



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018
- Established in 1910 -

Eileen Ann Patton, Mayor

**CHARTER REVIEW COMMISSION MINUTES
MEETING #7
JANUARY 8, 2019
6:30 PM
FAIRVIEW PARK SENIOR CENTER**

Members Present: Mr. Nicholas Alexander, Mr. John Betts, Mr. Matthew J. Cavanagh, Esq., Mr. Pat Cooney, Esq., Mr. J. Patrick Lang, Mr. John Mandula, Ms. Erika Roitblat-Bowers, and Ms. Michelle Sayer

Staff Present: Mr. Joseph P. Gibbons, Esq. and Ms. Monica Rossiter

The Charter Review Commission meeting began at 6:33 PM.

Roll call was taken. Ms. Lauren Markus was excused from the meeting.

Vice Chairperson Cooney asked the Commission if they had any revisions to the minutes from Meeting #6 held on December 11, 2018. Hearing no revisions, the Commission approved the minutes.

The City's newly-appointed Law Director, Joseph P. Gibbons, Esq. was introduced to the Commission.

Public comment was opened. No members of the audience were present and public comment was closed.

Staff provided responses to the questions raised at the meeting on December 11, 2018. As requested, Staff provided an overview of the purpose of the Board of Control, and further explained that the Charter section pertaining to the Board of Control is based on the Ohio Revised Code.

Discussion of Article VIII, "Finances", was opened, beginning with Section 1, "Annual Estimate". The Commission asked if the City's finances are audited by an outside agency, to which Staff replied that the City is audited by the State of Ohio annually. The Commission asked if the City is required to balance the budget yearly, to which Staff replied that budget hearings take place annually, and the budget must be approved by City Council.

The Commission had no questions or comments pertaining to Section 2, "Appropriation Ordinance".

Discussion of Section 3, "Transfers and Balances", was opened. The Commission asked what process is taken for reappropriating encumbered funds that haven't been spent by the end of the fiscal year, and requested an overview of how the Finance Department operates. The Commission requested that Finance Director Gregory Cingle attend a future meeting. Staff stated that his presence will be requested at the next meeting on January 17, 2019.

The Commission had no comments or questions regarding Section 4, "Payment of Claims", or Section 5, "Custody and Deposit of Funds".

The Commission moved to Section 6, "Public Bidding". The Commission began discussing the existing requirement that no expenditure over \$15,000 be made without City Council approval. It was suggested that this amount be increased to \$25,000. It was referenced that the previous Charter Review Commission increased the expenditure limit from \$5,000 to \$15,000, and that they discussed increasing it to \$25,000. The previous Commission ultimately agreed to recommend increasing this limit to \$15,000. The Commission asked how many purchases between

\$15,000 and \$25,000 are typically made per year. They desire this information in order to determine the potential impact of raising the limit. The Commission requested input on this matter from the Director of Finance.

Staff clarified that the \$15,000 spending limit applies to City Council approval for any given expenditure, and that there is a separate requirement for bidding. Per State law, the City must go to bid for any purchase or contract exceeding \$50,000.

The Commission asked for clarification on the use of state contracts, asking if the City is exempt from the public bidding requirements when purchases are being made through the State of Ohio's cooperative purchasing agreements. Staff explained that the City is authorized to purchase from state contracts and forego the public bidding process as long as the contract from which it is purchasing has been publically bid in a manner that meets the City's bidding requirements. The Commission questioned whether or not guidelines for purchasing from State contracts should be included in the Charter.

The Commission raised concerns regarding the language "lowest and best bid", as it relates to accepting bids, and further stated that this may lead to the acceptance of potentially inferior bids. The Commission questioned whether or not such requirements can be improved and suggested that new language be explored.

Staff recommended that the Commission explore the addition of a provision that would enable the City to make emergency purchases without the approval of City Council. Staff stated that currently there are no such provisions, and that if an emergency purchase must be made, there are no guidelines for doing so. It was mentioned that at least one surrounding city has similar verbiage in their charter and the Commission asked the question why it was in some but not others such as Fairview Park. The Commission asked for Public Service & Development Director Shawn Leininger and Finance Director Greg Cingle's guidance on this matter.

The Commission had no comments or questions regarding Section 7, "Public Improvements".

The Commission moved to Section 8, "Taxation", and discussed the fire levy that was proposed by the 2008/2009 Charter Review Commission, who recommended that it become permanent through the revision of the Charter. It was stated that this recommendation was passed by City Council, but voted down in the General Election. The Commission asked for input from Fire Chief Tony Raffin regarding the previously proposed amendment, why it failed, and if the City desires to move forward with a similar recommendation during the current Charter review process. The Commission noted that the Charter currently shows amendments to Section 8 (c) and (d), and asked for clarification on what changes were made to these sections, as the fire levy did not pass. The Commission asked why there is no corresponding levy for the Police Department.

The Commission had no questions or comments regarding Section 9, "Submission of Extra Levy".

The Commission moved to Section 10, "Debt Limitation", and requested an explanation of this section from Finance Director Gregory Cingle.

Discussion ended and Vice Chairperson Cooney stated that Article IX, "Nominations and Elections", and Article X, "Initiative, Referendum, Recall", as well as open items, will be discussed during the next meeting on Thursday, January 17, 2019. In addition, Public Service & Development Director, Finance Director Gregory Cingle, and Fire Chief Tony Raffin will attend the meeting if they are available.

Public comment was opened. No members of the audience were present and public comment was closed.

The meeting was adjourned at 7:38 PM.