio Revised Code. In the past 15 years there have been three reviews of the charter and recommendations were captured. As an example, in 2002 Charter Review Committee Members were political appointments, which only served the political agenda at the time and compromised an objective charter review process. Another review was conducted by several members' council through Survey Monkey. Unfortunately, there was not a climate to adopt the recommended changes because of political agenda.

The City of Olmsted Falls has entered a fresh new cycle of governing. This fresh cycle of governing lends itself to Council taking action on the recommendations of many professional experts. Placing these recommendations on the ballot this Fall sets the stage for engaging the community for future discussions on creating governing systems of modern life and improving the public's interactions with government.

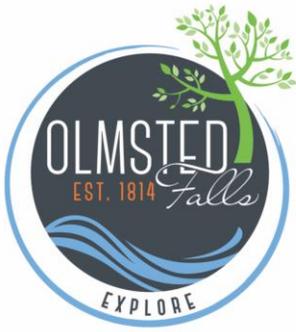
The review and recommendations are meant to bring the Charter into compliance and to make it more efficient in order to streamline the process for the public.

It was found that the Charter was not only inefficient, cumbersome, and contradictory, but it failed follow Ohio Revised Code.

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Seven housekeeping items were identified relating to the Charter, that if changed, would bring it into compliance with State law and thereby minimize the exposure the City may have for not being compliant with the Ohio Revised Code.

It was important to have the input from all stake holders.

The first step in the review was to bring objective independent experts on board.

Former Mayor of Richmond Hts. and Attorney, Daniel Ursu, understands municipal government and the valuable role a city charter plays in the running of the municipalities. He was commissioned to lead the discussion of the charter review process. The next objective was to present the findings of non-compliance to the elected officials and the law department.

Then Retired Judge, John J. Donnelly, was brought in to head up the Civil Service review as Chairman due to a civil law suit brought upon the City and every Councilmember because of Civil Service Charter violations.

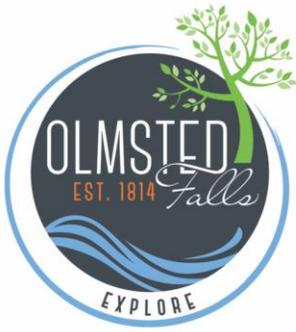
Once the decision was made to place the Charter changes on the ballot, the Law required that the residents be educated and notified.

Public Town Hall meetings for the residents took place during the Summer and continue throughout the Fall. At the meetings, the residents have the opportunity to learn about the city charter changes. These meetings provide an opportunity for residents to ask questions and become informed on charter issues prior to the final approval of charter changes. Ultimately, these changes will be decided on in the November 2016 election.

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Year 2014

Expert Hired: Daniel J. Ursu, Attorney, Mediator and Former Mayor worked on behalf of the City of Olmsted Falls to review the charter and suggest improvements. Mr. Ursu interviewed the Mayor, Councilpersons (at the time were Linn, Garrity, Pulice, Duncan, Sculac, Roberts and Fenderbosch) and other city officials to form a consensus on some possible charter improvements for the community. **Two Councilmembers declined to participate. They were Councilman Pulice and Council President Fenderbosch. Mr. Ursu contacted them directly to engage them in the process and they declined.**

Year 2015

JUNE

Civil Service Review

The process was started with the need to review the Civil Service Committee. On June 25, 2015 Mayor Donegan put in place a Civil Service Review Committee and appointed Retired Judge John J. Donnelly as Chairman. Other members of the committee were; City Council President Jay Linn (serving as Council-at-Large), Santo Incorvaia, City prosecutor and Assistant Law Director and Lt. Bill Traine, retired from City of Cleveland Police Department.

Objectives: To insure the City Olmsted Falls was in compliance with Ohio Revised Code.

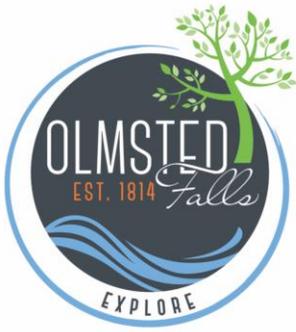
Deliverables: 09/30/2015 finale report dated titled “Report of Civil Service Review Committee”

In this report you will find the following: the recommendation of appointing government employees. “The Civil Service system is a method of appointing government employees on the basis of competitive examinations, rather than by patronage and politics.

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The Committee believes the Olmsted Falls City Charter Sections 4.03 and 10.5, which require the City Council to confirm or reject appointments made by the Mayor to all civil service positions, defeat the purpose of the Civil Service Commission.

The Charter makes the appointment process political. The Committee reviewed the city charters or called the Mayor's and/or Law Directors of all the cities surrounding the City of Olmsted Falls and found that all of the communities, namely, Brook Park, North Olmsted, Middleburg Heights, and Berea, and Strongsville only require the Mayor to appoint applicants for a Civil Service position, except for the City of Strongsville which requires Council approval only for the positions of Police Chief and Fire Chief.

Therefore, the Committee recommends the City of Olmsted Falls City Council or Charter Review Commission propose changes to the city charter, Sections 4.03 and 10.5, to require that appointment to a Civil Service position be made only by the Mayor and not require the approval of City Council.”

Fall of 2015

Expert Daniel J. Ursu, Attorney, Mediator and Former Mayor report

Below were the initial findings from Mr. Ursu on Charter Changes to place on the ballot sometime in the future. The process was brought in house because it became cost prohibitive to continue with the consulting services. These findings and recommendations formed a starting point for discussion in house. The recommendations were incorporated into the final document of Charter changes presented to Council.

Overall Analysis: The charter requires that Charter Review Commission members formally run in an election to be part of the commission. When the Charter was written this may have been sensible. However, it is no longer practical for potential volunteer commission members to spend the time needed to interact with the Board of Elections and then conduct a political campaign to serve.

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RECOMMENDATIONS:

2015-1 In order to promote a more efficient Charter Review Process, members of the periodic Charter Review Commission should no longer be required to stand for election, but should instead be appointed by the Mayor and confirmed by a majority of Councilpersons. (Section 12.02)

Analysis: The Charter requires that Charter Review Commission members formally run in an election to be part of the commission. When the Charter was written, this might have been sensible. However, it is no longer practical for potential volunteer commission members to spend the time needed to interact with the Board of Elections and then conduct a political campaign to serve.

2015-2 In order to promote the most efficient government, the responsibilities of each branch of government should be more clearly divided. Accordingly, the Mayor as chief executive of the city government should solely conduct the hiring process except for department heads who would continue to be appointed by the Mayor with confirmation by a majority of Councilpersons. (Section 4.03)

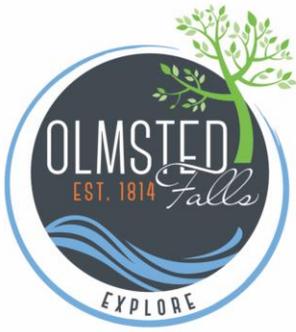
Analysis: Separation of the branches of government is a hallmark tradition and custom of democracy in the United States. The residents of the community depend on city employees to perform community services. When voters choose a Mayor they believe that as the executive of the organization that person will be hiring such employees. The current arrangement, which in effect places council into the executive branch for the hiring process, in turn results in a loss of efficiencies. This can result in delay, gridlock, or total avoidance of filling a position on which the citizenry depends. The vast majority of municipal governments use the recommended approach.

2015-3 In order to promote the most efficient government, the responsibilities of each branch of government should be more clearly divided. Accordingly, Council meetings should be presided over by the President of Council instead of the Mayor since that person is not a member of Council. (Section 4.04)

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Analysis: Separation of the branches of government is a hallmark tradition and custom of democracy in the United States. The legislative branch of Olmsted Falls is the City Council which holds regular meetings to conduct its business. Despite not being a member of the Legislative branch, the Mayor is assigned by the Charter to the responsibility of conducting Council meetings. Often in our country's form of democracy, the Executive and Legislative branches have different priorities and perspectives on issues. Since the Legislative branch is the deliberative body in our democracy for legislative issues, a member of Council itself should determine the tempo and flow of discussion at meetings rather than the Mayor as the head of the executive branch. The vast majority of municipal governments use the recommended approach.

2015-4 Council members currently serve two year terms and are elected simultaneously. This should be modified to provide for four year overlapping terms by category for at large and ward members respectively. (Section 5.01)

Analysis: The current arrangement could result in a substantial number of members of Council not returning for a new term of office. A weakness of the 2-year term is new Council members have a learning curve to understand the system. This could deprive the community of the necessary institutional memory and experience to conduct the best possible legislative function. Further, two year terms discourage members from taking on more difficult, complicated but necessary projects that span multiple years. Some experts argue that a 3 to 4 year term gives more stability to Council as well as committees.

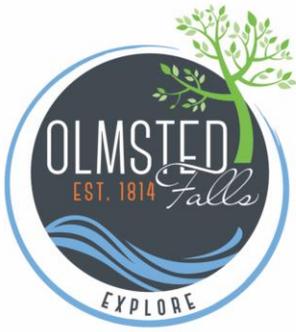
2015-5 The masculine pronouns present throughout the charter should be changed to be gender neutral. (Section 13.09)

Analysis: The Charter was written at a time when model Charters contained such terminology. Language referring to for instance "he" or "him" is present throughout the Charter. The voters of Olmsted Falls corrected this with a blanket statement inserted toward the end of the charter in 1985. It states that Masculine pronouns should be construed to include the feminine. However, as most residents who read the Charter will likely read only that section relevant to their need, they would not become aware of that blanket statement.

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2015-6 The Charter contains a section on annexations that at one time in the community's history was a necessary feature. As annexations in suburban Cleveland are no longer practical, this section of the Charter should be deleted. (Section 13.08)

Analysis: Unnecessary and unusable portions of a City Charter should be deleted to avoid confusion to residents reading the Charter.

OVERVIEW SUMMARY:

The Mayor, Councilpersons, and past elected officials are to be commended in working within the charter as it stands and delivering quality services to residents. However, in the spirit of delivering even better and more efficient services, consideration of the above improvements to the Charter would be wise.

Moving responsibilities of governmental branches away from what is traditionally well settled and understood as tasks aligned with Executive and Legislative, is confusing to residents; who in a democracy access government services, attend meetings or otherwise interact with government less frequently or on a casual basis.

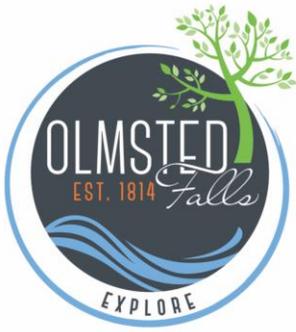
Recommendations 2 and 3 help realign the responsibilities to more traditional roles and, if adopted, will promote more efficiency and harmony in government. These suggested changes are best viewed in that spirit.

When considering changes to community charters, the focus should include future generations since changing a charter by design is not an easy process. When considering charter changes, city officials and residents serve their community best when they are analyzed for usage decades into the future. This avoids the pitfall of contemporary issues being used as a basis for determining the best long term governmental practice. For instance, to help keep the focus on good government, the question should be asked as to whether proposed changes will serve the community well 30 or 40 years from now.

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Year 2016

TIME LINE AND NEXT STEPS

EMAILS: Daniel Ursu, Santo Incorvaia, Greg Sponseller, Joseph Borczuch

Mon 1/4/2016 11:54 AM **(SEE HIGHLIGHTED TEXT BELOW)**

Hope your holidays were enjoyable.

The city is ready to readdress the charter changes. It is the Mayors goal that the Charter Change will be on the Ballot for the 2016 General Election.

In order for Olmsted Falls to be on the ballot with these changes in the General several deadlines will have to be adhered to.

Assistant Law Director Santo Incorvaia, Mayor Ursu, Mayor Donegan and I will need identify the Charter Changes by the end of March.

Law Director Sponseller legislation needs to be prepared to present to council. It is my understanding in order for Council to pass the legislation placing the Charter Changes on the ballot the legislation will need 3 readings. Legislation needs to be in front of Council for the first council meeting on April 12 for first read and then the 26th of April for the second. **The May 10th council meeting will be the 3rd read there by allowing us to scheduling of Public Hearings in a Town Hall format though out the Summer.**

Mayor Donegan would like one Town Hall meeting a month starting in June and running through August will be announced to the community of Olmsted Falls. Mayor will be placing this information in the up and coming Newsletter.

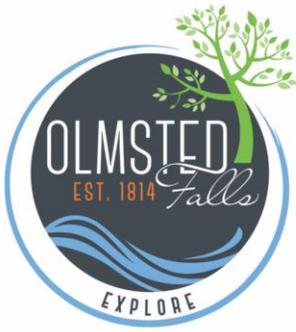
It appears looking at the Cuyahoga County's Board of Elections website Charter Amendment Filing Deadline for the 2016 General Election is September 9th
The Mayor has asked me to reach out and arrange a work meeting with Assistant Law Director Santo Incorvaia and Mayor Ursu in the month of January to begin the process of finalizing the proposed Charter Changes.

Gentlemen would you be so kind and forward dates and times you are available. The Mayors schedule is closed for January 20 and 27th.

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COUNCIL INVOLMENT

From: Bess Vrettos
Sent: Thursday, April 21, 2016 11:44 AM
To: Angela Mancini
Cc: Ann Marie Donegan
Subject: Charter Review Update

Council Clerk Mancini,

Charter review will be meeting on the 29th at 11AM

Please extend an invitation to Council President Linn and Councilman Sculac. Attached to this email is the update of the city charter with the proposed changes. If the Councilmen could review and provide their recommendations to me by Wednesday of next week that would be perfect.

It would allow me time to capture their views and blended into one master document reflective of the other member's opinions. Please also offer them the ability to participate by phone if they would like.

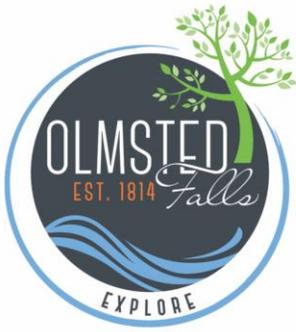
As Always,

Bess

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Council President Linn and Ward Councilman Sculac attend the Charter Review meeting on April 29th

EMAIL FROM LAW DIRECTOR ON CHARTER CHANGES

From: Greg Sponseller

Sent: Thursday, May 05, 2016 12:43 PM

To: Santo Incorvaia <stilaw@aol.com>; Steve Presley <spresley@olmstedfalls.org>

Cc: Ann Marie Donegan <amdonegan@olmstedfalls.org>; Jaylinn <jaylinn35@yahoo.com>; Bess Vrettos <bvrettos@olmstedfalls.org>; Angela Mancini <clerkcouncil@olmstedfalls.org>

Subject: Charter Amendments

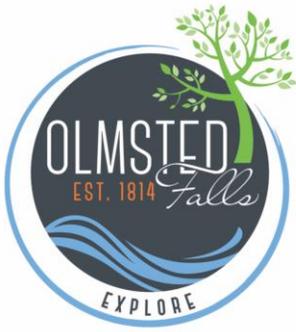
All.... In order to get the charter changes on the ballot and in order to try to have this done by Council recess, we need to introduce the legislation for Council at the 2nd May meeting of Council to get the issues to the Board of elections by their late summer filing deadline. The following items seem to be the big picture items for consideration for this year's ballot:

1. Gender neutral language changes. [**Entire Charter**]
2. Mayor's appointment authority and Council's confirmation authority and approval (Complex changes required to clarify procedures and authorities---this may require several separate ballot questions). [**Charter Secs. 4.03 and 9.03**]
3. Mayor or Council Pres. Presiding at meetings? (Based on last charter meeting w/ Jay Linn and Bob Sculac, preference is for Mayor to retain presiding at council meetings---thus, no change here).

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4. Clarification language that Council is Legislative/Appropriating authority and Mayor is Executive and Administrative authority. [Sec. **5.03**; **5.06**]
5. Combining BZA and Env. Prot. Boards into Planning Comm. (May require separate ballot questions). [**Art. X, multiple subsections**]
6. Eliminating any appeal to city council from a Bd. Or Comm. Decision. (Appeal would be to Court). **Art. X multiple subsections**].
7. Provide for authority of finance department to pay smaller bills and employee payroll without council direct specific approval so long as the funds for same have already been appropriated and in the budget approved by Council. (Steve, I need additional input from you on this item). [**Sec. 5.03(c)**; **5.06(1)**; **8.05**]

I will try to have drafts of the several pieces of legislation ready for the 5/24 Council meeting but please provide me w/ your input/comments at your earliest opportunity. Thanks.

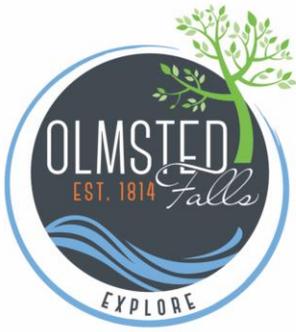
Gregory M. Sponseller

Law Director

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Executive Summary:

Upon review of city charter, seven items have been identified for consideration on the November 2016 ballot. These seven items relate to changes to Olmsted Falls' charter. These changes are needed due to their unnecessary and outdated nature.

Legislation placing the Charter changes on the ballot have passed the 3rd read. This means that the voters of Olmsted Falls will have several opportunities to participate in the ongoing process.

The summer public hearings provided the resident, typically not familiar with the City Charter, sufficient opportunity to gain an understanding of the issues. This in turn, will result in voters making the most informed and wisest choice possible when considering the final approval on charter changes. Ultimately, resident's votes will decide on changes to City Charter.

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