

**TOWNSHIP OF O'HARA
COUNCIL VIRTUAL
PUBLIC HEARING 2 MINUTES
MAY 11, 2021**

I. OPENING PROCEDURES

- A. Call to Order by President Smith at 7:15 p.m.
- B. Roll Call

Council Members Present: Robert John Smith, President of Council; Charles A. Vogel, Vice-President of Council; George H. Stewart, Second Ward; Gregory Caprara, Third Ward; Cassandra Eccles, Fifth Ward; John R. Denny, Jr., At-Large

Absent: Allison Berger, Fourth Ward

Also Present: Ted Curran*, Treasurer; Julie A. Jakubec, CPA, CGMA, Township Manager; Dan Garfinkel, Township Solicitor; Charles W. Steinert, Jr., P.E., Township Engineer; Loren R. Kephart, Public Service Superintendent; Scott K. Slagel, Police Superintendent; Cathy Bubas, Manager's Secretary

(* denotes late arrival)

II. PUBLIC COMMENTS CONCERNING A PROPOSED ORDINANCE DIRECTING THE PLACEMENT OF A QUESTION ON THE NOVEMBER 2, 2021 GENERAL ELECTION BALLOT TO AMEND THE TOWNSHIP HOME RULE CHARTER CONCERNING THE REMOVAL OF THE POLITICAL AFFILIATION REQUIREMENT FOR APPOINTMENT TO VACANT COUNCIL SEAT

President Smith stated the purpose of the Public Hearing is to receive public comments regarding the proposed ballot question to change the Home Rule Charter.

Ms. Ann Sokalski, Fox Ridge Farms, recalled a Council vacancy last occurred in November or December, which prompted her to research how to change the Home Rule Charter. She explained the reason for the request to remove the political affiliation is to not limit other candidates to fill the seat. The process would remain the same, and Council could interview more people. Per the current Charter, Council cannot interview Independents. She requested placing the question on the ballot for the residents to decide.

Mr. Tom Portante, Margery Drive, stated he is opposed to the change, explaining Council is a political body per the Home Rule Charter and State law, and should operate as such. The voters have already said a vacant seat is filled by party. The system provides for anybody that wants to run for a political office has to run in the system, and the system requires the Party to nominate a person to represent the Party in the General Election and works to get their candidate elected. Mr.

Portante explained there is a mechanism for people that want to run for office. To qualify to run for office, you have to be a registered voter. Candidates are not selected based on their background or skills; but how they think the system should run. For Council to just decide 'we want to do it our way' is wrong. Mr. Portante did not feel changing this rule is the way the political system is designed to run.

Ms. Cindy Harris, Fox Pointe, stated the process is intended to be political. The question on the table is do we want that to continue, or fill the position with the best person rather than someone of the same political party that won the seat in the previous election. Whatever decision Council makes in appointing a person to fill a vacancy is temporary. That decision is not changed by changing the Charter. The appointee only serves until the next available election. When the people elect a Council person, that Council person is there to act individually in the best interest of the community.

Mr. George Stathis stated the basis for who is qualified is a subjective idea based on people's background. Each party has their own political beliefs. You end up with an ideological selection based on background. Everyone wants to see the best for the Township. When you put the question up for referendum vote, Council is allowing for the disenfranchisement of voters who voted for their candidate and when a candidate has to leave, the Council is allowing in a referendum so that the people can make the decision on whether the minority can be disenfranchised. It is not congruent in the way that America is to conduct business. Everyone's vote should count. He requested Council to reconsider the ordinance and not allow this to proceed. He did not believe right-minded people want to take the voting rights of people away from the people in this Township.

Ms. Harris was confused, and questioned how allowing everyone to decide how this should work is disenfranchising anyone. All we are doing is asking the people if they want to change the Charter in a particular way.

Mr. Denny, Jr. noted a Public Hearing is for people to state their opinion, and questioned if constituents should be debating. He noted the good comments, but suggested moving on if there was nothing new to say. Solicitor Garfinkel indicated people stating opinions is appropriate at a Public Hearing, but there is leeway. He noted some Councils have a time limit.

Mr. Bud Peitz stated he agrees with Mr. Stathis and Mr. Portante. He recalled traditionally seats have been filled with a member of the same political party, and should continue. He questioned why Council should decide who they want to fill a vacant seat.

Mr. Portante stated the purpose of a Public Hearing is for Council to hear from the voters. He is trying to convince Council that this decision is the wrong decision. Council has heard what he had to say, but is repeating for others to hear. He noted the different points of view of how things are to be run. He stated this position is a position of philosophy. A party allows people with the same point of view to work toward similar goals. One of the prospective members of Council has withdrawn from the ballot, and of the five positions, all but one is unopposed.

Mr. Denny, Jr. stated he respects Mr. Portante's point of view, but does not agree. He explained Council is excluding people that may want to be considered. As the Charter stands now, if he were to resign, his seat could not be filled. Since being elected, Mr. Denny, Jr. changed his party to Independent. The Charter does not say to replace a vacancy with the party elected. Solicitor Garfinkel noted it would be an issue.

Mr. Tom Powers, Powers Run Road, stated since the position of Council Member is voted in on the basis of party affiliation, that is the system, and if you are placed in there based on your philosophy/party, the seat should be filled by someone with similar thoughts because that is what the voters wanted in that position. As for Independents, that would leave things wide open. You are allowing the Council to make a choice, it's not that they have to choose a certain person; they can vote in or out for the candidate's position. He questioned what State law says about this, even if the replacement is temporary, there seems to be a possibility for abuse. Solicitor Garfinkel noted State law does not say why it is in the Charter, though a lot of people have spoken about why we suspect it is in the Charter. Either way, Solicitor Garfinkel indicated it would be legal.

Mr. Caprara asked when they talk about inclusion, why aren't they saying they should be from the same party affiliation, or if they are Independent, they should be replaced with an Independent. We have a system of checks and balances. If we're going to open this up, and Mr. Denny, Jr. leaves and Ms. Sokalski wants to serve on Council, she could be appointed.

Vice President Vogel stated if he was to resign tomorrow, but changed his party affiliation today to the Communist Party, Council would have to appoint another person of the Communist Party. That is what the Charter says. It should be changed.

President Smith noted Council had not thought this through enough and has not voted to put on the ballot. He stated it is not predetermined if the voters will approve the change. If the voters do not approve the change, Council still has the same problem if a Council Member changes party after being elected.

Mr. Denny, Jr. agreed with Vice President Vogel in that it is the right thing to do, but noted Mr. Caprara has raised an interesting concept. Mr. Caprara stated if we make it inclusive, then it's inclusive. Mr. Denny, Jr. stated it needs to be inclusive because taxpayers, who are Independent, are being excluded, and we have to pay for the Republican and Democratic Parties to choose their nominee, but we can't have a say in it. He noted next month Council should vote on the issue, and if the vote is no, we can take more time to study the issue; and if we vote yes, then the voters will decide, which could not be more democratic.

Ms. Liz Voltz stated she would like the question to go on the ballot in November. Council should not be a political job. It is more for our local community.

Ms. Sokalski recalled the questions during interviews were about background, skills, knowledge. There wasn't one question about views. Candidates were asked about what they would bring to the community.

Mr. Caprara stated at the end of the day, both Republicans were qualified. He believed the questions to the candidates were because of the political affiliation.

Mr. Stathis believed everyone on Council has the Township's best interest in mind. Changing rules like this could have a corrupt influence. The voters that put a person on Council should have a person with the same philosophy. If the question is put to referendum, Council is allowing a potential for corrupt influence. The question will be more coached in a political way. He did not want to see more politics. Vice President Vogel disagreed, stating he is a registered Republican in a predominantly Democratic Ward, and they voted for him. When the public votes in a General Election, they can vote for whoever they want. They can vote for the person on the ballot or they can do a write-in. The Charter says when someone leaves office the decision for the temporary replacement goes to Council. He does not like the fact that he does not have the same ability to choose the person that he thinks would be best for the job because it is tied to political party. The general public has the ability to choose who they think is right for the job based on whatever qualifications they think are the right qualifications. The current Charter does not provide the same rights to Council as the general public. He would prefer to choose the right person for the job rather than the right Republican/Democrat Party. It could be corrupted. He recalled a Council member changed party and then resigned and Council had to appoint a person from the former Council Member's new political affiliation. He was interested to see how the public decides rather than Council. The people from 1972 that put the Charter together know why they put it in the Charter. He noted that was a very corrupt era in O'Hara Township politics and feels it is time to remove some of the corrupting influence and the corrupting rules that were put in place by the people that were in office at the time.

President Smith commented about how a Public Hearing should be run, noting it is an opportunity for Council to hear the residents, but the residents should also have the opportunity to hear Council's thoughts.

Mr. Denny, Jr. recalled nine or ten years ago Council put a question on the ballot for Council to determine the Council President and Vice President between the two at-large members. It used to be the person with the most votes was President. If people are worried about corrupting the system, let the voters decide.

Treasurer Curran arrived at 7:55 p.m.

President Smith supported letting the people decide as long as they understand everything. If the people decide they do not want to change the Charter, Council still has a problem. Council doesn't know what to do to replace a Council Member that changes political party after being elected.

Ms. Eccles read a portion of a letter she received from a Township resident, Anna Rakova. She noted Ms. Rakova came from the former Soviet Union where she saw a lot of political cronyism and corruption. She read, "This measure comes very close to uprooting democracy in a highly polarized world. There's a lot of loyalty to one's party. Partisan stands for certain ideas and many zealous attended to their party ideas. If voters elect the ideas of a certain party, the wishes of the voters need to be honored, not the wishes of the Council Members. It is well known that the lobbying and nepotisms are the worst for democracy. Allowing Council Members to select their

own party's friends make the wishes of voters insignificant.” Ms. Eccles stated she received a few letters like this and agrees, it should go to the party.

It was noted Council is scheduled to vote on the proposed ordinance at the June 8th Regular Meeting.

Vice President Vogel asked Ms. Eccles if she was against letting the people decide or if she would vote against it in the fall if it is on the ballot. Ms. Eccles stated it would be difficult for her to vote for something she would vote against in the fall. She would vote against it.

Vice President Vogel recalled years ago he did not want to run for office and did not circulate a petition, but won the democratic nomination on write-in votes. President Smith also recalled changing party in order to run for office.

Ms. Harris commented that she has heard Party is everything, yet some people do not want to put it on the ballot, and have changed Party to get elected. She requested Council to put the question on the ballot so the people could decide.

President Smith reiterated if the voters do not vote favorably, Council still has a problem. Ms. Harris stated Council will be no better off than they are now and can address the issue at some point.

Ms. Sokalski stated she hopes that Council moves that people can get involved by coming to meetings. Her job prohibits her from running for public office.

Ms. Voltz reiterated she would like to see the question on the ballot.

Treasurer Curran stated he thought he had two years left to serve on his term, but his term will expire the first Monday in January 2022. If he is not on the ballot or elected, he has enjoyed his time serving as Treasurer. If he is replaced, he hopes the person has a financial background.

Motion by Vice President Vogel to adjourn the Public Hearing was seconded by Mr. Caprara and carried unanimously. The Public Hearing adjourned at 8:14 p.m.

Cathy Bubas, Manager's Secretary