

The RULES COMMITTEE held a meeting on Monday, May 24, 2023 beginning at 6:04 P.M. in Council Chambers.

RULES COMMITTEE PRESENT: Committee Chair Cerra, Callahan, Mitchell, Davis, Corbin, Lipian, Oswald, Simmons, Stewart, Schneider

ABSENT: Tollett

OTHERS PRESENT: Law Dir. Deery, Assistant Law Dir. Breunig Mayor Whitfield, Service Dir. Lundy

1. Approval of the Tuesday, January 17, 2023 Rules Committee Meeting Minutes.

Mr. Schneider moved, Mrs. Mitchell seconded to approve meeting minutes.

2. The matter of establishing non-partisan elections for the positions of Elyria City Council Referred By: First Ward Council member Andrew Lipian

Committee Chair Cerra provided the floor to Council member Lipian. Council member Lipian shared that he is bringing the matter of establishing non-partisan elections for city council positions due to a conversation he had with a former Ward one, veteran resident, Mr. Roger Anderson. Council member Lipian asked what the other members thought of the idea of non-partisan elections. Council member Callahan shared what his initial thoughts were, he has attended City Council meetings since the 1970s out of high school at the old city hall building. He would witness the council members around a table. Council member Callahan stated that “quite frankly, I couldn’t determine which party the members belonged to”. He further shared that he did realize there were some members from each party. He stated that what he realized was that they were all working together to solve problems. He considered when his time came, that he would run for a council seat. Council member Callahan stated that he witnessed the members being respectful of each other and listening to each other’s ideas, and he believes that’s how it should be. He expressed that local government can set a good example and provide services for its citizens. He further expressed that he does not see the need for change or there being a problem with someone having an R, D or I next to their name, everyone just needs to work together to solve the issues at hand and respect one another.

Mayor Whitfield expressed that he was not initially prepared to speak, however his reaction to the topic was multi-faceted. He shared the following thoughts: Mayor Whitfield spoke of the first woman Mayor of Elyria, and stated she was a republican, he spoke of his own journey as the first African-American Mayor elected as an Independent. He expressed his thought regarding party dynamics in regard to harms and benefits. He expressed his beliefs are that judgement is based on the letter next to someone’s name and not their character or beliefs from a policy standpoint. He expressed that during his tenure he had felt at times that if he had a D next to his name, the treatment towards presented ideas would have been much different. Mayor Whitfield expressed that comments had been made of “...a Democrat should be in the Mayor seat”. He shared that he believed that is a backwards way of thinking. The topic should be considered, so that people would have to run on their own merits, credibility, experiences, and not a party label. He expressed his belief that it would enhance democracy on both sides and make people stand for something.

Chair Cerra, responded to Mayor Whitfield’s comments. He expressed that he had been on city council for ten years and he had never seen an issue decided one way or another because of a

letter. Chair Cerra stated there have been conversations, however he never voted against Mr. Baird because he was a Republican, nor Mr. Craig because he was an Independent. He shared that he witnessed some conversations when Mr. Gibbs was on council, and he still never got the sense or had the feeling that anyone voted a certain way because of who they were voting against. Council member Mitchell expressed that she had been on city council for sixteen years, Gary Gibbs, Jack Baird and Mark Craig all sat on council and they all got along. She stated that it didn't matter if you were Democrat or Republican, they were all working towards the good of the city and she never felt anything different. Council member Mitchell expressed, were there disagreements, yes, everyone is human. However it did not matter that Jack was a Republican nor does it matter that Mickey is a Republican, it didn't matter that Garry Gibbs was a Republican, everyone worked together, that is the spirit of council.

Council member Corbin shared that he echoed all that was previously stated. He expressed that although he is the minority, his question regarding both matters were: could council modify the charter or should the two matters be brought before the public? Are the citizens of Elyria a part of the decision making process? Chair Cerra explained if either of the matters were to proceed, yes they would have to go to the ballot and become part of the Charter amendment.

Council member Oswald expressed that although he is not a member of the Rules committee, he would like to speak for a few minutes to share the following: A few weeks back he and Council member Corbin were in discussion and he realized that he did not know Mr. Corbin's party affiliation. He expressed the same for Council member Lipian, as he thought his party affiliation was Libertarian. Council member Oswald shared that their party designation didn't mean anything to him. He shared that his conversations with his fellow council colleagues is no different than that with residents, he doesn't lead his conversations with residents by asking, "Are you a Democrat, good I can answer your question, or are you a Republican, you're going to have to ask someone else." Council member Oswald, ended with he would not want to change party affiliations and believes that council works together collectively to solve issues.

Council member Callahan expressed that he respectfully disagrees with Mayor Whitfield, he stated that he felt there had been some issues that Council generally has disagreed with the mayor on, that he believed were really respectful disagreements that had no intention of party affiliation. He expressed he didn't think that to be true, that there was a philosophy difference. Council member Callahan provided the example of where Mr. Gibbs sat next to him and would deliberately disagree because he believed that to be his job. He expressed despite the differences, Mr. Gibbs's actions were not in a mean-spirited way, he always disagreed with a smile and wanted to prove he was the descending voice. He shared that he and Mr. Gibbs went out for lunch many times and still often run into each other. Council member Callahan stated that regarding going to ballot with this issue would really require that it be spelled out specifically, and with the assistance of the Law Director's Office, ensure the wording is proper. He expressed he also believes many more meetings are needed for more dialogue, due to the fact that this type of change will affect the city for decades to come. Council member Callahan shared that over the years in his run for office that he had knocked on thousands of doors, he only experienced four people in the city that had ever asked him what party he was in, out of the four only one stated that he could not vote for him.

Asst. Law Director Breunig confirmed the following items, this would absolutely be a charter amendment. If the matter were to pass through the Rules Committee, it would go to full Council. Council would recommend the charter change and it would then go to the ballot. The timing would be governed by the Board of Elections rules and statutes. There would need to be

discussion regarding when and how to submit the issues to the ballot. Mr. Breunig explained there are multiple ways to conduct non-partisan elections, there would need to be more direction from council for what they would desire. Due to the fact that the city of Elyria is self-governing as a charter city, there is flexibility in navigating through the process.

Council member Lipian thanked his colleagues for the discussion and further asked that if partisanship doesn't matter, why keep the letters associated with their names?

Council member Mitchell expressed her concern over why this topic is even being brought up for discussion. She stated there has never been an issue that she's aware of and now there appears to be an issue, and she doesn't believe there is. Council member Mitchell stated that when you arrive at the Lorain County Board of Election to pull your petition, you have to declare what party you want to run for. You do not have the option to say that you do not want to declare a party affiliation. She asked Asst. Law Director Breunig for further clarification. Asst. Law Director Breunig confirmed that party declaration has to be selected in the primary election, however not in the general election. Independents do not have to declare a party affiliation and they have until the day before the primary election to file their petition as well as nonpartisan. Asst. Law Dir. Breunig stated that the other consideration for council members would be, does nonpartisan really mean nonpartisan. He shared the idea of the change of rules from the appeals court and higher on some of the judicial races. He stated he has no opinion on the topic, he only shared ideas as part of the discussion and thinks its appropriate to look at ways around the state that smaller elections are conducted.

Chair Cerra shared that although Council member Tollett could not be in attendance at the meeting, he submitted the following statement: Declaring a Party- Declaring an affiliation with an organized party has been done around the world for centuries. To opt out of this practice deems a candidate of hiding something from the taxpayers. To hide something isn't a good practice, especially for local elections. We're representatives of voters ideals, and to cover this up is unprofessional. Chair Cerra read Council member Tollet's statement regarding the matter of term limits: Term Limits- Every two years for council and four years for mayor the voters get a choice. Term limits take away that choice from the voters, which again is a poor practice. To limit the voters is anti democracy.

Council member Lipian shared his beliefs that without a letter people have to choose the person, not a letter. He expressed the city of Oberlin conducts nonpartisan elections and he doesn't believe the council members to hide their true ideology. He stated he would be curious as to what his colleagues think of why keep the letter affiliation, if they don't believe that it matters. President Stewart stated that although he is not a member of the Rules Committee, he strongly disagreed with Council member Lipian. He agreed with his other colleagues in regard to council is the bottom level of government trying to work together for the betterment of the city, community and residents. President Stewart shared that he has been on council for a quite a few years and his belief is that he has been elected, and that he is good at his job on council. He works hard for the committees and residents, the hard work has nothing to do with him having a D behind his name. President Stewart expressed that he believes that Council member Lipian is insinuating that President Stewart is on council because he is a Democrat and because of his party affiliation, residents should vote for him. He expressed that he believes it has been proven over the time he has spent on council that residents trust his decision making abilities for the betterment of the community. President Stewart shared that he respectfully disagreed with Mayor Whitfield that his struggles were related to him not having a D behind his name. He shared that he disagreed with both Mayors Grace and Brinda. He explained that council is not singling

Mayor Whitfield out regarding moving policies and procedures forward. He expressed he is not in support of the first matter presented.

Mayor Whitfield responded to President Stewart to state that he is an exception to typical politicians in terms of President Stewart has built a reputation for himself. Mayor Whitfield added that part of President Stewart's reputation is the legacy from his father that he has carried on and in his opinion been a great council person. Mayor Whitfield stated that he has enjoyed working with President Stewart and he believed the disagreements they have encountered have been handled respectfully and fair. Mayor Whitfield expressed that he stands by his notion that tension between "the executive branch and legislative branch", is what is seen federally and statewide, he has an understanding of that. Mayor Whitfield spoke about conversations that were not related to council business regarding the party aspect of him being in the mayor seat and his belief of how he has been treated. Mayor Whitfield expressed the best representative should be someone who is a great executive with a vision for the city. He stated that he believes everyone "knows the truth in party dynamics".

Council member Lipian responded to President Stewart to state that no one should take the discussion personally. He stated the acknowledgment is in party will play a factor, what factor will it play should not be significant, therefore why should the letter affiliation be retained.

Council member Lipian asked again why retain the letter.

Chair Cerra posed the question to Council member Lipian, would he step away as co-chair of the Libertarian party? Council member Lipian responded that motives should not be questioned. He stated that what he heard in Council member Tollett's statement was a question of a motive. He expressed that his attempt in the discussion was to only discuss partisanship and non-partisanship. Mayor Whitfield stated that he is not naive to believe that all parties are going to dissolve for the country. He believes that people will always have their personal party preference in where they lean politically. He expressed his beliefs in terms of local elections in particular that the party has not reflected consistent value and he believes it is a voter decision to ask of candidates if it is of concern to residents. He would expect candidates to maintain party affiliation.

Council member Davis, although not a member of the Rules committee, expressed that she has been a member of council for over ten years and from her perspective regarding the discussion, it is about character, not a letter affiliation. Council member Davis stated she would not agree to non-partisan elections. Council member Lipian responded to council member Davis to state that if character matters more than party at the local level especially than why do we retain the letter? Council member Davis stated choice, is the same reason Council member Lipian has selected his Libertarian affiliation.

She expressed that if Council member Lipian's party is Libertarian, and he ran as an Independent, why did he not choose any party affiliation. She selects her party affiliation as her right to choose. Council member Lipian explained that he had no choice, when he made attempt to submit his petition to the Board of Elections, it was explained to him that the Libertarians had lost ballot access so he had to run as an Independent. Council member Lipian stated that he felt none of the answers were good and suggested moving on to the next matter on the agenda. Council member Mitchell stated that she is, always have been and always will be a Democrat because she believes in the democratic values that are important to her. She shared that when she reaches out to her residents, she doesn't lead with questions asking are they Republicans or Democrats. She respects that they are residents of the city of Elyria that she represents. Her belief is that she continues to win elections because she does a good job. Council member Mitchell

expressed that she works hard and fights hard for the sixth ward. She begs for money for the sixth ward and believes in what she does. She reiterated her belief in the democratic values and stated that she would not be in support of this matter.

Council member Oswald expressed that although he is not a member of the Rules committee either, he agreed with Council member Mitchell. He added he believes your convictions are shaped by your beliefs and how you are brought up.

The discussion was closed on the first matter brought before the committee.

Chair Cerra stated the matter will be tabled for a date to be determined.

3. The matter of fixing term limit upon the positions of city council and the Mayor.

Referred By: First Ward Council member Andrew Lipian

Council member Lipian expressed suspension of judgement, the matter is open for discussion due to his interest in his colleagues opinion of term limits in general.

Council member Callahan expressed that he conducted some research regarding the matter of term limits, what he found was of the current council members, none of them were on council in 2005. Council member Callahan shared that if you were to review the landscape of council as far back as ten years to 2013, there are only four members currently that was here ten years ago. A five year review of members, there are only five members still serving. Council member Callahan shared the uniqueness of the last election in that it brought three new members to council, each one with a different label. Since 2005, there have been twenty-six seat changes on the Elyria city council, thirty-three different members and thirty-seven different positions, four members switched from at-large to ward seats or vice versa. Council member Callahan named the members: Mr. Tanner, Tollett, Herman Larkins and Jack Baird. He expressed that the citizens of Elyria vote for who they believe are going to do the job. Representatives from both party affiliates have served on council, three Independents have served over the tenure of Council member Callahan's term. He shared that there have been quite a few Republicans as well. Council member Callahan expressed in his opinion you need the experience of veteran council members due to decisions that have to be made long term. He shared that in his first couple of terms he did a lot of listening. He shared he still does a lot of listening today at the direction of past council member Jack Baird who shared with him "God gave you two ears and only one mouth". Council member Callahan stated that in eighteen years there have been new people on council which he believes has brought a good balance of experienced members with new members, which provides a balance.

Council member Lipian expressed that he agreed with Mr. Callahan. He asked if there would be any interest of staggering elections for at large council members in a different year of ward council members?

Council member Oswald, stated although he is not on the Rules committee, and he believes the mayor would agree, that while council member Oswald is in his fourth year, he has an agenda of items in his ward that he anticipates being on council through completion and often times more time is needed. Council member Oswald shared that he would prefer not to have a term limit hinder him from finishing the work he has started. Mayor Whitfield agreed with Council member Oswald.

Council member Mitchell inquired of Chair Cerra, would a vote be taken on either of the matters, would both matters be tabled, were both matters for discussion only? Chair Cerra shared that both matters were for discussion only and it is his belief that both items would be tabled to a date

to be determined. Council member Lipian asked was there any consideration for compromise on either of the matters. Council member Oswald expressed that he believes the way things are is working and things should stay the way they are regarding both matters. President Stewart agreed with Council member Oswald and added that ultimately the decisions comes down to voters and who is doing the job of representing the entire city and the desire for the city to thrive. President Stewart stated he would not be in favor of either of the matters. Council member Callahan expressed that he has been on council the same amount of time as President Stewart, has witnessed times where the opposition party has had to forfeit due to not having a candidate, or minimal candidates to run. Lately things are changing and he believes the change is good for democracy and provides people with choices.

Council member Davis stated that she has been on council for a while and feels that as soon as a project begins, two years are up and you have to be concerned with running again. She stated if she had to choose, she would choose a four year term opposed to two, so that members could complete their projects worry free. Council member Davis responded regarding the term limits to say that she works hard for the city and it is reflected in the people's votes. She expressed she would step down when she feels it is best for her to. She passionately shared that she is here to serve the residents of the second ward and any other ward in the city that needs her assistance and she is working on a project that she intends to see through completion.

Chair Cerra recommended that the matter be tabled.

Council member Lipian shared that he heard was that we have always done it this way. He would like to explore compromise to bring back to the committee at a later date. He thanked the committee for the discussion.

Mrs. Mitchell made a motion to adjourn the Rules Committee Meeting, seconded by Mr. Schneider.

Adjournment at 6:52 P.M.

MOTION CARRIED

RLP/