

Streetsboro Charter Review Commission
January 30, 2017
Mayor's Recommendation No. 1

SECTION 3.02 QUALIFICATIONS.

The Mayor shall have been for at least two (2) years prior to the date of his or her election, and during his or her term of office shall be, a continuous resident and qualified elector of this Municipality, or territory annexed thereto, and shall have attained the age of 23 years prior to the date of his or her election.

In addition, within five (5) days of filing a petition for the nomination of a candidate or declaration of intent to be a write-in candidate in any election, all candidates for mayor shall complete and file with the Council Clerk a criminal conviction disclosure form. The form shall require each candidate to identify and describe any misdemeanor theft or any felony conviction (or expungement of either) he or she has had in their life, if any. The form shall be prepared and available through the Mayor's office. The completed form shall be open to public inspection. Failure to timely complete and file the form or false, inaccurate, or misleading information contained in the completed form shall prohibit a candidate from being placed on the ballot for Mayor.

Until the commencement of the Mayor's term of office after the regular municipal election of 2019, ~~¶~~the Mayor shall serve fulltime, with an annual salary of 1% more than the highest paid department head, excluding the Law Director, set at the beginning of each term, with benefits and three weeks' vacation per year. The Mayor shall be permitted to carry over no more than one (1) week of unused vacation per year and shall be prohibited from cashing out any unused vacation time.

Effective as of the Mayor's term of office commencing after the regular municipal election of 2019, the Mayor shall be considered a full time employee eligible for all fringe benefits to the same extent available to other full time employees. The Mayor shall engage in no other remunerative employment requiring his or her time or attendance during normal business hours. The Mayor shall receive an annual salary of five percent (5%) more than the highest salary authorized by the Council for a full time department director, except the Law Director. The Mayor's salary shall be adjusted contemporaneously with any adjustment of department director salaries by the Council, notwithstanding that the adjustment of the Mayor's salary may occur during the Mayor's term of office.

The Mayor shall hold no other elective public office. He or she shall not be otherwise employed by, nor shall he or she hold any other office in, this Municipality, except as an ex officio, non-voting member of the Planning and Zoning Commission, and, until Council provides otherwise, Director of Public Safety. He or she may be a member of the Ohio National Guard or the Reserve Corps of the United States of America.

SECTION 4.15 COMPENSATION AND BONDS.

Council shall fix the compensation of the Mayor, members of Council, and each officer and employee, or member of any board or commission, of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter.

Not less than ninety (90) days immediately preceding the date of the next primary election as provided for in Section 19.01 of this Charter, the compensation of ~~the Mayor and~~ each member of Council shall be fixed for the next term, and shall not thereafter be changed with respect to such term.

The compensation of every other employee except the Mayor, and member of any board or commission, of the Municipality, as fixed by Council, may at any time be changed by resolution or ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses, incurred by any officer or employee, or member of any board or commission, of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

The Mayor, Director of Finance, and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

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Section 3.02 & 4.15 Proposed Changes:

Currently:

- The Mayor currently is required to “serve fulltime,” but the Charter does not specify what this means.
- The Mayor receives health insurance and three weeks of vacation. However, the Mayor does not receive sick leave or personal days, as do other full time employees. The Charter does not specify what is included in “benefits” and whether “benefits” would include health insurance availability for the Mayor’s spouse or children.
- The Mayor’s salary is currently pegged at 1% higher than the salary of the highest paid director, not including the law director. The Mayor’s salary currently cannot be changed during his term of office. Thus, the Mayor’s salary is rendered less than that of many of his own directors whenever the directors are granted raises. The Charter prohibits the Mayor’s salary from being raised contemporaneously with those of his directors.
- The Mayor is an *ex officio* member of the Planning Commission, but the Charter is silent as whether he is a voting member.

Proposed:

- The proposed change makes clear that the Mayor is a full time employee entitled to all of the employee benefits that are provided to full time employees. This resolves the question over what benefits the Mayor may receive.
- The proposed change requires the Mayor to devote his full time to the job, and prohibits outside employment during normal business hours.
- The proposed change pegs the Mayor’s salary at 5% greater than the highest salary authorized for a department director, except the Law Director, and requires City Council to reset this salary whenever it adjusts salaries for department directors.
- The above changes would be effective only after the Mayoral election of 2019.
- The proposed change makes it clear that the Mayor is a *non-voting* member of the Planning Commission.

- Paragraphs 2 and 3 of Section 4.15 are amended to remove references to or inclusion of the Mayor so that there is no confusion as to how and when the Mayor's salary is established.

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Mayor's Recommendation No. 2

SECTION 3.08 TERM OF DIRECTORS AND REMOVAL OF DIRECTORS AND DIVISION HEADS.

~~A person appointed as a director of any department or police or fire division chief may be removed from office by the Mayor if a majority of Council approves such removal by affirmative vote at a regularly scheduled meeting of Council or may be removed from office by Council by a three fourths (3/4) affirmative vote of the members of Council. The term of office of a person appointed as a director of any department shall not continue beyond the term of the Mayor who appointed such person.—~~

(Complete Repeal)

SECTION 23.03 TERM OF OFFICE FOR APPOINTIVE OFFICERS.

~~The term of office of each appointive officer of the Municipality, except for members of boards and commissions whose terms are specified herein, shall not continue beyond the term of the Mayor appointing such officer.~~

(Complete Repeal)

Streetsboro Charter Review Commission

Mayor's Recommendation No. 2

Section 3.08 & 23.03 Proposed Changes:

Currently:

- Any department director, as well as the Police Chief and the Fire Chief, may be terminated from employment by the Mayor, but only if the Mayor obtains the approval of City Council by a majority vote. Effectively, the Mayor is prohibited from terminating any of these mentioned employees without Council approval. (Section 3.08)
- Any department director, as well as the Police Chief and the Fire Chief, may be directly terminated by the Council, with or without cause, at any time, without the consent of the Mayor, upon a supermajority vote of 6 of the 7 members of the Council. (Section 3.08)
- The Police Chief and Fire Chief, although currently selected through a Civil Service merit selection process, may be terminated with or without cause and without any civil service review process. Effectively, the Police Chief and Fire Chief are "classified" employees for purposes of *selection*, but are "unclassified" for purposes of termination under the Charter.
- The "term of office" of each department director (Section 3.08), as well as that of any "appointive officer" (Section 23.03) does not continue beyond the term of the Mayor appointing such department director or "appointive officer." The term "appointive officer" is not further defined and it is unclear to whom this term applies. Effectively, and by current practice, employees who hold positions mentioned in the Charter (department directors), other than the Police Chief and Fire Chief, must have their appointments reconfirmed by Council every time a new mayoral term of office commences.

Proposed:

- The proposed change eliminates the requirement of Council consent for termination of department directors by the Mayor, and removes the ability of the Council to terminate department directors directly without consent of the Mayor. The proposed change also removes the requirement for reconfirmation of existing department directors upon commencement of a new mayoral term of office.
- The proposed change does not affect the provisions of the Charter that require Council confirmation for the initial appointment of department directors. Upon confirmation, departmental directors would be considered unclassified, at-will employees.

- The proposed change would restore the Civil Service status of the Police Chief and Fire Chief relative to termination processes.
- The City's adoption of a plan of government that includes a full-time executive ideally eliminates the need for Council involvement in personnel decisions. The proposed change is consistent with the City's plan of government.

Streetsboro Charter Review Commission
February 6, 2017
Mayor's Recommendation No. 3

SECTION 4.02 COMPOSITION AND TERM.

Council shall be composed of seven (7) members. One member shall be elected by the electors of each of the four (4) wards herein provided, and three (3) members shall be elected by the electors of the Municipality at-large.

The terms of the ward Councilmen elected to begin office on January 1, 1972, shall be extended to serve for four (4) years.

In succeeding elections, all Councilmen shall be elected for four (4) year terms of office, with ward Councilmen being elected at one regular Municipal election and Councilmen-at-large being elected at the next regular Municipal election. All terms shall commence and Council members shall be sworn in and take office five (5) days after the certification of the official vote for said office by the Board of Elections.

Effective as of the regular Municipal election occurring in 2021, block voting for at-large members of Council shall be abolished. At-large seats shall be designated Position A, Position B and Position C, and each such position shall be considered a separate elective office as provided in Sections 19.01 and 19.02 of this Charter. Nominating petitions may be filed by a candidate for not more than one of the three at-large positions.

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Streetsboro Charter Review Commission

Mayor's Recommendation No. 3

Section 4.02 Proposed Changes:

Currently:

- There are seven (7) members of City Council, four (4) of which are elected by district, while three (3) are elected "at-large."
- At-large members of City Council are currently chosen using a modified system of "block voting." In a "block voting" system, the voter is allowed to cast as many votes as there are positions to be elected, from amongst any number of candidates. For example, if five seats on a Council are to be filled, there may be any number of candidates from which to choose. The five persons receiving the highest number of votes are elected, even though it is mathematically possible that *none of them* receives a majority of the votes. The following table depicts such a ballot:

Official Ballot Municipal Elections	
Instructions to Voters	City Council Candidates
1. To Vote: Mark an "X" in the box next to the candidate's name. 2. Vote for no more than FIVE candidates. 3. To vote for a person whose name is not printed on the ballot, write the candidate's name on one of the extra lines provided and put an "X" in the box next to the name.	Joan Cocks (Democrat)
	Steve Ellenburg (Democrat)
	Vincent Ferraro (Republican)
	Stephen Jones (Democrat)
	Penny Gill (Republican)
	Jean Grossholtz (Republican)
	Kavita Khory (Republican)
	Christopher Pyle (Democrat)
	Preston Smith (Democrat)
	Walter Stewart (Republican)
	<i>Write In</i>
	<i>Write In</i>
<i>Write In</i>	

- In Streetsboro, this system is overlain (modified) with a primary system. If there are seven or more candidates who file nominating petitions for the three at-large Council seats available, a primary election is held, which narrows the field to the top six candidates. The top six candidates then advance to the general election in November, and the candidates receiving the three highest vote totals are elected. Again, it is mathematically possible for candidates to be elected without receiving a majority of the vote.

Proposed:

- The proposed change designates the at-large Council seats as Position A, Position B and Position C. Separate elections are held for each at-large seat on the Council, as is the case with Council members elected from districts. A candidate may run for only one of these seats.
- The primary election system remains in place. Therefore, if more than two candidates run for any one of the designated at-large seats, the primary election will eliminate all but two candidates, who will advance to the general election in November. The successful candidate at the general election is guaranteed to win a majority of the votes.
- The above changes would be effective with the election occurring in 2021.

Streetsboro Charter Review Commission
February 6, 2017
Mayor's Recommendation No. 4

SECTION 4.14 EMERGENCY ORDINANCES AND RESOLUTIONS.

Each emergency ordinance or resolution shall contain a statement in support of the necessity for the urgency in passage in clear and specific terms in its title and in its body. Its enactment shall require the affirmative vote of at least three-fourths (3/4) of Council, provided, however, that an emergency ordinance or resolution receiving an affirmative vote of at least a majority of the members of the Council, but less than three-fourths (3/4) thereof, shall be deemed enacted as if it contained no statement of emergency, if the ordinance or resolution so provides.

Council shall not enact by emergency measure any of the following:

- A. Granting of any franchise;
- B. Enactment, amendment, or repeal of any zoning or building ordinance or resolution;
or
- C. Changing of any ward boundaries or change in boundaries of the Municipality.

Streetsboro Charter Review Commission

Mayor's Recommendation No. 4

Section 4.14 Proposed Changes:

Currently:

- The Charter currently requires a 30-day waiting period to pass before an ordinance or resolution, passed by the Council, may become effective.
- The Charter also authorizes the Council to declare an "emergency," on an ordinance-by-ordinance basis, and upon such a declaration, an ordinance that contains such an "emergency clause" will be effective immediately upon the Mayor's signature, but only if the ordinance passes by a supermajority of three-fourths ($\frac{3}{4}$) of the Council.
- Because of the way the Charter is currently worded, an ordinance or resolution containing an "emergency clause" that passes by a *simple majority*, but does not achieve the required *supermajority*, is deemed defeated entirely. This requires the sponsor to reintroduce the measure at the next Council meeting, which is always at least two weeks later than the meeting at which the measure was defeated.

Proposed:

- The proposed change specifies that if an ordinance or resolution containing an "emergency clause" passes by a simple majority, but not the supermajority required to sustain an emergency clause, then the ordinance or resolution will be deemed to have passed as if it did not contain any emergency clause. The 30-day waiting period would apply.