

Meeting Minutes – Bexley Charter Review Committee

These minutes are a best effort attempt to capture the conversation for the benefit of those unable to attend, but is not verbatim account of the meeting's dialogue. Video and audio recordings of the meeting can be found at <http://www.bexley.org/meetings/>.

Meeting Information

Occasion: Bexley Charter Review Committee – Meeting

Date: 12/7/2020

Location: via Zoom

Time: 7:00 PM – 9:00 PM

Meeting Type: Charter Review

Called By: Chairman Offenberg

Facilitator: Chairman Offenberg

Timekeeper:

Note Taker: Elizabeth Ellman

Submitted by: Elizabeth Ellman

Approved by: None

Attendees: Members Present: Chairman Offenberg, Eloise Buker, Mic Foster, Steve Grossman, Becky Guzman, Bethany Hahn-Ambrosius, Ira Kane, Rachel Laing, Larry Long, Sam Marcellino, Mark Masser, Ed Merritt, Jim Wilson, Stephanie Wilson, Rush Witt

Members Not Present:

Others Present: Elizabeth Ellman, Marc Fishel, Bexley Fox

Guests:

Agenda Items		Presenter	Time Allotted
1	Call to Order	Chairman Offenberg	Unspecified
2	Attendance – Quorum	All	Unspecified
3	Review of Minutes from November 9, 2020	Chairman Offenberg	Unspecified
4	Report by Chairman, Chairman Offenberg Report by Vice Chairman, Jim Wilson Report by Coordinating Secretary, Rush Witt	Chairman Offenberg Jim Wilson Rush Witt	Unspecified
5	Redlining	Eloise Buker Stephanie Wilson	
6	<p>Old Business</p> <p>PREAMBLE</p> <p>ARTICLE II EXECUTIVE Section 12 Right of Mayor and Auditor # 22</p> <p style="padding-left: 40px;">Executive Session</p> <p>ARTICLE III JUDICIAL Section 13 Mayor’s Court Fines</p> <p style="padding-left: 40px;">Section 18 Disposition of Fines Fines</p> <p>ARTICLE IV LEGISLATIVE Section 22 Quorum: Rules</p> <p style="padding-left: 40px;">Executive Session</p> <p>ARTICLE IX POLICE DEPARTMENT Section 46 Powers and Duties of the Chief</p> <p style="padding-left: 40px;">Review of the Department Does it belong in 46?</p> <p>ARTICLE XVII FRANCHISES Section 62 Public Utilities</p> <p>ARTICLE XVIII NOMINATIONS AND ELECTIONS Section 64 Time for Holding Elections</p> <p>ARTICLE Section 79 Charter Review No Motion</p>	<p>Rachel Laing Report</p> <p>Marc Fishel</p> <p>Marc Fishel</p> <p>Larry Long and Marc Fishel</p> <p>Marc Fishel</p> <p>Marc Fishel</p>	Unspecified
7	Time for Residents to Speak		Unspecified

8	New Business BUNDLING REVIEW PROCESS Preparation and Date Table of Contents and Section Numbers Comments from Commission Members		Unspecified
9	Adjournment	Chairman Offenberg	

Decisions and Details

- 1, 2 The meeting was called to order at 7:00 pm with a quorum present. The meeting was conducted electronically via Zoom.
- 3 Minutes from the November 23 meetings were reviewed. Mr. Grossman moved to approve, Ms. Buker seconded, all are in favor; the minutes are adopted.
- 4 Chairman Offenbergs begins his report by indicating he has updated Council President Lori Ann Feibel and Mayor Kessler on the Committee’s progress. Neither Mr. Wilson nor Mr. Witt has anything to report. Chairman Offenbergs thanks Ms. Buker and Ms. Wilson. He indicated today’s meeting will use an amended agenda with updates to SECTION 47.
- 5 Ms. Wilson explains a redlined document and a “clean copy” (document without dates and most annotations, as well as renumbered SECTIONS and ARTICLES) have been distributed. Ms. Buker says it is important to distinguish between the two documents that we will submit to Council, one with only our recommendations and the one with dates and working comments.
- Additionally, she explains it should not be called a “clean copy” because Council already has, what they consider to be, a clean copy. She suggests “Submission to City Council.” Chairman Offenbergs asks if “Clean Copy” can be used until the final document is ready; Ms. Buker advises against this. They continue discussing, and Ms. Buker expresses concern that there will be confusion. There is ongoing discussion; Chairman Offenbergs decides to call this document the “Current Clean Copy.”
- 6 Ms. Laing begins her report by sharing the term “PREAMBLE” is a misnomer because this portion of the document is now as it was originally. She indicates the working group didn’t meet in past two weeks, yet she was going to work on renaming. Ms. Laing explains other ARTICLES and SECTIONS are sparsely named. Based on this, she proposes naming the ARTICLE “Civil Rights.” She suggests leaving SECTION 1 as is and changing SECTION 2 to “Non-Discrimination and Citizen Participation.” However, she indicates she is in favor of removing all of the blue language that is currently displayed on the screen. Mr. Long moves to approve the new ARTICLE I, Ms. Buker seconds, all in favor; the motion passes. Mr. Long motions to change the title of SECTION 2 to “Non-Discrimination and Civil Rights.” Mr. Long moves to approve, Ms. Wilson seconds, all the favor; the motion passes.
- ARTICLE II SECTION 12 is discussed. Chairman Offenbergs reads Mr. Fishel’s wording, and Mr. Fishel suggests a small change. The final language reads, “City Council may, by a majority vote, exclude the Mayor, the Auditor and/or the City Attorney from any executive session held in accordance with applicable law for the purpose of discussing the compensation or investigation of any of these officials, or, in the case of the City Attorney, potential removal from office.” Mr. Masser asks about procedure for going into Executive Session; Mr. Fishel explains a reason must be specified. Mr. Long motions to approve as amended, Mr. Wilson seconds. Ms. Buker explains the language added to the redlined copy will be removed.

SECTION 13 (Mayor's Court) is discussed. Chairman Offenbergl indicates he believes SECTIONS 13 and 19 are redundant; Mr. Fishel agrees and suggests removing the new SECTION 19. Ms. Buker clarifies how this will shift the document. Chairman Offenbergl indicates Ms. Wilson suggests SECTION 19 be moved to Judicial; Ms. Wilson says it has been done, but if this is eliminated, remaining sections will be renumbered. Ms. Buker asks if this information should be in SECTION 18 or 19; Mr. Fishel suggests approving the blue language as shown on the screen in SECTION 18. Ms. Guzman says the blue language is specific and believes the language in 19 was approved to be more general; she indicates the language should be consistent and the rule number should be removed. Ms. Buker suggests moving the language from SECTION 19 to 18 and renumber the remaining the sections. Mr. Witt shows this on the screen. Ms. Guzman indicates it has already been discussed to not include the rule number. Ms. Wilson moves to change SECTION 18 remove what is currently SECTION 19, Mr. Long seconds, all in favor; the motion passes.

SECTION 18 (SECTION 22 as shown on screen) is discussed; Mr. Long explains the recommendation to eliminate the last sentence. Mr. Fishel explains this language is irrelevant. Mr. Long moves, Mr. Grossman seconds, all in favor; the motion passes.

Chairman Offenbergl asks where the language in the current SECTION 46 belongs. Mr. Fishel indicates it was SECTION 46 and will be SECTION 49. Mr. Kane asks if the Mayor presently conducts an annual performance review. Chairman Offenbergl says Mayor Kessler indicated he does this for all departments. Mr. Fishel says Mayor Kessler has expressed he will do a less formal evaluation and discussion but doesn't conduct an annual formal evaluation, and believes the people who are advocating for this feel it would be beneficial to have some Sunshine put on the formal evaluation. Mr. Kane asks if it would be termed "performance evaluation" or "review"; Mr. Fishel expresses either is fine. Ms. Guzman believes a vote is needed for this language. Ms. Buker agrees and thinks the issue is the public nature of this, since a public review would single out the Police Department, whereas other departmental reviews are not public. Mr. Masser asks Mr. Fishel if he believes the FOP would have an issue with this; he does not believe this would be problematic. Mr. Fishel explains he doesn't know what a performance review of the department would look like; he's not familiar with that kind of process. Chairman Offenbergl asks about the removal of the "performance," to which Mr. Fishel expresses a belief that there is a review. Mr. Kane says he thinks the Mayor would have metrics against which he measures the department. Mr. Fishel says this is not done formally and explains this is doable but doesn't know what criteria is used. Mr. Wilson shares this idea came from a vote to include a performance review of the Chief, and this was suggested as a compromise with the Mayor's feelings on this. Mr. Wilson says he thinks the Mayor can create a way to conduct a meaningful review of the department, in light of the number of citizens who have expressed concerns about the department. Ms. Laing agrees. Chairman Offenbergl asks Mr. Fishel if there is better wording, Mr. Fishel said if people are persuaded by Mr. Wilson's comments, the language is fine. Mr. Wilson motions to accept, Mr. Marcellino seconds, all in favor; the motion passes.

Chairman Offenbergl indicates SECTION 47, as indicated by the old numbering system, did not show approval. It will therefore be revisited.

Mr. Wilson discusses SECTION 62 and shares there is a revision to a current ordinance related to the obligation of utilities to restore property, upon which they have exercised their easement, to its original state. Mr. Wilson offered suggested language for ordinance. Mr. Wilson indicates there is no harm by putting into the Charter the City's expectation of the utility's obligation to return the right of way to the original condition. Mr. Wilson motions, Mr. Masser seconds, all are in favor; the motion passes.

Chairman Offenbergl explains the old SECTION 47 is the Term and Removal of chief. Ms. Buker says this was approved June 1 and Ms. Wilson indicates this is new SECTION 50. Chairman Offenbergl says the initial language (shown in blue on the screen) was approved on June 1, but the red language has not yet been approved. Mr. Wilson remembers Mayor Kessler asking for this to be considered, but Mr. Wilson can't recall if this was discussed as a large or small group. Ms. Wilson says it was discussed but not approved. Ms. Wilson moves to approve the language in red, Mr. Wilson seconds, all in favor; the motion passes.

Mr. Fishel is comfortable with the language pertaining to the time for holding elections in SECTION 67. Mr. Wilson moves, Mr. Kane seconds, all in favor; the motion passes.

Chairman Offenbergl shares that his notes for SECTION 79 do not indicate a motion or approval. However, he shares this was reaffirmed on November 23. Ms. Buker says Mr. Wilson suggested the language "will have at least one year," to give flexibility. Mr. Wilson says there would be irony in telling future Committees that they only have one year when this group has surpassed that mark. Ms. Buker and Mr. Wilson are both moved at the same time. Ms. Guzman asks about a limit; Mr. Marcellino does not feel the need to set a time limit, but Ms. Laing expresses she and Mr. Masser are in support of a deadline. Mr. Fishel suggests no more than 18 months absent to Council approval. Mr. Kane says Council has no discretion to convene a Charter Review Committee outside of every ten years. Ms. Buker indicates they can amend the Charter themselves with a two-thirds majority. Mr. Fishel confirms this and explains this section ensures a formal review every 10 years. Mr. Masser says Council can anytime take something to the voters and motions to approve all colored language displayed on the screen, Mr. Marcellino seconds, all are in favor, the motion passes.

Public comment opens; Bexley Fox is present but did not indicate a desire to speak.

Ms. Buker shares her proposal for bundling; Chairman Offenbergl explains he believes the process is up to Council and Mr. Fishel. Ms. Buker proposes following 7 categories: commitment to ethnic and gender diversity, recall, updates to Charter electronic notifications and other current customs and practices, attendance in executive session, City Attorney, Charter Review, and grammatical and technical additions. Mr. Wilson has no objection to respectfully suggesting this to Council. Ms. Buker and Mr. Wilson discuss whether or not to include Ms. Buker's detailed information; he suggests doing so. Chairman Offenbergl agrees and would like to see old sections separated from new section numbers, perhaps using colors. Ms. Buker says she has this in her current version. Ms. Wilson agrees presenting this to Council as a way to help them organize thinking, and it may assist with bundling. There is no desire to have a committee review Ms. Buker's work. Ms. Buker indicates she will need to update the renumbered sections.

Chairman Offenbergs believes everything is completed other than a review of the Committee’s work. Mr. Wilson agrees and asks how previous proposals were submitted to Council. Mr. Masser believes the Committee submitted a final version as well as considerations that were not included. Mr. Masser is not sure it is the Committee’s role to bundle. Chairman Offenbergs recalls the City Attorney was previously involved in bundling. Chairman Offenbergs suggests he send a final copy to the Council President, Mayor, and Auditor. Mr. Fishel recommends Council schedule a special meeting to review this. Chairman Offenbergs and Mr. Masser agree.

Chairman Offenbergs asks for suggestions of presenters; Mr. Masser believes Chairman Offenbergs and Mr. Wilson should present, and he’d like to listen to the meeting online. Mr. Witt asks if the presentation will be an overview with an opportunity for questions or a detailed explanations. Chairman Offenbergs indicates it will be an overview; Mr. Witt suggests an in-between. He does not know if previous proposals have included a comparison of the old and suggested document. Mr. Masser agrees it would be beneficial to share the document with Council before the meeting. Ms. Buker suggests a brief summary of the basic categorical, removing the notion of bundling and sections, and an explanation of what was not included and why. Mr. Wilson will work on this; Chairman Offenbergs says this will be done next year.

Chairman Offenbergs asks if the Committee needs to meet on December 22nd. Ms. Buker asks if her proposed bundling document with detail is necessary. Chairman Offenbergs, Mr. Wilson, and Mr. Fishel will review and ask Ms. Buker for updates if needed. Ms. Buker explains today’s document will be put in archives so everyone has a copy with dates. Chairman Offenbergs explains it can be submitted to Council so they can look at the Committee’s history. Ms. Buker and Ms. Wilson will complete a final check.

Chairman Offenbergs believes it is appropriate to distribute the final copy and get everyone’s final email acceptance; issues can be dealt in person on December 22nd if need be. Mr. Fishel indicates member should respond with any issues directly to Chairman Offenbergs, to comply with Sunshine laws, and from there Chairman Offenbergs will decide whether or not to convene a meeting.

Mr. Kane wants to thank Chairman Offenbergs and Mr. Wilson for their leadership. Chairman Offenbergs wishes everyone a wonderful holiday season. Chairman Offenbergs thanks the Committee members; the meeting is adjourned at 8:10 pm.

New Action Items	Responsible	Due Date
There are no scheduled meetings at this time, but one will be convened if necessary.		
Other Notes & Information		

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