

MINUTES
PIQUA CITY COMMISSION WORK SESSION
June 2, 2011
10:30 A.M.
201 WEST WATER STREET
PIQUA, OHIO 45356

Piqua City Commission met in a Work Session at 10:30 A.M. in the Municipal Government Complex Administrative Conference Room, 201 W. Water Street. Mayor Fess called the meeting to order at 10:30 A.M. Also present were Commissioners Wilson and Martin. Absent: Vogt and Terry.

Residents in attendance included: Paul Stiefel, Bruce Hogston, Bill Hogston, Jim Cruse, Russ Fashner, Regina Favorite.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to excuse Commissioners Vogt and Terry. Voice vote, Aye: Martin, Fess, and Wilson. Nay: None. Motion carried unanimously.

Purpose of the Work Session is for Charter Revision Review.

Commissioner Martin asked if it would be possible to make copies of the information provided by the Law Director for the guests at the meeting so they could follow along?

Law Director Stacy Wall stated it is up to the Commission, but she felt this information was really an attorney work product and she would have to waive the client/attorney privilege to give this information out. But she was unable to do that, stating only the Commission can waive the privilege. Mayor Fess stated she did not have a problem with copies being made for the residents in attendance. Commissioner Wilson made a motion to waive the client/attorney privilege and make copies for the residents in attendance, and Commissioner Martin seconded the motion. Voice vote, Aye: Martin, Fess, and Wilson. Nay: None. Motion was unanimously carried. Copies were made of the summery sheets and passed out to those in attendance.

Ms. Wall stated the primary issue with the Charter Revisions is that making changes involves constitutional rights. Ms. Wall further stated she reviewed 154 charters on-line and handed out a summarized document to the Commissioners on the results of her findings. The summary was broken down into the following categories:

- When a recall may commence
- How many signatures are required for a recall petition
- Whether a reason is required for a recall
- Whether there is any provision for costs
- Any stipulation as to when a recall fails of if the member is recalled
- How a vacancy is filled

After reviewing the other cities charters Piqua's Charter seems to be in accordance with the Ohio Revised Code and other charters in the State regarding when a recall can be commenced, and what restrictions there may be if a recall election fails, stated Law Director Wall.

The discussion was broken down into categories reason and cost.

Reason

- Law Director review
- Clerk unable to verify signatures
- Law Director also unable to verify
- Need specific reasons for a recall

Cost

- Who pays for the recall
- It is unconstitutional for citizens to pay for recall
- City stuck with cost of paying for recall

Mayor Fess stated it sounds like the City of Piqua is where we should be on the Charter requirements after reviewing the information provided by Ms. Wall.

Ms. Wall explained she feels the Commissioner should be able to provide a statement of rebuttal for their recall, and feels the charter should be amended just in case all of the City Commissioners are recalled at the same time.

There was discussion concerning what would happen if no one ran against the Commissioner being recalled. Ms. Wall stated we need to make a change in the charter stating: If the majority of the commissioners lose in a recall the Planning Commission would function as City Commission, but expand it to state the Planning Commission could also make appointments to fill the City Commission seat until the next general election. The candidate would then run in the next general election.

Commissioner Wilson asked under reasons, who can review the reason for a recall if the Clerk or Law Director cannot review it, can the Planning Commission review the reason? Ms. Wall stated no the Planning Commission cannot review the reason. City Manager Enderle further stated the voters have the right to a recall.

Mayor Fess stated the only thing the Commission can do is to make a change in the charter to have a specific reason for a recall. Most of the other City Charters limit the reason to 200 words or less, and are allowed to provide a rebuttal of 200 words or less, stated Ms. Wall.

Commissioner Wilson stated he is concerned about the reason, and would like to see the need for a change at this time. City Manager Enderle stated to be more specific on the reason for the recall would make more sense.

Mayor Fess asked Ms. Wall to draft language for the need to have a specific reason for a recall and for the Planning Commission to move into place if a total recall of all the Commissioners should occur.

Ms. Wall stated other reasons to consider are allowing the Planning Commission to make an appointment to the end of the term or the Planning Commission to make an appointment until the next General Election. It was decided to have the Planning Commission make appointments until the next General Election.

Commissioner Martin asked about the time frame on the length of time the Board of Elections has to review the signatures and asked if we they could put a time limit on it. Ms. Wall stated the City couldn't put any time limit on the review because we do not have any authority over what the Board of Elections and the County does.

Public Comments

Jim Cruse, voiced concern over several items, the Board of Elections waiting so long to verify the signatures, and Mr. Cruse feels the petitions need to have language written on them warning citizens if they sign the petition and they are not a registered voter they will be charged with criminal charges. Mr. Cruse was also concerned over the length of time the city sat on the recall petitions after receiving them as they were held until next Commission meeting before setting the date, Mr. Cruse feels they lost two weeks time they could have had to obtain signatures and should have called a Special Commission Meeting to set date.

City Manager Enderle stated the City Charter does not give 30 days to get the petitions signed, which is not the intent of the City Charter it states the petitions need to be in 30 days before the election. There was discussion on the number of days between setting the date and the date the petitions have to be submitted.

Russ Fashner voiced his opinion on the time frame of verifying the signatures. He would like to make sure they have a full 30 days to obtain signatures, and have them call a Special Commission Meeting to acknowledge the receipt of the petitions and set a date.

Mayor Fess asked Ms. Wall to draft language stating a Special Meeting will be held within one week following the verification of the petitions to set a Special meeting if the meeting does not fall with the next City Commission Meeting time frame or within three business days.

Mr. Cruse inquired as to who can view the petitions. It was stated the petitions are considered Public Record and anyone can request to see them. Also does the citizens have the authority to remove the City Manager? Ms. Wall stated that is against the City Manager form of government and the Charter would have to be rewritten. Mayor Fess stated the citizens do not know the job the City Manager does, the citizens depend on the Commissioners to manage the City Manager.

Commissioner Martin asked if it would be possible to change the City Charter in Section 127 to change "three" months to "six" months before a recall can take place again. Ms. Wall stated she would write something up for the Commissioners to look at.

Regina Favorite stated she heard there is another recall in the process. Ms. Wall stated the Charter currently states you cannot have another recall before six months has passed, and further stated you might consider changing it to read cannot have a another recall within one year.

Bruce Hogston voiced a concern about absentee ballots and how they are counted and applied.

Bill Hogston asked if the Planning Commission would happen to appoint a City Commissioner would it avoid having the City having to hold a Special Election? Ms. Wall stated yes, and further explained how the appointment would be handled.

Commissioner Wilson asked if the same language could be used as when a current City Commissioner steps down. Ms. Wall stated the appointment would have to be made from the same ward the Commissioner was from.

Ms. Wall stated the Charter Changes must be filled at the Board of Elections by August 10, 2011 to be on the November 2011 ballot. We will have to work quickly to get the changes completed so the Commissioners have time to go through the three readings. This would include the first two meetings in July, and the first meeting in August to get them approved so they can be filled by the August 10, 2011 deadline.

Ms. Wall stated she would make the suggested changes in the Charter the Commissioners would like to see and get back with them as soon as possible.

Moved by Commissioner Martin, seconded by Commissioner Wilson, to adjourn from the Work Session at 11:30 A.M. Voice vote, Aye: Martin, Wilson, and Fess. Nay: None. Motion carried unanimously.

LUCINDA L. FESS, MAYOR

PASSED: _____

ATTEST: _____

REBECCA J. COOL
CLERK OF COMMISSION