

Just as an FYI:

cc: Council
Mayor

Strongsville will restart process of filling vacant City Council seats, due to potential Sunshine Law violations

Bob Sandrick, special to cleveland.com

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Strongsville City Council will restart the application process for the vacant Ward 2 and Ward 3 council seats, due to potential Sunshine Law violations. *(Bob Sandrick, special to cleveland.com)*

STRONGSVILLE, Ohio - City Council, due to possible state Sunshine Law violations and behind-the-scenes intrigue, will start the process of filling two vacant City Council seats all over again.

This past weekend, council members contacted several applicants to the vacant Ward 2 and Ward 3 council positions and told them they had not been selected for the jobs. The problem is that so far, council has met only in private, executive sessions to discuss the applicants, and Ohio Sunshine Law prohibits any official action or vote in executive session.

Further, Erin Sullivan Lally - who had applied for the Ward 2 council seat - said Monday on her Facebook page that two of the remaining five council members had been left out of the selection process.

On Tuesday, Lally told cleveland.com that "to the best of my knowledge," Councilmen Jim Carbone, Joe DeMio and Matt Schonhut chose the winning Ward 2 and Ward 3 applicants without notifying Councilmen Michael Daymut and Gordon Short.

"It sounds like the D.C.-style crony politics we were warned about," Lally told her Facebook friends Monday. "But you know that I am more about providing quality public service than playing dirty, questionable payoff politics."

Catherine Turcer, policy analyst for Common Cause Ohio, a nonpartisan good-government organization, said the city made a sound decision to restart the Ward 2 and Ward 3 selection process.

"If they (council members) were telling candidates that they were not selected, it means that some type of decision-making was happening behind closed doors, and that does violate open-meeting laws," Turcer told cleveland.com Tuesday.

Strongsville Law Director Neal Jamison disagreed that council violated the law.

"However, because of concerns raised by (Lally) and others, council has decided to start over again, out of an abundance of caution, and to erase any concerns about the process," Jamison told cleveland.com Tuesday.

DeMio said he had no comment and referred all questions to Jamison. Carbone, Daymut, Schonhut and Short did not return calls Tuesday.

Jamison said all 18 residents who previously applied for the Ward 2 and Ward 3 positions must resubmit their resumes and cover letters by 4:30 p.m. Jan. 18, if they want council to consider them. Additional candidates can also apply.

Council will then re-interview each candidate in executive sessions scheduled for Jan. 22 and Jan. 23. Then council will vote on the winning applicants during an open meeting, the date of which has not been set.

Council had scheduled a special meeting for 5 p.m. today to vote on and announce the winning applicants. That meeting was canceled, due to the controversy.

[Click here](#) for information on the Ward 2 applicants [and here](#) for information on the Ward 3 applicants.

Include the public

Lally said Schonhut contacted her Sunday and told her that council would appoint Annmarie P. Roff, a Howe Road resident, to the Ward 2 council position. Roff and Lally were among 10 residents who applied.

Tim Zvoncheck, who applied for the Ward 3 council seat, reported on Lally's Facebook page that he too was told that council would not award him the open council seat.

"This was after a few of the councilmen encouraged me to do this (apply for the seat) and told me to my face they supported me," Zvoncheck wrote on Facebook.

"I didn't think 'cloak-and-dagger-while-being-stabbed-in-the-back' politics was in play here," Lally responded. "But alas, I stand corrected."

Eric Boecker, another Ward 3 applicant, told cleveland.com that he was notified Sunday night that he did not get the job. He would not say who contacted him. Boecker said the person didn't tell him who, if anyone, council had chosen.

Lally didn't know precisely when or under what conditions council decided to appoint Roff. Prior to this past weekend, council last officially met in executive session to discuss the Ward 2 and Ward 3 applicants on Thursday (Jan. 4).

According to the 2017 Ohio Sunshine Law Manual, public bodies cannot vote or take official action in executive session. Any formal action taken in executive session is invalid.

Further, according to a 2011 presentation by Ohio Auditor [David Yost](#), public bodies cannot make decisions in executive session, let alone vote.

Turcer said executive sessions are opportunities for council to gather and share information on certain topics.

"Executive sessions should not be an opportunity for elected officials to make decisions behind closed doors, then come out and do a pro forma vote," Turcer said.

Turcer said Strongsville council should even consider interviewing the Ward 2 and Ward 3 candidates in a public forum, instead of in executive session. She said some municipalities take videos of such interviews and show them online.

"These are folks who are going to represent them at City Hall," Turcer said. "The public deserves as much information about them as possible."

Also, citizens can offer council insights into the applicants, thereby assisting council in the decision-making process, if the interviewing process is open, Turcer said.

"It's useful to bring things out into the public eye as much as possible," Turcer said. "It can prevent the final vote from being a dog-and-pony show."