

CITY OF DAYTON 2014 CHARTER REVIEW COMMITTEE

Minutes

June 12, 2014

Attendance: R. Clay Dixon, Jimmy Calhoun, Mike Galbreath, John Lumpkin, Pat Rickman, Greg Scott, Manicka Thomas, Dave Williamson; Staff: Paul Woodie, John Danish, Kery Gray

1) Introduction of Members

Members introduced themselves and provided updates to the contact sheet provided.

2) Proposed Meeting Schedule

Members agreed to the meeting schedule listed below.

Thursday, June 12, 3:30-5:00, City Manager Large Conference Room, Second Floor, City Hall

Thursday, June 26, 3:30-5:00, City Manager Large Conference Room, Second Floor, City Hall

Thursday, July 10, 3:30-5:00, City Manager Large Conference Room, Second Floor, City Hall

Thursday, July 24, 3:30-5:00, City Manager Large Conference Room, Second Floor, City Hall

Thursday, July 31, 3:30-5:00, City Manager Large Conference Room, Second Floor, City Hall

meeting held only if needed

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3) Review of Charge and Issues to be Considered

Mayor Whaley joined the meeting and thanked members for their willingness to serve. She expressed the Commission's interest in receiving the Committee's feedback on the issues.

Kery Gray reviewed the material in the binder provided to each member and described the Commission Retreat held earlier in the year during which the Commission discussed a longer list of potential topics to select the list of topics assigned to the Committee.

The binders include a contact list, a copy of the Charter, a copy of the Ordinance with the latest addition to the Charter, and a list of topics to be discussed by the Committee

4) Discussion of first set of Issues

- 1. Rescinding the obsolete and unconstitutional provisions of the Charter such as expired tax provisions and sections prohibiting fluoridation of water or prohibiting the City Commission from passing fair housing laws.**

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Members agreed to have Law draft language repealing sections 175, 176, 2177, 178, 180, 181, 182, 183, 185, 186, and 188.

Later in the meeting, Sections 163, 165, 166, 167 & 170 were also identified for possible repeal. Members agreed to have other sections for potential repeal to be suggested to Jhon Danish directly.

2. Delete sections on departments and substitute standard provision for legal counsel, purchasing, auditing, accounting, platting, zoning , etc.

Members agreed to have Law draft language to highlight required tasks, but not to specify specific departments.

3. Clarifying that the budget process by permitting multi-year financial plans, revenue forecasting, annual appropriations in a modern format, emergency appropriations, etc.

Members agreed to have Law draft language following consultation with affected Departments for their input aslo.

4. Change special elections to require 50% of voting.

Members directed that no additional action be taken on this tiem.

5. Regular Charter review required in future.

Members agreed to have Law draft language requiring decennial reviews of the Charter.

6. Make sure rule is resident for participation on a committee, not citizen or elector.

Members agreed to have staff continue researching this issue to determine if charter action was required.

The meeting was adjourned.

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June 26, 2014

Attendance: R. Clay Dixon, Jimmy Calhoun, Mike Galbraith, Gaye Jordan, Marcia Knox, John Lumpkin, Pat Rickman, Greg Scott, Manicka Thomas, Dave Williamson; Staff: Paul Woodie, John Danish, Kery Gray

1) Welcome

Mayor Dixon welcomed members to the meeting and thanked them for their participation.

In response to a question, Mr. Gray explained that the Commission did not expect to put each item up for a separate vote or to put all the items in one package for a single vote. He explained that the Commission would welcome suggestions from the Committee on how to organize the items into a few ballot issues.

2) Review of Draft Language from Previous Meeting

Mr. Danish explained that he believed it was more appropriate to draft language after the Committee had reviewed all the proposals, since items may be grouped in a number of different ways.

3) Continuation of Issue Discussion

The current Section 97 (Chief Examiner Duties), 103 (Payroll Certification) and 161 (Compensation of Officers and Employees) was reviewed.

A new draft of section 97, removing the Chief Examiner as employment officer and allowing the City Manager to retain those responsibilities was discussed. This would remove confusing language that seems to empower two people to do the same task.

A new draft of section 103, clarifying that certification to the payroll needed to occur only once was discussed.

There was significant discussion about Section 97, the need for changing it, and the impact of changing it. Specific attention was paid to the role of Civil Service in administering tests and preparing ranked lists of applicants, and the “rule of one” for offering jobs for tested positions, and possible community reaction to a change.

Ms. Jordan indicated that the rule of one was a very important value for the IAFF and preserving that rule was key to IAFF support for charter changes. Ms. Knox agreed. There was a series of possible alternatives proposed and discussed.

It was agreed that Paul would take the information from this discussion and propose alternative language.

The proposed section 161 was reviewed. Mr. Williamson pointed out the new language borrows language from collective bargaining. There was general consensus on the new language.

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Information on Section 2 was distributed for discussion at a future meeting. Mr. Woodie said that the language is a combination of language from the Model Charter, from charters of other cities and original writing.

The meeting was adjourned. The next meeting will be by July 10, 2014 at 3:30 p.m.

Future Meeting Dates: July 10, July 24
July 31 (if needed)
3:30-5:00 p.m.
City Manager's Large Conference Room
Second Floor, City Hall

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July 10, 2014

Attendance: R. Clay Dixon, Jason Antonick, Gaye Jordan, Marcia Knox, John Lumpkin, Greg Scott, Dave Williamson; Staff: Paul Woodie, John Danish, Kery Gray

1) Welcome

Mayor Dixon welcomed the members to the meeting and said he appreciated their participation.

2) Continuation of Issue Discussion

Item 8, Charter Section 2, which had been distributed at the previous meeting, was reviewed and discussed. There was consensus to ask the Law Department to prepare language based on the provided language.

The committee reviewed issue which were previously discussed. The Law Department will continue to work on these items, based on the direction of the Committee.

There was animated discussion on Article III: Initiative, Referendum and Protest, specifically related to the number of voters need for proposing an Ordinance by petition, calling for a referendum of an enacted Ordinance and calling for a referendum on a Pending Ordinance. (A Pending Ordinance is one which has been passed by the City Commission and is in its 30-day period before enactment.) There was discussion regarding having a specific number or a percentage of some base figure. There was also discussion of the appropriate base number; possibilities included registered voters, voters participating in last General Election, voters participating in last General Commission election, or voters participating in last General Mayoral Election. Following discussion, the Committee chose 1,250 valid signatures for proposing an Ordinance by petition, 2,500 valid signatures for calling for a referendum of an enacted Ordinance and 3,750 valid signatures for calling for a referendum on a Pending Ordinance. It was noted that another proposed Charter section calling for decennial review of the Charter will allow for revision of these figures as needed.

The Committee asked staff to review Section 156 with OMB staff to get their input on potential elements to include in the Charter.

There was continued discussion about sections related to Civil Service and it was agreed that there would be a clear statement preserving the rule of one for competitive, unclassified positions. Mr. Woodie agreed to take the various suggestions made during the discussion to streamline them into proposed language.

The meeting was adjourned. The next meeting will be July 24, 2014 at 3:30 p.m.

3) Status of Issues

Item	Status	Staff Preparing Draft Language
1. Rescinding the obsolete and unconstitutional provisions of the	Discussed	Sec. 175, 176, 177, 178, 180, 181, 182, 183, 185, 186, 188 potential affected.

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Charter such as expired tax provisions and sections prohibiting fluoridation of water or prohibiting the City Commission from passing fair housing laws.		Later, 163, 165, 166, 167 & 170 identified as also potential.
2. Delete sections on departments and substitute standard provision for legal counsel, purchasing, auditing, accounting, platting, zoning, etc.	Discussed	Committee asked for language that highlighted required tasks, but not department structure
3. Clarifying that the budget process by permitting multi-year financial plans, revenue forecasting, annual appropriations in a modern format, emergency appropriations, etc.	Discussed	Committee asked for draft language and for input from relevant City departments also
4. Change special elections to require 50% of voting.	No action desired	
5. Regular Charter review required in future.	Discussed	Committee recommended a 10-year cycle of review.
6. Make sure rule is resident for participation on a committee, not citizen or elector.	No action desired	
7. Clarifying the authority of the City Manager as the appointing authority and the Civil Service Examiner as the testing and qualifying authority.	Discussion continuing	

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<p>8. Ensuring that the City shall have all the powers possible for a city to have under the Constitution and laws of the State of Ohio.</p> <p>a. Adopting standard provisions of the Civic League's Model Charter used by many city charters in Ohio and throughout the nation.</p> <p>b. Ensuring that the City has the power to levy service charges, fees and taxes granted by the state to local governments</p> <p>c. Permitting the City to levy special assessments using the standard provisions of State law that may change from time to time.</p> <p>d. Permitting the City to enter into arrangements and contracts with other governments. The absence of this provision in our Charter could be used against us since it is in most city charters.</p>	Discussion continuing	
9. Clarifying initiative, referendum, and amendment process and eliminate overlapping provisions.	Discussion continuing	
10. Powers of Commission & City Manager	To be discussed	
11. Fine-tune Gift Rule.	Not Charter issue	
12. Permit townships to exist within city.	To be discussed	

Future Meeting Dates: July 24
July 31 (if needed)
3:30-5:00 p.m.
City Manager's Large Conference Room
Second Floor, City Hall