



William Biddlecombe	Joe Dike	Sam Artino	Monty Tapp	Mark Claus	Matt Grieves	Joel Hagy
Councilmember	Councilmember	Councilmember	Mayor	Vice-Mayor	Councilmember	Councilmember

CHARTER REVIEW COMMISSION — COMMITTEE MEETING

Thursday, March 28, 2024 @ 5:00 PM

Council Chambers - Huron City Hall

I. Call to Order

II. Roll Call

III. Approval of Minutes

IV. Audience Comments

Citizens may address their concerns to City Council. Please state your name and address for the recorded journal. (3-minute time limit).

V. Old Business

V.1 Review/discussion regarding Todd Schrader responses to Commission requests.

VI. New Business

VI.1 Andrea Rocco presentation regarding proposes changed to Article VIII - Personnel.

VI.2 Review and discussion regarding Article 3 - Ordinances and Resolutions

VII. Other Business

VII.1 Copy of Organizational Charter provided to Commission for discussion at future meeting(s).

VIII. Adjourn

Terri Welkener

From: Todd A. Schrader <TSchrader@sseg-law.com>
Sent: Thursday, March 21, 2024 1:03 PM
To: Tom Harris; Law Director
Cc: Melissa Fries; Andrew Kurtz; Cindy Miglietti; gotribe1234@yahoo.com; Terry Graham, Sr. (grampaige@aol.com); johnruf87@gmail.com; Terri Welkener; Gary Ebert
Subject: Re: Charter Review Committee requests

Tom – see responses below in **red** – feel free to call or email w/any questions - t

Todd A. Schrader | Partner

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From: Tom Harris <grindertom@gmail.com>
Date: Wednesday, March 20, 2024 at 20:58
To: Law Director <lawdirector@huronohio.us>
Cc: Melissa Fries <brettnmel1@gmail.com>, Andrew Kurtz <andykurtz0@gmail.com>, Cindy Miglietti <cmiglie@bgsu.edu>, "gotribe1234@yahoo.com" <gotribe1234@yahoo.com>, "Terry Graham, Sr. (grampaige@aol.com)" <grampaige@aol.com>, "johnruf87@gmail.com" <johnruf87@gmail.com>, Terri Welkener <terri.welkener@huronohio.us>, "Gary A. Ebert" <GAEbert@sseg-law.com>, Todd Schrader <TSchrader@sseg-law.com>
Subject: Charter Review Committee requests

Todd, Gary,

At the request of the committee I am sending the following items for your inspection. We agreed that these changes should be written in a legal manner, and that you as the Huron Law Director would be the proper person to correctly affect these changes within the charter's wording.

Section 2:

1) If it is legal to do so, write a new addition to sections 2.06 and 2.10 to effectively make it standard that when/if council votes to change their salary it be automatically recorded and updated in the charter to reflect the new salary without the need to be taken to the public for a vote. Council already has the ability to change their salary, this would just make it standard that when they do it would be accurately reflected in the city charter.

Also in 2.10 at the end, there is a typo sighting section "2.05" when it should be "2.06". **There can be no "auto amendment" to the Charter. Section 12.06 outlines Amendment requirements, and that is standard given weight the Charter carries. You are correct, however, as to Council's ability to change their salary (Section 2.06 and 2.10 refer to this), and all Ordinances are generally subject to referendum if electorate believes Ordinance needs to be challenged (preventing any actual or perceived abuse in compensation terms, for example). If you are considering further fixes, these can be changed to:**

- Eliminate first sentence of Section 2.06 and modify to state:
 - o "The council may fix a salary to be paid to members of council and their successors in office provided that no increase shall be paid unless the ordinance establishing it shall have been passed at least one hundred days before a regular municipal election, at which a majority of the council members are to be elected."
(Query how often majority of Council are elected? Maybe TW can give some insight here...)
- Modify 2.10 to eliminate 5th and 6th sentences, and slightly modify the last sentence to Council's ability to set salary of Mayor along the lines of:
 - o "The Council shall have the same authority to determine and modify the salary of the Mayor as Council has to fix Council salaries and those of their successors as set forth in Section 2.06";
- Yes – correct that errant "2.05" to 2.06 (good catch!)

2) section 2.08:

Item #2 rewrite this item # to eliminate that council "establish internal staffing" (this is the City manager's job) We were unsure if this should be eliminated or

somehow changed to be more clear. Candidly, I think establishing the internal organization (electing City Manager, etc.) is (or initially was) w/in Council province, but we can eliminate staffing as that is CM job. So, it might look something like this:

- “(2) – Establish the internal organization of the city administration, boards, and commissions created by this charter, set up additional departments, boards or commissions as it may deem necessary, and determine their powers and duties.”

Item #10 Include mention of a regular or annual Performance evaluation/review of the City manager. Could look something like this:

- “(10) – Appoint and remove the city manager, establish his salary and any modifications after an annual evaluation and/or performance review of the city manager, and appoint an acting city manager when necessary to expedite public business.”

3) section 2.09:

Include a proposal to allow the first council meeting in the month of July to be eliminated to establish a "summer recess" allowing council to have a time in the summer for vacations etc. We could modify 3rd last sentence in 2.09(1) to state:

“Thereafter, regular meetings shall be held as prescribed in the council rules, but not less frequently than twice each month except for the month of July, whereby the Council shall be required to have a regular meeting only on the fourth Tuesday of July (the first Tuesday in July shall be recognized as summer recess for Council) unless a special meeting is called as provided in this Section 2.09(1).” **(Is there ever less than 4 Tuesday in a 31-day month? Law school did not teach me that... 😊)**

Section 4:

1) Section 4.02:

Item #2 rewrite to omit the "merit" system, specifically the written test. In the merit section it states there is to be a written test. Or only change in the merritt section, change it to state that only police and firemen are to receive a written test. I like the latter approach. Can I kindly request you hold this edit and review w/Andrea when you have her in to ensure consistency and accuracy in

what is being proposed and drafting to accommodate? I'm on standby to help to be sure – but we are drifting into Andrea's area, and I want her to consider and add her input on this one this as well.

I believe these are all the changes we decided should be written for consideration for section 2 and 4. I listened to the recording of the meeting again and other than pronouns, which is throughout these were the changes we sighted.

Thank you Todd, I do hope these responses are helpful, Tom. If I have missed the mark or you need further direction or input, please feel free to reach out. Thanks to you and all CRC members – this is a great and needed service that you are providing!

Lastly – just a heads up – I will be out the week of Easter and our office is closed April 8, but will be back on April 9th. Gary Ebert is available in my absence...t

Thomas Harris
Huron Charter Committee Chairman

ARTICLE VIII PERSONNEL

SEC. 8.01. MERIT SYSTEM ESTABLISHED.

Appointments and promotions in the ~~police and fire departments administrative service of the city~~ (classified service) shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SEC. 8.02. ~~Unclassified Service Positions~~ EXEMPT POSITIONS.

~~Unclassified service~~ All positions ~~in the service of the city shall be filled pursuant to open competitive examinations except~~ include:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants
- (7) All employees who are not police officers, firefighters/paramedics and or other full-time sworn officers of the police and fire departments .

SEC. 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He ~~/shall~~ She shall:

- (1) Conduct recruitment of qualified persons for classified and non-classified positions;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

~~SEC. 8.04. PERSONNEL APPEALS BOARD.~~

~~There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.~~

~~SEC. 8.05. DUTIES OF PERSONNEL APPEALS BOARD.~~

~~The personnel appeals board shall hear appeals when any police officer or firefighter officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel~~

~~director or the city manager or of any department head, or is suspended, reduced, or removed, and requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.~~

SEC. 8.06. CANDIDACY FOR PARTISAN OFFICE.

~~No police officer or firefighter employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.~~

SEC. 8.07. PARTISAN POLITICAL ACTIVITY.

~~No police officer or firefighter person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his/her opinion and cast his/her vote.~~

SEC. 8.08. PENALTIES.

~~Any person who violates the provisions of Section 8.06 or 8.07 of this charter shall be disciplined up to and including termination guilty of a misdemeanor and shall, if an officer or employee of the city, be guilty of malfeasance in office and upon conviction shall be removed from the office or position he holds and shall be ineligible for election or appointment to any position in the city service for a period of five years.~~

SEC. 8.049. PROMOTIONAL EXAMINATIONS.

Whenever a classified service position vacancy occurs in the police department or fire department ~~any position in the service of the city, which is not exempted under the provisions of Section 8.02 of this charter~~ it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he shall appoint one of the three so certified, as may be provided by ordinance.

ARTICLE III

ORDINANCES AND RESOLUTIONS

SECTION 3.01. ACTION BY COUNCIL.

Every action of the council establishing any misdemeanor, or providing for the imposition of any penalty, or for the levy of any tax, or the contracting of any indebtedness, or appropriating money, as well as all actions required by this charter to be taken by ordinance, shall be taken formally, in the manner hereinafter provided. All other actions may be taken by resolution. (Amended 11-7-89)

SECTION 3.02. INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be introduced in writing by a member of the council and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Huron, Ohio, " and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title. (Amended 11-7-89)

SECTION 3.03. PROCEDURES FOR LEGISLATION.

(A) The following procedures shall apply to the passage of ordinances and resolutions by the council:

- (1) Each ordinance and resolution shall be read by title only, provided the council may require any reading to be in full by a majority vote of its members.
- (2) Each ordinance or resolution shall be read on three different days, provided the council may dispense with this rule by a vote of at least five members of the council.
- (3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
- (4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the council.
- (5) Final passage shall be certified by the signatures of the mayor or vice- mayor and the clerk of council. (Amended 11-8-05)

SECTION 3.04. EMERGENCY ORDINANCES.

Any ordinances which must be passed and made effective at once in order to meet an emergency in the operation of the city government, or which are necessary for the immediate preservation of the public peace, health, safety, morals or public welfare may be passed, provided the council shall, in a separate section thereof, adopted by an affirmative vote of not less than five members of the council, declare that such an emergency exists giving its reasons therefor. No ordinance granting a franchise or fixing a rate to be charged by a public utility corporation shall be passed as an emergency ordinance. (Amended 11-7-89)

SECTION 3.05. PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one of the following ways, as determined by the council:

- (1) By publication of a summary of the contents of the ordinance, one time, in a newspaper of general circulation in the city, within two weeks after passage;
- (2) By publication at length, in a code of revised ordinances which is made available to the public in libraries, in the office of the clerk of council, and in the office of the city manager;
- (3) In the case of appropriation ordinances, by reproduction and distribution to the council, to department heads, to city boards and commissions and to such citizens as may apply for copies thereof at the office of the clerk of council, or at the office of the city manager. (Amended 11-7-89)

SECTION 3.06. EFFECTIVE DATE OF ORDINANCES.

Emergency ordinances, ordinances raising revenue for the city governmental services, or for street improvements petitioned for by sixty per cent of the owners or by the owners of a majority of the feet front of property benefited and to be specially assessed for the cost thereof, and those making appropriations for current operating expenses of the city government, shall take effect upon passage and shall not be subject to referendum. All other ordinances shall take effect thirty days after passage in order to afford an opportunity for the filing of referendum petitions. (Amended 11-7-89)

SECTION 3.07. INITIATIVE AND REFERENDUM.

Except as otherwise provided in this charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Ohio Revised Code. Whenever the council is required to pass more than one ordinance or resolution to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. (Amended 11-7-89)

SECTION 3.08. ADOPTION OF ORDINANCES BY REFERENCE.

The council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the city, shall not be required. However, at least six copies of all such codes shall be kept in the office of the clerk of council and the office of the city manager for consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the clerk of council and by the office of the city manager. (Amended 11-7-89)

SECTION 3.09. RESOLUTIONS.

Action by council which is not required by this charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing by a member of the council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the clerk of council shall record resolutions in a separate book, which shall be a public record. (Amended 11-7-89)

CITY OF HURON

A GREAT LAKE PLACE

ANNUAL OPERATING BUDGET

JANUARY 1, 2024 - DECEMBER 31, 2024

Organizational Chart

