



CITY OF FAIRVIEW PARK

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

Eileen Ann Patton, Mayor

CHARTER REVIEW COMMISSION MINUTES
MEETING #8
JANUARY 17, 2019 | 6:30 PM
FAIRVIEW PARK CITY HALL, DUNSON COMMUNITY ROOM

Members Present: Ms. Lauren Markus, 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, & Ms. Michelle Sayer

Staff Present: Ms. Monica Rossiter, Mr. Shawn Leininger, AICP, Mr. Gregory Cingle, & Mr. Joseph Gibbons, Esq.

The Charter Review Commission meeting began at 6:30 PM.

Roll call was taken. All members were present. Chairperson Markus introduced Mr. Shawn Leininger, Director of Public Service & Development, and Mr. Gregory Cingle, Director of Finance.

The Commission approved the minutes from meeting #7 on Tuesday, January 8, 2019.

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

The Commission discussed the phrase “lowest and best” as it relates to awarding projects during the public bidding process. Some Commission members voiced concerns in regard to the potential for an inferior bid to be accepted due to it being the lowest proposed. Staff explained that all proposals are vetted, and that qualifications, material specifications, and other stipulations can be built into the bidding process to ensure that a bid awarded is the “lowest and best”. In addition, it was explained that the City Engineer or a consultant hired by the City reviews and evaluates proposals and makes recommendations. Members discussed ways in which language can be added to the Charter to better define “lowest and best”, to ensure that the most responsive bid and responsible bidder is selected. The Commission decided to revisit this item during a future meeting.

The Commission began their Q & A for Article VIII, “Finances”, with Director Cingle and Director Leininger. The Commission asked whether or not the Charter authorizes the Administration to expend funds on an emergency basis. Staff indicated that there is not currently a provision in the Charter for emergency expenditures, and provided an overview of the Charters of nearby communities that include such provisions. Staff provided some examples of potential situations that may warrant emergency expenditures, including the collapse of a sewer, road or roof. Discussion commenced as to whether or not “emergency” can be effectively defined in the Charter. Staff referenced ORC 735.051, a State of Ohio statute that allows for emergency expenditures to be made without adherence to public bidding requirements. The Commission agreed that emergency provisions should be added to Article VIII, and suggested using language similar to that of the City of Westlake. Staff explained that without such a provision there is no protection for the individual or entity who must authorize an emergency expenditure.

The Commission asked Director Cingle if the City is audited regularly. Director Cingle provided an overview of the auditing process that is conducted by the State of Ohio annually.

The Commission asked Director Cingle whether or not the City is required to balance its budget annually, and what happens with excess funds remaining after the end of a fiscal year. Director Cingle explained that the budget is balanced annually and must be approved by City Council. He stated that at the end of the fiscal year excess funds

from a particular fund roll over and remain in that fund, and that funds cannot be moved from one fund to another without City Council approval.

Next, the Commission asked whether or not the City is exempt from public bidding requirements when purchases exceeding \$50,000 are made through a State of Ohio purchasing program. Director Leininger explained that purchases in excess of \$50,000 can be made through such programs without being publically bid by the City if a particular State contract has already been publically bid in accordance with the City's public bidding requirements. It was explained that purchases in excess of \$15,000 still require City Council approval regardless as to whether or not the public bidding process is required, and legislation must specify the State of Ohio purchasing program from which the purchase is being made if the expenditure is or exceeds \$50,000.

The Commission discussed the threshold amount for which expenditures require City Council approval, and unanimously agreed that the current threshold of \$15,000 is too low and does not accommodate the increasing cost of goods and services required for municipal operations. The Commission discussed options for increasing this amount, and reviewed the recommendations of previous Charter Review Commissions related to this matter. Staff stated that many charters of nearby communities reference State of Ohio statute as it relates to the threshold. The Commission agreed that it may be beneficial to replace the current provision with the State statute, rather than a set dollar amount.

The Commission asked staff for information about the permanent Fire Department levy previously recommended by the 2008/2009 Charter Review Commission, which was passed by City Council but failed at the ballot. Director Cingle explained the different ways in which a levy can be instituted, and explained that the Fire Chief is no longer recommending that a new provision be added to the Charter to implement a permanent levy, but rather is seeking a levy that will take effect through City Council approval. The Commission asked why the Police Department is not seeking levy funding, to which it was stated that this question should be addressed by the Police Department.

The Commission asked for an explanation of Article VIII, Section 10, "Debt Limitation". Director Cingle explained that this section refers to the determination of the amount of funds that can be expended by the City at one time without a vote by the electorate, and that this amount is based on the assessed value, or income, of the community. He explained that this section follows State statute.

Q & A ended and discussion of Article IX, "Nominations and Elections" began. The Commission reviewed a potential error in Section 3, "Primary Election", in the sentence specifying the number of Council-at-Large candidates required for a primary election to be held. Staff stated that they would look into the matter and report their findings at the next Commission meeting. The Commission asked if there are any standard procedures for addressing errors or "typos" in the Charter, to which staff stated that they would also report back on this matter at the next meeting.

The Commission revisited the staggering of Council terms as they relate to the potential modification of Article IX. The Commission decided to revisit this item once it is determined if a recommendation will be made to institute staggering terms in Article IV, "The Council".

Discussion ended and Chairperson Markus stated that Article X, "Initiative, Referendum, Recall", as well as open items, will be discussed during the next meeting on Monday, February 4, 2019.

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

The meeting was adjourned at 7:50 PM.