



The City of
Brooklyn • Ohio

2017 Charter Review Commission
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Mayor
Katherine A. Gallagher

Council
Kathleen M. Pucci
Antony E. DeMarco
Kevin Tanski
Ron Van Kirk
Mary L. Balbier
Barbara A. Paulitzky
Deborah G. Tomusko

June 22, 2017

Members of City Council
Mayor Katherine A. Gallagher
City of Brooklyn
7619 Memphis Avenue
Brooklyn, Ohio 44144

Re: Final Report of 2017 Brooklyn Charter Review Commission

Dear Members of Council and Mayor Gallagher:

The 2017 Brooklyn Charter Review Commission is pleased to present to you this final report of its work.

Background

The Brooklyn city charter requires a charter review every six years. Charter review is a citizen appraisal of the existing charter. Nine citizens are appointed to a charter review commission and have approximately six months to do the review. City councilmembers appoint one member each and the mayor appoints two. The commission recommends changes to the charter by a majority vote of all members. Council must place any of the recommended changes on the general election ballot. The charter can only be amended by a vote of the citizens on specific amendments or on an amended charter that the council places on the ballot.

The commission had an impressive and diverse membership. All are active in Brooklyn public affairs. At least three had served on previous charter review commissions. One had served as a magistrate for the city, and many brought to the commission experience and expertise in public, private and nonprofit matters. Thus, the commission combined knowledge of municipal affairs with practical experience in the community.

The Process

The charter review commission of 2017 was appointed in January 2017. The commission first met on February 1, 2017 and received initial materials from the law director, Kevin Butler, and the Mayor's executive assistant, Jill Ludwig, who was selected to serve as the secretary of the commission. These initial materials included the current charter, a roster of commissioners, and as helpful references both a guide to charter commissions and a model city charter, each of these published by the National Civic League.

Though the Brooklyn charter had been reviewed several times before, and was amended as recently as six years ago, the commission set out to review the charter in view of any past, current, or potential future disputes or issues that had arisen or could arise based on the current language.

The commission selected its chair, Ron Balbier, and decided to meet on the second and fourth Thursdays of each month at 5:30 p.m. In general, the commission decided to go through the charter article-by-article and section-by-section, occasionally working on issues that touched on several articles at once. Periodically, the Mayor, some City Council members and several officials provided direct input for the work of the commission, and it was staffed at all times by Ms. Ludwig and Mr. Butler. The commission considered all input from visitors to these meetings to be valuable and informative.

The commission worked as a whole, rather than in committees, to debate the merits of and make recommendations for changes to certain sections of the charter.

The charter commission took its purpose seriously and reviewed all of the provisions of the current charter. The commission believes that its work has produced recommendations that would eliminate, or help eliminate, any discrepancies in the charter leading to past, current or potential disputes; would update, clarify and modernize language within the charter; would ensure constructive conversations among our municipal elected leaders; and would create a more coherent and logical document on the whole.

Table of Recommended Changes to the Charter

Please find attached a table of the four charter changes the commission has recommended. The table is organized into columns reflecting the section of the charter impacted; the current language in each such section; the proposed new language in that section; a rationale for each recommended change; and a proposed ballot question for each recommended change.

The commission proudly presents these recommendations to the Mayor and City Council. The commission dedicates our work to the public servants who daily provide our services so efficiently and effectively, and to the citizens who add to this vibrant and exciting city and make it a genuine home for all.

Signatures

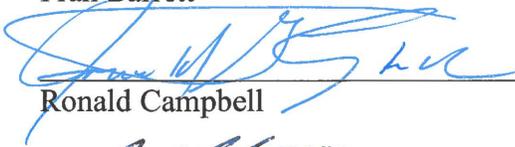
We, the members of the 2017 Charter Review Commission, hereby attach our signatures to acknowledge that we adopted these recommendations by a majority vote and now send them to City Council for placement on the November 2017 general election ballot.



Ron Balbier, Chair



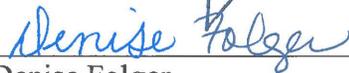
Fran Barrett



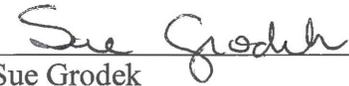
Ronald Campbell



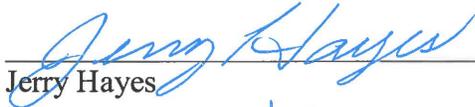
Carl Ehridge



Denise Folger



Sue Grodek



Jerry Hayes



Thomas Hites



Dick Kistemaker

2017 Brooklyn Charter Review Commission

Table of Approved Changes June 22, 2017

Section	Current Language	Amended Language	Rationale	Proposed Ballot Question
Art. III, Sec. 2	Each candidate for election to Council, or any person appointed to fill a vacancy on Council, shall have been for at least three (3) consecutive years immediately prior to his/her election, and during his/her term of office shall continue to be, a resident of the municipality and a qualified elector thereof. He/She shall not hold any other public office or position over which Council has control within the Municipality except as otherwise provided in this Charter or by ordinance, and that of Notary Public or a member of the State Militia or Reserve Corps of the United States.	Each candidate for election to Council, or any person appointed to fill a vacancy on Council, shall have been for at least three (3) consecutive years immediately prior to his/her election, and during his/her term of office shall continue to be, a resident of the municipality and a qualified elector thereof. He/She shall not hold any other public office or position over which Council has control within the Municipality except as otherwise provided in this Charter or by ordinance, and that of Notary Public or a member of the State Militia or Reserve Corps of the United States <u>public, compensated elective office; and he/she shall not hold any other public position over which Council has control within the Municipality.</u>	The Commission wished to clarify that uncompensated elective officeholders, such as party precinct committee persons, as well as public employees (of any public entity) who do not fall within the control of Council, could also be qualified to serve as Brooklyn councilmembers. The Commission also wished to eliminate any ambiguity involving the terms “office” and “position.”	Shall Article III, Section 2 of the Charter of the City of Brooklyn be amended to clarify that councilmembers may not serve in other compensated elective office or in other public positions over which City Council has control?

Section	Current Language	Amended Language	Rationale	Proposed Ballot Question
Art. III, Sec. 6	<p>In January of each year, the Council shall meet in the Council Chambers and organize. At such organization meeting, or as soon as practicable thereafter, the Council shall elect one Councilmember as President of Council, one Councilmember as President Pro-Tem of Council, one Councilmember as a member of the City Planning Commission, and one Councilmember as a member of the Recreation Board, each to serve for the balance of that year and until his/her successor shall have been elected unless he/she shall cease in the meantime to be Councilmember. <i>[additional language follows]</i></p>	<p>In January of each year, the Council shall meet in the Council Chambers and organize. At such organization meeting, or as soon as practicable thereafter, the Council shall elect one Councilmember as President of Council, one Councilmember as President Pro-Tem of Council, one Councilmember as a member of the City Planning Commission, and one Councilmember as a member of the Recreation Board, each to serve for the balance of that year and until his/her successor shall have been elected unless he/she shall cease in the meantime to be Councilmember. <u>Notwithstanding the provisions of Article XI, Section 5 or any other provision of this Charter, the Councilmember receiving the most affirmative votes for each of these positions shall be elected.</u> <i>[remaining language unchanged]</i></p>	<p>The Commission wished to provide a mechanism to resolve council leadership dilemma currently in place, which has been brought on partly because any candidates for council president must abstain from all votes and deliberations involving their election to that position and partly because Article XI, Section 5 of the charter requires at least a four-vote majority of councilmembers for adoption of any measure. This language provides an exception to Article XI, Section 5, and permits the highest vote-getter (after any abstentions) to serve in the leadership position at issue.</p>	<p>Shall Article III, Section 6 of the Charter of the City of Brooklyn be amended to permit those receiving the most votes by councilmembers for City Council leadership positions to be elected to those positions?</p>
Art. V, Sec. 3	<p>The Director of Finance shall be the head of the Department of Finance and fiscal officer of the City. He/She shall be appointed by the Mayor subject to confirmation by the Council. He/She shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. <i>[additional language follows]</i></p>	<p>The Director of Finance shall be the head of the Department of Finance and fiscal officer of the City. He/She shall be appointed by the Mayor subject to confirmation by the Council. He/She shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. <u>The Director of Finance shall appoint a person to be the Clerk of Council, provided Council has been given notice of the Director’s appointee and does not reject the appointee by an affirmative vote within thirty days. The Clerk of Council shall keep the records of the Council and perform such other duties as may be required by this Charter, by Council and by the Director of Finance.</u> <i>[remaining language unchanged]</i></p>	<p>The Commission wished to provide a mechanism for the original appointment of the council clerk’s position. The Commission weighed various options but, because the council clerk performs multiple functions for both council and the administration, settled on having the finance director (because the finance director is confirmed by and serves council) appoint a person to serve in that position. Any person appointed by the finance director to serve as clerk could be rejected by council within 30 days of their receiving notice of the finance director’s appointee.</p>	<p>Shall Article V, Section 3 of the Charter of the City of Brooklyn be amended to have the Clerk of Council appointed by the Finance Director, subject to Council’s right to reject the appointee?</p>

Section	Current Language	Amended Language	Rationale	Proposed Ballot Question
<p>Art. V, Sec. 10(b)</p>	<p>Whenever a proposed zoning or rezoning measure, other than for a single family residential use, is approved by the Planning Commission and the Council, as provided by this Charter, the City Council upon its approval shall submit the same to the electorate at the next general election or at a special election within ninety (90) days of Council's approval. In the event Council designates the election thereon be at the next general election, any applicant may petition Council to call a special election for submission of said issue, but only after agreeing to assume all costs of the special election including advertising and further provided that the applicant posts satisfactory security with the Director of Finance in an amount estimated by said Director to be the costs associated with the presentment of said issue to the electors.</p> <p>Notice of the election for the required land use change shall be published in at least two (2) newspapers of general circulation three (3) separate times prior to the election, the first notice shall appear not less than five (5) weeks prior to said election, and the last at least ten (10) days prior thereto is mandatory for the zoning or rezoning to pass.</p>	<p>Whenever a proposed zoning or rezoning measure<u>legislation establishing a zoning district or changing any zoned parcel from one district to another</u>, other than for a single family residential use, is approved by the Planning Commission and the Council; as provided by this Charter, the City Council upon its approval shall submit the same to the electorate at the next general <u>or primary</u> election <u>that follows any deadline established by the county board of elections for the placement of local issues on the general or primary election ballot</u>, or at a special election <u>to be held</u> within ninety (90) days of Council's approval. In the event Council designates the election thereon be at the next general <u>or primary</u> election, any applicant may petition Council to call a special election for submission of said issue, but only after agreeing to assume all costs of the special election including advertising and further provided that the applicant posts satisfactory security with the Director of Finance in an amount estimated by said Director to be the costs associated with the presentment of said issue to the electors.</p> <p>Notice of the election for the required land use change shall be published in <u>accordance with general law in a newspaper at least two (2) newspapers</u> of general circulation <u>in the City</u> three (3) separate times prior to the election, the first notice <u>shall to</u> appear not less than five (5) weeks prior to said election, and the last at least ten (10) days prior thereto to the election is mandatory for the zoning or rezoning to pass.</p>	<p>The Commission wished to more clearly define what "proposed zoning or rezoning measure" means by identifying the types of zoning-code changes that are subject to automatic voter referendum. The Commission further wished to defer to the Cuyahoga County Board of Elections deadlines for placing a local zoning issue on the popular general, special or primary ballot, and to account for the rapidly dwindling daily newspaper market by reducing, from two to one, the number of newspapers into which the city must place notices of a zoning election.</p>	<p>Shall Article V, Section 10(b) of the Charter of the City of Brooklyn be amended (1) to clarify that any legislation establishing or changing a zoning district must be referred to the voters for a popular vote at a general, primary or special election; and (2) to modernize language regarding the general election date and newspaper publication notices relative to these elections?</p>