

Village of Oakwood
Charter Review Commission
Minutes
April 22, 2020

ATTEND:

Jim Climer – Law Department (Chair)	Andrea Lowe– Mayoral appointment
Noral Copeland– At large appointment	Joel Hladky– Ward 4 appointment
Audrey Severns – Ward 3 appointment	Nicole Goode - Ward 5 appointment*
Debra L Hladky – Clerk of Council-Secretary	Johnnie Warren-Council President
Eloise Hardin-Ward 2	Candace Williams-Ward 5

ABSENT:

Jackie Graves– Ward 2 appointment	Dan Stanton– Mayoral appointment
Amos Berry Jr.– Council President appointment	Gloria Blevins– Ward 1 appointment

* Arrived late

Meeting opened at 7:18 pm by Climer
Pledge of Allegiance
Attendance Taken

Motion to approve minutes of April 8, 2020 made by Hladky seconded by Copeland
5 YES: Mr. Copeland, Ms. Severns , Ms. Lowe, Mr. Hladky, Ms. Goode.

Section 6.05

Climer: It was asked of me at the last CRC meeting, what was the rationale of someone resigning their present office to file a petition to run for another. The change was actually suggested by At-Large, Elaine Gaither, not the Mayor. Oakwood has split elections; Ward 1 and the two at-large seats run in the same election as the Mayor. Wards 2-5 run in an alternating election. If someone in an At-Large seat or Ward 1 wishes to run for a different seat, they must give up their current position in order to run for a different office in the Village. However, Wards 2-5 run from a safe seat and do not give up their position while running for a different seat. Making this change will level the playing field for all Council seats.

Dispense of the three readings

Climer: We can pass legislation by three readings, by emergency, which requires 66% of Council, and under suspension with 75% of Council. As a practical matter, a majority of our legislation is passed by suspension of the rules or emergency. Only certain items must be passed with three readings. If any legislation impacts outside the jurisdiction of Oakwood Village, it must be passed by three readings. Judges can have a different view. I suggest, there is no complications by holding to the three readings, but there can be legal ramifications if we do away with the three readings.

Resignations & Appointments

Goode asked about resignations and appointments. **Climer:** This applies to anyone who wishes to run for a different office. **Hardin:** If the person wins, would that leave a vacancy of their previous seat? **Climer:** Yes. **Hardin:** What do you do with the vacancy? **Climer:** You would refer to the Charter rules in filling

that vacancy. **Williams:** I understand this was not always the arrangement. How was that determined and can they all run in the same cycle? **Climer:** I do not know how the split elections came about. **Hardin:** It was done for continuity. Everyone ran all at the same time and it left a void in continuity. **Warren:** The concept is ,you will have veteran Council members in Council and Administration. **Climer:** To have everyone run in the same election, we would have to implement a Charter Change. **Goode:** If a seat is vacant, what is the timeline? **Climer:** Council has 30 days to appoint someone for the vacancy. If they do not, the Mayor would appoint someone to fill the seat. **Warren:** A person is appointed and they serve two years of the four year term; they won't have to run in the next election. If they served just one year, currently, they have to run in the next general election. **Hardin** asked the Law Director to check it out. **Climer:** It isn't unusual for someone to have to run in the next general election but I will confirm. **Goode:** These recommendations we, as a committee, suggest, give them to Council, then to the community to vote upon. **Climer:** Yes. Council decides whether or not the items go on a referendum. **Climer** asked for any other recommendations for consideration. None were voiced at this time. He suggested the commission to begin voting on these recommendations at the next meeting.

Public Comment

Williams: How is the Chair selected for this commission? **Climer:** It isn't specifically provided for, but the Attorney has some familiarity with the Charter and is in the best position to lead the discussion. If anyone else wants to be the Chair I am perfectly happy to give up the seat.

Vacancy from Charter

Copeland read the section in the Charter about vacancy. He read: Amended November 2, 1999. "Whenever the office of a member of Council becomes vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of Council. If the Council shall not so fill such vacancy within 30 days after the date the vacancy occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointment shall hold office for the unexpired term of the member in whose office the vacancy has occurred or until the beginning of the term of the successor duly elected for the unexpired term at the next regular municipal election. If (a) such election shall occur two years or more, prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than 90 days prior to such election." Section 7.07. **Climer:** If you are appointed after August you get two years. If appointed prior to that, the successor has to run the following November. **Williams:** Does that mean a person runs at the next election, they could be off cycle then they run in their cycle? **Warren:** Petitions are filed in February. **Climer:** As a practical matter, February is for the primary. **Warren:** We went through this when Diana Cobb passed away in office. We understood if it is three or more years, the appointee has to run in the next election so it would be consistent with the election process. This keeps Ward 2, 3, 4, and 5 running at the same time and Mayor, At-Large seats and Ward 1 at the same time. **Hardin:** I agree. **Climer:** If we were to pass this amendment and someone is appointed in May, they must run in the next election. **Hardin:** When would that be, November? **Climer:** Yes. **Copeland:** Who is to say, the person who is appointed does not run in November and there would be a new candidate all together. **Climer:** There is that possibility. **Copeland:** You put someone in that position to continue the business of the Village for that seat. That person may not run when it is time. **Warren:** Generally, if in a vacated seat, they may not have to run until that seat is up for election in the cycle. The person isn't sworn in until January. **Climer:** The petitions are filed in May for the November election. **Warren:** Correct. **Copeland:** If someone is appointed to a position to fill

Charter Review Commission

the unexpired term, whether it is two years, three years, etc., that is putting an extra layer that doesn't really need to be. We as the citizens of the Village, elect Council to take care of the business of the Village. Hopefully, they will appoint a qualified person to fill an unexpired term. That 90 day rule puts undue pressure on the appointee. **Williams:** If you are in an off-cycle, you would run in two years; we run in four year terms. **Warren:** You are saying, if a person is appointed to fill an unexpired term, that makes sense. **Copeland:** If you go back to the U.S. Constitution, when a Senator leaves their position, in a lot of states the Governor appoints someone to that Senate seat for the remainder of that term, then that person can run. We count on our elected officials to run the Village. **Warren:** It is also a reflection of the person filling the position, to be prepared to serve and run in an election. **Climer** asked if the committee wishes to revise section 7.07 to eliminate the split and simply read the person fills the unexpired term?

Motion to amend 7.07 to eliminate the split and to simply read the person appointed, fills the unexpired term made by Copeland seconded by Severns

Vote: Copeland, Severns, Hladky, Goode, Lowe

Climer: We traditionally offer resolutions to make recommendations to Council? **Warren:** Resolution. Then Council entertains it as an Ordinance. **Climer:** Yes. **Goode:** Is that different from a submission of a petition? **Climer:** Yes. It will be a resolution for a change to be made to the Charter. CRC will vote and it will be given to Council for consideration. **Hardin:** Ultimately it goes to the voters. **Climer:** Assuming Council approves the suggested changes. **Williams:** Some things in the Charter seem outdated. What is the time line for other changes? **Climer:** We need to have our suggestions to Council by the first of June. I would invite you to contact your CRC representative on that and have them give me a call prior to the next meeting. If we start voting at the next meeting we will have our work done timely. **Williams:** I noticed there is one member who has not attended meetings, shouldn't all be in the meetings? **Climer:** We only need a quorum and majority vote. **Williams:** It doesn't affect anything we do if that one member never shows. **Climer:** I don't believe so, as long as there is a quorum. **Goode:** How are you getting input from residents of the Ward? **Climer:** That is up to the representative.

Motion to adjourn by Copeland seconded by Mr. Hladky

Vote: Copeland, Severns, Hladky, Goode, Lowe

Adjourned 8:04pm

Submitted by Debra L Hladky, Clerk of Council