

Village of Richfield Charter Review Commission

REPORT TO COUNCIL

To: Richfield Village Council
From: 2010 Richfield Village Charter Review Commission Members Chairman Jim Smith,
Vice Chairwoman Peggy Malone, Kathy Ertle, John Evans, Jr., Dean Uher
Date: Thursday May 13, 2010

We, the 2010 Charter Review Commission have completed our review, as required every 10 years by Charter. We have thoroughly reviewed each section of the Charter meeting every Monday (with the exception of one) from January 25, 2010 through May 3, 2010.

We interviewed all department heads, all council members and various board members during our public meetings. The Commission heard and discussed suggestions for modifications that were brought up throughout the process in the following areas:

- Clarification of the Board of Zoning Appeals process
- Annexation / Mandatory Referral
- Recreation Director Position and Park Board role
- Human Resources position
- Yea or Nay Vote
- Qualification of Department Heads

At the conclusion Commission members determined that the Charter and its amendments have served the community well for almost 40 years, and do not have any formal recommendations for any Charter changes at this time. The Commission did find typographical, grammatical and date errors in the existing Charter. These errors and additional comments on the above topics are detailed below.

I. Board of Zoning Appeals Jurisdiction. A proposal to modify the Board of Zoning Appeals (BZA) authority to enable it to hear appeals from Planning and Zoning Commission (PZC) decisions was reviewed extensively by the Commission.

This issue came up in a recent case and Mr. Riehl, the Village's Law Director rendered an opinion that the BZA did not have jurisdiction to hear an appeal of a decision made by the Planning Commission. Mr. Riehl's opinion was upheld by the court of common pleas on appeal.

Mr. Riehl and Mayor Lyons indicated Council has established a "call-up" authority, which provides for a local review option. Section 10.02 of the Charter also allows council to establish an appeal to the BZA. Mr. Riehl feels the section is not written badly overall, and the Commission concluded there is no compelling reason to modify the Charter.

II. Annexation. Several officials suggested annexations be included in the mandatory referral list under Section 9.06 of the Charter. This would require all proposed annexations be referred to the Planning and Zoning Commission (PZC) to recommend either approval or denial of an annexation *prior to* Council's decision on whether to annex property from a township. PZC Chairman Dr.

Boester proposed the PZC review annexation requests prior to Council's decision to see if the annexation request 'fits' with the Comprehensive Plan.

Mr. Riehl explained the overall procedure and timing for an annexation to the Commission and concluded a PZC recommendation prior to council approval could present a timing problem. He stated his approach to charter changes generally is if it's not broken, don't fix it. Commission members stated they agree with leaving the Charter unchanged on that issue.

III. Recreation Director. A proposal to establish the position of recreation director in the Charter and define its relationship to the Park and Recreation Board was reviewed. Former Mayor Waszak reviewed the history of this position, moving from a limited part-time to a full time position approximately nine years ago. He said the existence of the recreation department is budget driven and that council has the ultimate say on park board issues. The Charter now states responsibility for the parks is the duty of public service director. Charter members did not feel strongly that the recreation director's position be in the Charter, and Mayor Lyons said he is not ready to institute this position as a department head in the Charter.

The mayor indicated the park board is mainly an advisory board and therefore not comparable to the planning and zoning commission and it is well to leave it as such.

Ms. Malone said the position needs to be spelled out in terms of duties, procedures and accountability and it could be placed in the Codified Ordinances like the human services coordinator position. Commission members agreed the recreation director position does not need to be in the Charter but should be placed in the Codified Ordinances.

IV. Human Resources Position. All department heads agreed and advocated for adding a part or full time position to coordinate human resources. Mr. Ciolkevich said adding the position of human resources director to the Charter would fill a seemingly 'missing piece'. Mr. Smith said having an HR type person would provide continuity during the transition as officials and mayors change. The Commission feels in light of the fact the Village employs over 100 people this is an important and valid issue for Council to pursue, but that it is not necessary to make this a Charter position.

V. Yea or Nay Vote. A suggestion was made to change *Section 4.07 [Council] Rules and Journal* in the Charter from requiring a "yea or nay" vote to words that are more easily distinguishable. Roberts Rules of Order calls for an "aye or no vote". The Commission and other Village administrators think "yes or no" are a better choice of responses to a voice vote than "yea or nay". This potential change to the Charter on its own was deemed not enough to take to the voters.

VI. Qualification of Department Heads. The Commission discussed the qualifications listed in the Charter for various administrative positions with several officials who thought the qualification were generally 'underwhelming'. Commission members noted the Charter is more of an enabling document than a restrictive one. They agreed candidates for those positions are subject to appointment by the mayor and approval by council which is where the review of qualifications will be performed. The Commission did not see any purpose in modifying the Charter in this area.

VII. Discrepancies in Existing Charter. The Commission discovered the following errors in the existing Charter:

1. The date (11-2-04) should be added after Table of Contents Section 7.05.

2. The word *by* should be changed to *be* in Section 4.12 (...unless a later time *by* specified therein,...).
3. The date in Section 7.05(c) should be changed from November 7, 2000 to November 2, 2004.
4. The word *found* should be changed to *bound* in Section 17.03.
5. The word *this* should be changed to *the* in Section 18.01 (...with the provisions of *this* Constitution...).
6. The word *conformation* should be spelled *confirmation* in Section 18.03 (...subject to *conformation* by the affirmative vote...).

VIII. No Charter Change Recommendations. Ms. Malone said overall there does not seem to be anything *big* that needs to be changed. She said the Charter has worked satisfactorily over the last ten years and noted there were many changes prior to that time. The other Commission members agreed and unanimously approved a motion to make no recommendation for changes to the Richfield Village Charter.