



CITY OF OBERLIN

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City Council Orientation Handbook

A Handbook for City of Oberlin Council Members

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1. WELCOME

Congratulations on your election to Oberlin City Council. Our community relies on the dedication of individuals with pride in their community and the initiative to become involved in the local municipal government process.

As a member of the City Council, you will be asked to make policy decisions, enact laws, levy taxes, and act for the benefit and best interest of the City of Oberlin. You will be performing a valuable service by addressing community issues and needs as you represent your constituents. It is a service that is needed and that carries with it great responsibilities, which, hopefully, this manual will help you meet without feeling overwhelmed.

City officials look forward to your contribution as we all work together to provide efficient municipal services that are responsive to local needs and expectations.

Belinda Anderson
Clerk of Council

2. INTRODUCTION TO THIS HANDBOOK

This handbook has been prepared to help elected officials of the City of Oberlin in carrying out the duties and responsibilities of public office. It is intended to be used for reference purposes only. The information contained in this handbook is based on state general, local government reference works, other municipal manuals and similar publications available through the Ohio Municipal League.

In the various sections of this handbook, information has been provided on the basic structure of city government, as well as some guidance on conducting council meetings, advice on how to govern the City of Oberlin effectively, descriptions of how the City is organized, and details of what is required for public hearings

Finally, the City Council has established a number of committees, commissions and boards to review city programs, projects, and community issues. These groups provide greater community participation and can be a valuable source of information as they make recommendations to the City Council on specific areas. A list of City boards and commissions along with a description of their charge can be found in Appendix H.

If you have questions regarding your role, authority or area of responsibility as a member of the City Council, please feel free to direct your questions or concerns to the President of the Council and do not hesitate also to receive clarification or assistance from the offices of the City Manager or any other appropriate City Council appointee (Law Director, Clerk of Council or Finance Director).

3. GUIDELINES FOR COUNCIL MEMBERS

3.1 Council Meetings:

City Council is responsible for establishing a meeting schedule each year. The Oberlin City Charter requires that Council meet twice a month with the exception of July and August where Council may meet at its discretion, dispense with one of the meetings for each of those months. Historically, Oberlin Council has its regular meetings on the first and third Monday of each month but alternate times may be determined by Council. The Charter requires that Council hold a meeting for purposes of organization at the first meeting in January following each regular municipal election. At that time the President and Vice Present of Council shall be selected by its members. Special meetings of Council may be called from time to time. The agenda and other material to be utilized in Council meetings are delivered to each Council member by the Clerk of Council, usually on the Friday preceding the meeting. Under current Rules of Council, the meeting agenda is determined by the Council President with the participation of the Vice-President and the City Manager. Agenda setting meetings are held, usually on the Thursday following a Council meeting, to establish the agenda for the subsequent Council meeting. Typically, the Finance Director, Law Director and Clerk will attend those meeting to offer input and to assist with technical and procedural aspect of the agenda. Potential agenda items should be discussed at a Council meeting to

determine whether there is sufficient interest among Council members to place it on the agenda for the next or subsequent meeting of Council

Unless otherwise provided in the Charter or in its rules, the Oberlin City Council conducts its meetings according to the procedures contained in the most recent version of “Roberts Rules of Order.” Some basic familiarization of these rules will be helpful to you. You will receive a complete set of Robert’s Rules together with a copy of “Roberts Rules of Order In Brief” which will be helpful in coming to understand these rules and how they are used. It is also highly recommended that each new Council member attend the Public Official’s Workshop that is offered through the Ohio Municipal League. See the Clerk of Council regarding arrangements.

It is the responsibility of each Council member to come to the meetings fully prepared. This means that you should read through the entire packet of information made available to you prior to the meeting. If you have any questions regarding the information please contact the appropriate resource to research your question prior to the meeting. Each Council member is expected to vote and take other official action on all matters before it. Abstentions are not permitted. Only in the event of a bona-fide conflict may a Council member recuse him or herself from participation.

Meetings of Council are public meetings and are expected to be televised and streamed on the City website. At times Council will convene into a closed “executive session” to discuss only those items that are, by law, permitted to be discussed in a closed session of Council. In those instances, confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside of the executive session. Documents referred to or otherwise used in executive session are not necessarily confidential even if the topic of discussion may be. Please consult the Law Director with any questions that you may have regarding the confidentiality of documents used in executive session.

Each Council member will be appointed to serve as a liaison to at least one City board, committee, or commission. Generally the role of a liaison is to establish an informational “bridge” between the board and/or commission to which the Council member is assigned and City Council. As a liaison, you will report to Council on the activities of the board or commission to which you have been assigned, but you should refrain from active participation in its functioning. This is particularly true where the board or commission is acting in a “quasi-judicial” capacity as there may be instances where the matter under consideration may come before Council in an administrative appeal raising the possibility of a conflict and to minimize the possibility that you might be called as a witness in a judicial appeal. Also, keep in mind that because Council has the authority to appoint and in some cases remove members of boards and commissions, your participation or expression of support for a particular viewpoint or course of action at a board or commission meeting may have a “chilling effect” upon the board or commission membership’s exercise of its function.

3.2 Organization and Authority:

The municipality of the City of Oberlin is organized under the Council-Manager form of government. Under this form of government, Council acts as the governing and policy-making body of the City. The City Council has the power to pass ordinances, adopt resolutions, appoint a chief executive officer (“City Manager”) whose responsibility it is to carry out the day-to-day functions of the City and to implement the policies set by Council. Council also has those powers afforded it under the City Charter which include the appointment of persons to certain boards and commissions. Section VIII of the Oberlin City Charter prohibits Council members from requesting the appointment or removal of any person by the City Manager or to otherwise participate in the appointment or removal of City administrative employees absent a request by the City Manager. Appointees, (City Manager, Finance Director, Law Director, and Clerk of Council) report directly to Council.

3.3 Ethics

Council is expected to adhere to the Ohio Ethics Law. The Ohio Ethics law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102 and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from using their official positions for their own personal benefit or the benefit of their family members or business associates. In addition members of Council are required to file a financial disclosure statement. A financial disclosure statement is an annual report filed by some public officials reporting sources of income, investments, real estate holdings, and other financial interests. The purpose of the disclosure statement is to: remind public officials of those financial interests that might impair their judgment on behalf of the public, inform the public of those interests. The statement assists in instilling confidence in the actions of public officials. A financial disclosure fact sheet and Ohio Ethics fact sheet are attached.

4. CONSTITUTIONAL HOME RULE AUTHORITY

Section 3 of Article XVIII of the Ohio Constitution **provides that:**

“Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”

This means that an Ohio municipality is authorized to (1) exercise all powers of local self-government, and (2), to adopt local police, sanitary and other similar regulations not in conflict with general laws.

Powers of local self-government relate to the internal affairs of the municipality on matters of local concern. So, an ordinance created under the power of local self-government must relate solely to the government and administration of the internal affairs of the municipality. Police-power ordinances, on the other hand, protect the public health, safety, or morals, or the general welfare of the public. As a general rule, if the result of the exercise of the home

rule authority affects only the municipality itself, with no extra-territorial effect, the subject is within the power of local self-government.

As stated above, municipalities have the authority to adopt police, sanitary and other similar regulations as long as they are not in conflict with “general laws.” Put another way, a local law enacted by a municipality is invalid where it is in conflict with a “general law.” A conflict exists where: (1) the local law permits or licenses that which state law prohibits, or vice versa. What constitutes a “general law” has been the subject of numerous court decisions. The courts apply a four part analysis to determine whether a statute is a general law for the purpose of home rule analysis. To be a general law, a statute must (1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit the legislative power of a municipality to enact police, sanitary, or similar regulations, and (4) prescribe a rule of conduct upon citizens generally. Over the past ten years or so, Court cases relating to the exercise of municipal home rule powers have tended to favor argument that various State statutes constitute general laws resulting in an erosion of home rule authority.

5. OBERLIN CITY CHARTER

Section 7 of Article XVIII of the Ohio Constitution provides that “[a]ny municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

Sections 8 and 9 of Article XVIII provide the procedures for adoption and amendment of a municipal charter.

In 1954, the Oberlin electorate adopted a charter. A charter is in essence the “constitution” or governing document of the municipality. A charter permits the establishment of the structure and organization of municipal government, the procedures used by the municipality and the manner in which its powers of local self-government are exercised. While all municipalities have the power of local self-government, non-chartered municipalities are generally required to follow the procedures contained in the Ohio Revised Code in the exercise of that power. Charter municipalities on the other hand, may establish their own procedures either as specifically set forth in the Charter or through the enactment of ordinances, if the exercise of the power of local self-government by ordinance is authorized in the Charter, as it is in Oberlin.

The advantage of a municipal charter is in the fact that it is flexible. It is flexible in that it may be amended from time to time as circumstances and the values of the community change. For example, Section XXVIII of the Oberlin City Charter provides for a review by a Charter Review Committee, appointed by Council, every ten (10) years. The purpose of the review is to determine whether any recommendations for amendment should be made to Council. Those recommendations that are approved by Council are then submitted to the electorate. In addition, Section XXI of the Oberlin City Charter authorizes Council, by a vote of at least

five (5) of its members, to submit to the electorate proposed Charter amendments at any time. A copy of Oberlin's City Charter is attached as Appendix A.

6. CITY COUNCIL

The members of Council are elected at large in a non-partisan election held every two years. No member of Council may serve more than five (5) consecutive terms

6.1 Powers of City Council

The powers of City Council, set forth in the Oberlin City Charter, are largely legislative. Council establishes policies and enacts legislation to implement those policies. The policies and legislation of Council are executed through the City administration under the direction of the City Manager. The exercise of the legislative authority of Council is made through the passage of ordinances or resolutions. Pursuant to the Oberlin City Charter, ordinances and resolutions are considered ("read") on three (3) separate days and become effective thirty (30) days after final passage by a majority vote of Council. Often Council will vote to suspend the requirement for three readings and/or elevate an ordinance or resolution to "emergency" status. A motion to suspend the three reading requirement and a motion to elevate an ordinance or resolution to an emergency must receive the affirmative support of at least five (5) members of Council. Often the two motions are combined. A motion to suspend the requirement for three separate readings, if passed, dispenses with the requirement for any further consideration of the ordinance or resolution which then becomes effective thirty (30) days after final passage subject to the right of referendum reserved to the electorate.. If an ordinance or resolution is elevated to an "emergency" then it goes into immediate effect and no right of referendum exists. The term "emergency" is somewhat misleading because no real emergency must necessarily exist as the term is commonly thought of. Often, for reasons of administrative convenience involving matters of a routine nature, an ordinance or resolution may be passed as an emergency. A flowchart detailing the procedure for the passage of ordinances and resolutions is attached at Appendix B.

6.2 Powers of the City Council President

The President of the Council shall be chosen from among the newly organized members of the City Council in the organizational meeting held in January of the year following a regular municipal election. The Council President shall have those powers afforded him or her under the Section III of Oberlin City Charter and under the Rules of Council. The Council President is also the Mayor of the City for certain ceremonial purposes such as weddings and is recognized by the State Governor for military purposes.

6.3 What's the Council's Relationship to Staff?

Council is responsible for setting the policies and priorities of the City. The administration implements those policies and priorities. In a Council-Manager form of government it is the role of the City Manager to see that the policies established by Council are carried out by the staff. Two simple rules of thumb for Council / Staff relations are:

1. Council does not manage staff, the City Manager, or other appropriate Appointee, does. Accordingly, all communications from the City Council should be channeled through the City Manager or other appropriate Appointee.

Here are some basic do's and don'ts for individual council members in your relationship with staff...

- Do show concern for the well-being of staff and appreciate the work they do, publicly and directly when possible.
- Do remind staff members, if they contact you, that they should follow the chain of command when they have a problem—and that they should not take their problems directly to the council members.
- All communications relating to City matters should be made directly to the City Manager.

6.5 A Temptation to Fix Things

Remember, City Council hired a City Manager to manage day-to-day activities and to address issues. If something looks like it needs to be addressed and you want to help, point it out to the City Manager and say you would be available as a volunteer if additional advice is needed. Ask for feedback on how the problem is being solved. But don't jump in and attempt to fix it yourself without being asked, in particular at a public meeting when all of the issues cannot properly be vetted.

6.6 Conduct of City Council Members

- Each Council member should work to establish a good relationship with other members. The success or failure of efforts may be dependent upon the degree of cooperation evident among the individual members of the Council.
- Each member should keep in mind these important points:
 - ❖ Show respect for another's viewpoint.

- ❖ When serving as member of City Council, all personal and/or personal business interest must be set aside, as your primary role while serving is to serve the best interests of the community.
- ❖ Allow others adequate time to fully present their views before making comments.
- ❖ Be open and honest.
- ❖ Welcome new members and help them become acquainted with their duties.
- ❖ Strive to minimize polarization and factions among members.
- Each Council member receives public input and citizen participation in City government by the following means:
 - ❖ **Reviewing Recommendations.** Council members receive information from boards and commissions on matters spanning a wide range of interests and needs. Board members review and make recommendations to City Council on matters within their scope of responsibility. Certain commissions may take final action in prescribed areas. These bodies give the citizenry an opportunity to voice their opinions on City programs and policies.
 - ❖ **Representing General Interests.** The Council must be careful to represent communitywide interests of the City, not special interest groups. Council members must work with the City Manager. They should not become directly involved in the administration or operation of City departments, and should not direct the administrative staff to initiate programs, conduct studies or start or stop doing some function or task. In addition, individual City Councilmembers cannot establish official City policy without approval of the majority of City Council in a public meeting. Members, however, are encouraged to review and comment on relevant department programs during discussion at Council meetings.
 - ❖ **Holding Open Meetings.** All meetings of the Council must be open to the public pursuant to the open meetings law. The intent of the law is to ensure actions are taken openly and that deliberations be conducted openly. Furthermore, the Council must announce a time, place and date for holding any regular or special meetings. An informative summary of the open meetings and public records laws, reprinted with the permission of the Author and of the Ohio Municipal League can be found at Appendix C.

6.7 City Council Member Aspirations

- I will be motivated primarily by an earnest desire to serve my municipality and the people of my community in the best way.

- I will endeavor to attend all City Council meetings and meetings of assigned boards and commissions.
- I will recognize that the expenditure of municipal funds is a public trust, and I will endeavor to see that all such funds shall be expended efficiently, economically and for the best interest of the municipality.
- I will not use the municipality or any part of a municipal program for my own personal advantage or for the advantage of my friends and family.
- I will do everything possible to maintain the integrity, confidence and dignity of the office of a council member.
- I will listen to what other members of the Council and other individuals or groups may have to say before making final decisions.
- I will endeavor to avoid rancor and bitterness, to observe proper decorum and behavior, to encourage full and open discussions in all matters with my fellow members of the council, to treat all with respect and consideration and not withhold or conceal from anyone any information or matter in which they should be concerned.
- I will make no derogatory remarks, in or out of council meetings about City staff or members of the City Council or their opinions, but I reserve the right to make honest and respectful criticism.
- I will recognize that authority rests with a majority of City Council and not with individual members of the council.
- I will abide by majority decisions of Council once they are made and will accept and support them as long as I remain a member of the council.
- I will not discuss confidential business of the City except in executive session.
- I will endeavor to keep informed on all local, State, and national developments of municipal significance through attendance of State and National conference and other educational events
- I will consider it unethical to pursue any procedure calculated to embarrass a fellow council member, a member of the municipal staff or another local government body.

6.8 An effective Member of Council Does Not:

- Talk too much and listen too little.
- Publicly criticize a council decision that was voted on and passed by the majority of the council, but that you did not specifically support.

- Demonstrate to fellow council members that you have all the answers for every issue.
- Fail to read council packets and prepare for the council meetings.
- Divulge information from a City Council Executive Session meeting.
- Ridicule past council members and the decisions made by the council before you became a member.
- Hold grudges about fellow council members when they do not agree with you.
- Try to dominate conversation at every council meeting.
- Arrive late and leave early.
- Remind fellow council members “that it has always been this way in the past.”

6.9 Conducting Orderly Meetings

The regular meeting of the city governing body is the showcase of municipal government. In most communities this meeting is attended by members of the news media and reported in the news sections of the local newspaper. With the advent of cable television, full television coverage of governing body meetings is available in the City of Oberlin. The public will necessarily base its opinion of city administrative efficiency and legislative sensitivity on the manner in which governing body meetings are conducted. It therefore behooves the governing body to conduct its meeting in an effective manner in keeping with full and fair consideration of the public business.

As stated above, with the exception of those meetings that are held in executive session, meetings of Council are public meetings. A public meeting is defined as a prearranged meeting of a quorum of the body for the purpose of the discussion of public business. There is a significant amount of case law addressing the issue of whether or not a particular convergence of members of a public body constitutes a public meeting. For instance, although a quorum of the members of Council may convene for the purpose of receiving information on a matter that is of concern or importance to the City, it will not constitute a public meeting unless the members of Council attending that meeting deliberate or otherwise discuss public business. (Refer to the section on Open Meetings and Open Records in Appendix C to this Manual.) If you have questions or concerns, please contact the City Law Director.

7. MAKING IT WORK

The types of problems confronted by City Council can sometimes seem so burdensome that you wonder why you ever got involved. Try to keep in mind that the conflicts and problems that you tackle are important to the community you serve. When you work out the problems as a group, you will make healthy decisions. Keep in mind, too, your commitment to the Council, your colleagues' commitment, the importance of your contribution, and the importance of making sound decisions.

As City Council tries to make the best possible decisions, use the following “rules of thumb” to help you get over the hurdles:

- **Separate the people from the problem.** You and your colleagues aren't questioning each other's good intentions or personal integrity. You are discussing options for making the best possible decisions. Don't think about what you may not like about the person sitting across the table from you. Instead think about what he or she is saying, about the points that person is trying to make. If a colleague seems to be attacking your integrity, try to get that person back on track by asking him or her to make the point.
- **Focus on mutual interests and shared goals.** When your Council seems to have bogged down, sometimes it is helpful to step back and think about the goals you have set for it. Keep in mind that you all have agreed on these goals, that you do have mutual interests, and that you are all serving the same constituency. Remember what is important!
- **Invent options for mutual gain.** Is there a compromise with which everyone will feel satisfied? Think about all that has been said throughout the debate. Can the best aspects of everybody's ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and why other approaches are.
- **Be open, honest, and willing to listen.** Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Are you considering them? Don't be afraid to state your concerns. Be honest by revealing what you see as the options and by explaining what you see as shortcomings in the suggestions of others.

8. CHAIN OF COMMAND

The chain of command is important to a good Council member. Sometimes the chain of command of an organization can be a little confusing. Oberlin's chain of command chart is attached as Appendix D. The following simple question/answer illustration of the chain of command might help you:

1. *Who manages supervisors / department heads?* The City Manager, or appropriate Appointee of Council.
2. *Who manages the Council Appointees?* The Council.
3. *Who manages the Council?* The Voters.

9. COUNCIL APPOINTEES

City Council appoints the City Manager, Finance Director, Clerk of Council and the Law Director who serve at the pleasure of Council

City Manager: The City Council appoints the City Manager on the basis of merit, who serves for an indefinite term at the pleasure of the Council. The City Manager is the head of city administration, and possesses and exercises executive and administrative powers of city government. The City Manager has no legislative powers. The specific duties and powers are set forth in the City of Oberlin codified ordinances and City Charter.

Finance Director: The Finance Director oversees the duties of the accounting, income tax administration, utility billing/customer service/collections, cash management and investments, debt management, payroll administration, fixed asset reporting, employee health benefits, liability and property insurance/claims and other financial and non-financial matters. In addition, the office of the Finance Director coordinates the annual audit conducted or overseen by the Auditor of State of Ohio of the City's financial statements and citywide compliance with relevant laws and regulations.

Clerk of Council: The Clerk of Council maintains Council records, prepares minutes of special and regular meeting of Council, makes annual reports on Council proceedings, serves as the Chair of the Records Commission and performs such other duties as specified in the Oberlin City Charter and by ordinance or resolution of Council.

Law Director: The Law Director serves as the legal advisor of, and attorney and counsel for the City and for all its officers and departments in all matters relating to their official duties and powers. As such, he or she represents the City in all civil cases in which it is a party. He or she is responsible for the preparation or review of all contracts and other written instruments in which the city is concerned, and approves the form thereof. The Law Director is also the Prosecutor for the City. Those duties include the prosecution of all misdemeanor offenses occurring within the City of Oberlin and the ten townships within the jurisdiction of Oberlin Municipal Court. The office of the Law Director consists of the Law Director, one Prosecutor appointed by the Law Director, and one Administrative Assistant.

10. OBERLIN MUNICIPAL COURT

Jurisdiction of Court: The Oberlin Municipal Court has jurisdiction to hear civil and criminal matters arising in the following territories: in the City of Amherst, City of Oberlin, Village of Wellington, Village of South Amherst, Village of Kipton, Village of Rochester and the Townships of Amherst, Brighton, Camden, Henrietta, Huntington, New Russia, Penfield, Pittsfield, Rochester and Wellington. Civil matters involving claims in excess of \$15,000.00 and felony criminal cases may not be heard by the municipal court and instead are heard in the Lorain County Court of Common Pleas. Claims of \$3,000.00 or less may be filed in the Small Claim Division of the municipal Court. Any traffic or criminal case arising in the territorial jurisdiction of the court may be filed in the municipal court. However, the court's jurisdiction to hear felony cases is limited to preliminary hearings to determine if there is sufficient evidence to continue the case as a felony. If so, the case must be transferred to the Common Pleas Court for further proceedings.

Municipal Court Judge/Municipal Court Magistrate: The judge of the Oberlin Municipal Court is elected by the voters in the communities over which the Court has jurisdiction and

serves for a term of six years. There are no term limits but there is an age restriction. A person cannot run for judge once the person has attained the age of 70.

Presently there is no Magistrate in the court. The position of Magistrate is an appointed position at the discretion of the judge, provided resources are available and the need exists. A Magistrate has limited judicial duties to hear specific categories of cases. The court had a Magistrate from 1990 until 2004. The Magistrate position was eliminated in 2004 due to limitations of space and to make room in the budget for a probation department.

Council involvement with Court Budget: The Oberlin Municipal Court is not a “department” of the City but rather, is a separate branch of the government. The Judge has a duty to provide staff and resources to provide for the fair and impartial administration of justice. The judge of the municipal court may not be pressured or influenced by the local funding authority to follow the funding authority’s priorities as opposed to those of the Court. Case law makes clear that local funding authorities cannot substitute their own spending priorities for those of the Court when it comes to how the Court should be operated. Although a separate branch of the government the court’s budget still must be approved by Council for the expenditure of funds to operate the court.

Closing Thoughts

As an elected official your role in good government is indispensable and because your actions affect many, act selflessly and for the common good of the community you represent. By doing so your commitment will be recognized and appreciated and you will make a difference in Oberlin and in the world.

“Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future.”

-John F. Kennedy