

CITY OF UNIVERSITY HEIGHTS  
MINUTES OF CHARTER REVIEW COMMISSION MEETING  
FEBRUARY 24, 2009

Chairman Harvey Morrison called the meeting to order at 7:30 p.m.

**A. ROLL CALL**

Present: Mr. Harvey S. Morrison  
Dr. Roderick H. Adams, Jr. (not at roll call)  
Mr. F. Michael Boyle  
Mr. Simon A. Carroll (not at roll call)  
Mr. Robert McClintock  
Mr. Luke McConville  
Mr. Paul M. Miller  
Mrs. Susan Pardee  
Mr. Mark N. Wiseman

Absent: Mr. Jason Patrick Ferrante  
Mr. Joseph M. Shafran

Also Present: Clerk of Council Nancy E. English  
Law Director Kenneth J. Fisher

**B. REVIEW AND APPROVAL OF AVAILABLE MEETING MINUTES**

There were no corrections or additions to the minutes of February 10, 2009.

**MOTION BY MRS. PARDEE, SECONDED BY MR. McCONVILLE to approve the minutes of February 10, 2009 as presented. On roll call, all voted "aye."**

**C. ADDRESS QUESTIONS/COMMENTS WITH ANY CITIZEN OR CANDIDATE WHO HAS NOT PREVIOUSLY SPOKEN AT PRIOR COMMISSION MEETINGS**

Mr. Carroll entered the meeting at 7:33 p.m.

Mr. Morrison read an opening statement which is attached hereto and made part of this record as "Exhibit A." He also read into the record his written statement, which was to be presented at Town Hall meeting held on February 23, 2009. The written statement is attached hereto and marked as "Exhibit B."

Bernice Harel, 2563 Channing Rd., stated that she has been a happy resident of University Heights for 36 years. Mrs. Harel inquired as to how the separation of powers is maintained under a City Manager or City Administrator form of government. She also inquired as to the timing for the issues to go on ballot because it was mentioned at the Town Hall meeting that people running for election in November may not know what they are running for. Mr. Morrison responded that it is expected that the issues will be placed on the November ballot because the 60-day deadline will not be met for the May election and the Commission does not want to spend \$40,000 or more on a special election.

Mr. Morrison explained the difference between the Mayor-Council and Council-Manager forms of government. He noted that in a Council-Manager form, the City Manager runs the day to day operations of the City and the Mayor is a member of Council, who is a ceremonial head only. He added that in a Mayor-Council form with a City Administrator, the Mayor is still elected by the voters, but the City Administrator, runs the day to day operations of the City. The Commission has not yet voted on the form of government, but in the CRC minutes of February 10, 2009, the Commission members offered their individual positions on the form of government. Mr. Morrison also noted that the Commission does not intend to vote on the form of government at this meeting.

With regard to the question of separation of powers, Mr. McConville stated that changing to a City Manager form of government will have an impact on separation of powers because the City Manager (Chief Operating Officer), would answer to the City Council as the executive body. He added that the Commissioners learned from the experts from Cleveland State University that although the Council-Manager structure may not preserve separation of powers, it provides other operational efficiencies. Mr. McConville also stated that they also learned that separation of powers is not as important at the local level as it is at the federal level because all the Council members are directly elected by the voters as opposed to only voting for district representatives and senators at the federal level.

Fred Prizant, 3869 Bushnell Rd., a resident of University Heights since 1962, stated that he was not aware of a Charter Review Commission being formed until he received the phone call from Mayor Rothschild. Mr. Prizant inquired as to the reason why the Commission was formed. Mr. McConville replied that the Commission was formed because the Charter had not been reviewed since 1979 (30 years ago), and upon its inception, the Commission solicited viewpoints from the Mayor and Council. However, minimal guidance was given from the Council because they were reluctant to tell the Commission what it should do. Therefore, the mission as defined by Council was broad such as look at the Charter, look at the organization of government, learn about it, talk about it, and provide recommendations to the Council.

Mrs. Pardee also explained that the review is necessary because there are outdated provisions within the existing Charter. She mentioned that the Charter is the structure upon which the City is governed. Mrs. Pardee stated that personally she has been thinking about the best possible structure to take the City into the future in order to maximize the City's potential going forward.

Mr. Miller read a portion of Ordinance No. 2008-45, which established the Charter Review Commission (CRC), to explain the legal reasons why the Commission was formed. But, there was nothing definitive to tell the Commission what to look at. He stated that they have to think about what is best for University Heights, come up with recommendations and vote on them with the majority ruling. Then the Commission will present the recommendations to the Council, who in turn will place them on the ballot for the electorate to vote on.

Mr. Carroll stated that the Commission also solicited input from the Mayor as to why she vetoed the ordinance to establish a Charter Review Commission. He noted that Mayor Rothschild did not object to the Charter being reviewed, but rather, she felt the Commission should be formed and the review take place after a new Mayor was elected because she felt if there was a recommendation to change the form of government then anyone choosing to run for Mayor in November would not know exactly what type of position they would be running for.

Mr. Morrison pointed out that the candidates for the positions of Mayor and Council in the November election will be running for the positions based upon the Charter as it exists today. He also noted that any amendment to the Charter will be an individual issue on the ballot.

John Szucs, 2167 Cranston Rd., stated that he's been a resident since 1965, and he did not like the conflict that was displayed at the Town Hall meeting. He stated that such conflict will divide City; therefore, confrontation is unacceptable. Mr. Wiseman stated that confrontation is not acceptable to him either. He mentioned that there was discord because none of the CRC members were allowed to make a statement, and the tone of the Town Hall meeting had the potential to undo everything the CRC has done to-date. He noted that all of the CRC meetings have been peaceful. Mr. Wiseman stated that the word "dismantle" has been used several times, but the Charter Review Commission has no intention of dismantling the City. He added that the Commission has not decided on changing the form of government to a City Manager structure and in that respect the Commission is a victim of circumstance.

Mr. Carroll stated that regardless of how it came about, he was pleased to see so many people at this meeting, and he thanked the public for coming.

Mr. Boyle stated that the Commission is taking the high road and they have tried to be thoughtful, careful, considerate, fair, and open-minded even though they have not been afforded the same courtesy. He noted that the Commission appreciates Mayor Rothschild's work for the City, passion for the City and her desire to see the baton passed in the right way. He added that her actions at the Town Meeting should not reflect on what she has been to the City. Mr. Boyle pointed out that it is unfair to think that the Commission is not considering everything because a decision has not been made on the form of government and the Commission is willing to listen and consider all input. Mr. Morrison pointed out that all meetings of the Commission are open to the public and all deliberation are held in open session.

Rita Kohr, 2511 Laurelhurst Rd., stated that she is a 42-year resident, and she finds University Heights a pleasant place to live. She noted that the Police and Fire Departments have been cooperative and considerate to her needs. She hopes that would continue. Mrs. Kohr mentioned that she was unaware of the charter review until she got the Mayor's phone call. She went to the Town Hall meeting to see what was happening in the City, but she did not like the tone of the meeting. Mrs. Kohr inquired if the voters will be given advance notice of the Commission's recommendations regarding any ballot issues. She understood that the Charter must be reviewed occasionally and thanked the Commission members for their service. Mr. Morrison apologized for his actions at the Town Hall meeting. Mr. McConville stated that the point was well taken about the tone of the Town Hall meeting because everyone on the Commission has a responsibility to engage in civil discourse with mutual respect for one another and to conduct themselves as gentlemen and gentlewoman.

In regard to advance notification to the voters of any ballot issues, Mr. McConville noted that the Commission was appropriated a budget of \$5,000. He mentioned that part of the budget will be used for legal fees, but the Commission has begun to discuss through e-mail correspondence allocating a substantial portion of the budget to educate the residents about any recommendations that are made. Mr. McConville stated that one of the CRC's mission is to educate the public. He added that the Commission also wants to justify any recommended changes so they will be accepted by the voters. Mr. McConville mentioned that all e-mails between the Commission members are on file in the office of the Clerk of Council and are available for public inspection.

Dr. Adams entered the meeting at 8:15 p.m.

Mr. Boyle read a portion of Dr. Larry Keller's report on how to communicate the Commission's recommendations to the electorate. It indicated that a written report is the best way to educate the community. The report should detail the Commission's recommendations, but more over it should address what the Commission found, how it incorporated that knowledge into the recommendations, and why the Commission made the decisions it did. Mr. Boyle stated that the CRC will take Dr. Keller's recommendations seriously and will present a report to the electorate.

Mr. Morrison asked the Law Director to explain the requirements for the ballot. Law Director Kenneth J. Fisher stated that he will compose the ballot language for each individual issue in clear form which will be included in an ordinance for Council approval. The ordinance shall be adopted and certified to the Cuyahoga County Board of Elections for placement on the ballot at the next election not earlier than 60 days thereafter, which could be either August or November of 2009. Mr. Fisher concurred that a written report by the CRC would be an excellent educational tool and that it should be made available for circulation and placed on the City's website. With regard to public notification, Mr. Fisher explained that under the Constitution there are two options: 1) the Clerk of Council could notify each voter; or 2) the issues are published three (3) times in a newspaper of general circulation.

Mr. Wiseman suggested that a public meeting be planned to address the report once it is written. He also suggested that a letter be directed to each voter stating that the report is available for public inspection or on the website. Mr. McClintock mentioned that Ordinance No. 2008-45 requires the Commission to hold a public hearing with at least seven (7) days notice thereof, during which time, the proposed final report and recommendation shall be on file for inspection in the office of the Clerk.

Mr. Morrison stated that the Commission meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month. Notices of the meetings are given in the City's Information Bulletin and on the City's website, [www.universityheights.com](http://www.universityheights.com). He noted that there is a CRC page on the website where all minutes are posted as well as dates of the regularly scheduled meetings. The next two meetings are March 10, 2009 and March 24, 2009. Mr. Morrison stated that residents are welcome to attend the meetings and offer their input.

Bernard Rose, 2528 Fenwick Rd., inquired into the Commission's thought processes of what it will propose with regard to a Mayor, Manager or Administrator. Mr. Wiseman responded that the Commission is considering whether or not the Charter has to be changed in order to meet the coming needs of the City. Mr. McConville explained the City currently has a Mayor-Council form of government, in which the elected Mayor is the chief executive officer and runs the day to day operations of the City. In a Council-Manager form of government, the elected Council hires a City Manager to run the day to day operations of the City. The City Manager is an at will employee of the Council and can be dismissed by the Council if he is not performing. In a Council-Manager form the Mayor is not elected, but rather is a member of the City Council. With regard to the City Administrator, the Mayor-Council structure could be maintained, but a City Administrator would be hired to run the day to day operations of the City as chief administrative officer while the Mayor would be the chief executive officer.

Mr. Morrison stated that in the CRC's minutes of February 10, 2009, the sentiment of the Commission members was that they want to elect a Mayor and thereby retain the current Mayor-Council form of government. However, there was a feeling that a professional is also needed, but not necessarily a City Manager. Mrs. Pardee added that the Commission is considering a hybrid structure that combines various elements of the two forms of governments in order to maintain what the community may want, but also provide new levels of efficiency and professional service. She mentioned that the Commission is just starting to get into the discussion of what that structure would look like.

In his personal opinion, Mr. McConville stated that there are multiple fairly serious issues facing University Heights such as the strained relationship between the City and John Carroll University, economic challenges relating to the lack of vacant developable land, and issues related to the fact that the foreclosure crisis has affected the community. He noted that there has been much discussion regarding the cramped facilities on the City Hall campus demonstrating the need for substantial capital investment in the future. Mr. McConville stated that some members feel there is a need for the City to focus on economic development and smart innovative planning. He also noted that regionalism efforts to date have been very limited. Mr. McConville stated that with the amount of challenges facing the City it would be advisable to bring in a professional person with a master's degree in urban planning and experience in city government.

Mrs. Pardee mentioned that she is strongly in favor of bring in a professional with economic development and various other expertise. She remarked that Mayor Rothschild has done many things for the community, but she feels the level of knowledge is lacking. She mentioned that in reviewing the Ohio website for the stimulus package, [www.recovery.ohio.gov](http://www.recovery.ohio.gov), she only saw one University Heights project listed, a new police station posted by Police Chief Gary Stehlik. She suggested that if the City had a professional in charge of operations, University Heights would have probably had a number of projects on the site.

Mr. Boyle reported that the National Civic League has a Model City Charter, Eighth Edition, which endorses the Council-Manager form of government, which has been edited to reflect a hybrid form of the Council-Manager structure. He noted that this is the most widely used governmental structure in cities with population over 10,000. He added that the basic principle of the model, is that all powers of the City are vested in an elected Council which appoints a professional manager, who is responsible to and can be removed by the Council. Mr. Boyle mentioned that this structure is similar to that of school boards and school superintendents. He added that the Commission is being very careful in its process.

Mr. Wiseman pointed out that the residents will still have elected officials who are answerable to the public. He stated that the Commission is attempting to determine the smartest and most efficient way for City decisions to be made.

Michael Lonsdale, 3685 Silsby Rd., a 26-year resident, stated that he was disappointed with the professionalism and conduct at the Town Hall meeting. He added that his wife, who is a lifelong resident of the city, was also disappointed in the meeting. He thought there would be pros and cons of the issues addressed at the meeting. Mr. Lonsdale requested that several Town Hall meetings be held to hear both sides of the issues in an effort to unite the City. He thanked the CRC members for volunteering their time.

Mr. Morrison remarked that all of the Commission meetings are Town Hall meetings and he encouraged attendance and input from the public. He also commented that the CRC members and Council members should have been afforded the opportunity to speak, but were not granted that privilege. Mr. Wiseman thought holding a few Town Hall meetings was a good idea. Mr. McConville stated that the Commission does not have a large budget, but suggested that Council be requested to advertise for a Town Hall meeting and to hold it at John Carroll University or another large meeting room. Mr. McClintock mentioned that the Commission is coming up on its 120 days to give its progress report. Mr. Morrison stated that he gave the progress report at the January 27, 2009 meeting. Mr. McClintock suggested that the Town Hall meeting be used a vehicle to update the public on where the Commission is in its progress to date.

Mr. Morrison reported that the progress report given on January 27, 2009 included the elections of officers, the fact that the Commission went through a learning process by hearing from the Mayor, Council members, the department heads, to professors from Cleveland State University and the general public. He noted that the Commission switched to discussion at the last meeting, but a decision has not been made as to the direction of the government structure. Mr. Morrison explained that the Law Director advised the CRC that the threshold issue is the form of government, which must be decided prior to the actual review of the Charter. He added a decision will be made, perhaps on March 10, 2009, as to the manner of administration.

Thelma Smith, 4125 Bushnell Rd., stated that she was glad to get the call from the Mayor regarding the Town Hall meeting, otherwise she would not have known about the meeting. She was upset with the interruptions at the meeting because she went there to get information on what could occur in the City. She stated that she likes the Town Hall meeting process because she got a lot out of the meeting and her questions were answered. Ms. Smith inquired if material is available on a website so that residents can stay informed as to the progress of the Commission when they cannot attend the meetings. She also asked if there is a reason why a professional person cannot be the Mayor.

Mr. Morrison noted that all the CRC minutes are on the City's website, [www.universityheights.com](http://www.universityheights.com), under the link for the Charter Review Commission page. It was noted that the Model City Charter could be obtained at [www.ncl.org](http://www.ncl.org) for a cost of \$15.

Ms. Smith requested each member to speak briefly about their background and whom they were appointed by. All members present complied with the request as follows:

Mark Wiseman, who was appointed by Councilman Steven Sims, is an attorney with the State of Ohio and was previously with the Cuyahoga County's Foreclosure Prevention Program. He has been a resident of University Heights for 21 years and is serving on the CRC because he loves University Heights, plans to remain a resident, and does not want the City to experience some of the problems that other cities are going through.

Robert McClintock, who was appointed by Council at large, is an engineer with a business degree. He has been in corporate real estate and is now a sales manager with the Trane Corporation. He has been a resident for 8 years.

Paul Miller, who was appointed by Mayor Rothschild, has been a resident for 30 years. He plans to remain in the city. He is college and law school educated with experience in sales as a sales manager and has been a vice president of a bank.

Simon Carroll, who was appointed by Council at large, has been a resident for just over one year. He is a recent graduate of Case Western Reserve University and is trained as a software engineer. He mentioned that he moved to University Heights because he thought it was one of the best places to live and hopes other people will come to the same conclusion in the future.

Harvey Morrison, who was appointed by Council at large, is an attorney practicing in the area of bankruptcy law. He has been a resident for 42 years and desired to serve because he wanted to give back to the community which he calls home.

Luke McConville, who was appointed by Councilman Frank Consolo, has been a resident since 1999. He is an attorney who began his career in municipal finance of a large law firm, but has moved on to a smaller firm. His law practice currently focuses on employment law and real estate. He has municipal law background and has served as a law director for a city in Loraine County.

Michael Boyle, who was appointed by Councilman Kevin Patrick Murphy, has been a resident just under two years, but has been living in the area for eight years. He has a bachelor's degree in finance from the University of Connecticut and a master's degree in business administration from the University of Notre Dame. He feels it is his civic duty to take advantage of opportunities to provide input on civic matters. Mr. Boyle stated that he takes his job on the CRC very seriously and apologized for Mr. Morrison's conduct at the Town Hall meeting. He explained that Mr. Morrison is very passionate about his work. On behalf of the Commission, Mr. Boyle requested an apology from Mayor Rothschild.

Susan Pardee, who was appointed by Vice Mayor Adele H. Zucker, is a 24-year resident. Her children have all graduated from the heights schools and she is planning on staying in the city. She has an MBA from The Weatherhead School of Management, Case Western Reserve University. She is employed by the Cleveland Heights-University Heights School District as development coordinator. She develops new projects, helps to secure funding for the projects, and manages the financial aspects of the projects.

Roderick Adams, Jr., who was appointed by Councilman Steven D. Bullock, has been a resident for 23½ years. He is a dentist by profession. Dr. Adams stated that the Commission hopes to do what is best for the city.

Jack Kluznick, Loyola Rd., stated that the information gathering process which the Commission has undertaken is very practical. He understood that all research documents could not be placed on the website. However, he suggested that the report reflect the majority opinion and the minority opinion on issues such as Mayor versus a City Manager and those which are not a unanimous decision. He added that then a Town Hall meeting can be held for open discussion on the pros and cons of the issue and to invite public comment.

Mr. Kluznick inquired as to the current annual city budget, the Mayor's current annual salary, and salary range for a qualified City Manager or City Administrator. He inquired as to how the additional salary will be paid. He also asked if the City Manager or City Administrator would be required to live in the City. Mr. Morrison replied that the City of Oregon, Ohio has a Charter provision which states that the City Administrator does not have to live in the city. He added that the Chief Administrative Officer in Shaker Heights, Ohio, which was established by ordinance, does not have to reside in the city. Mr. Boyle responded the City's annual budget for 2008 was \$12.9 million; 2009 is projected at \$12.7 million. The Mayor salary is \$33,000 and \$35,219 for Safety Director plus retirement benefits. Mr. Miller stated that some cities require all their employees to live in the city, but University Heights does not. He also noted salaries for City Managers vary by the size of the municipality, but according to a document from the International City Manager Association (ICMA) it could range anywhere from \$48,000 to \$140,000. Mr. Boyle stated that Dr. Keller indicated that the salary of a City Manager for a city the size of University Heights would likely range from \$80,000 to \$120,000. It was noted that the salary would be a decision of the Council. Mr. Morrison stated that he initially questioned that economics of hiring a manager or administrator, but the Council has assured him that funds are available. Therefore, he took his economic objections off the table.

A resident inquired if there is a possibility to find a professional manager who could also be Mayor. Mr. Morrison responded that anyone can run for Mayor as long as they meet the qualifications as set forth in Article 2, Section 2 of the Charter: "shall be a qualified elector of the City, shall have resided continuously therein not less than one year, shall reside there during his term, and shall hold no other elective public office during the term." He added that it is not likely to get a professional for the current salary. It was suggested that the salary for the two positions be combined. Mr. McConville stated that it is not realistic to get a candidate for Mayor with the degree and expertise of a City Manager. Mrs. Pardee also pointed out that the Mayor is elected and they have no control over who decides to run. Mr. Wiseman stated a professional other than the Mayor could make the hard decisions and not worry about re-election. Mr. Miller noted the buck stops with the Mayor and that person is accountable to the residents.

Mr. Morrison read a letter from Joe Davis, 4025 Bushnell Road, a 20-year resident, who would like the city government to remain as it is.

Mr. Boyle read a statement from Mr. Jason Ferrante into the record, which is attached hereto and marked as "Exhibit C."

Mr. Boyle read from the Model City Charter of the NCL noting that in 2001, 56% of the Mayor-Council cities over 2,500 in population have a Chief Administrative Officer (CAO) or equivalent position. He stated that adding a CAO to city government would provide both political and professional leadership and would contribute to sound governance as well as directing service delivery. He went on to note that professional managers bring certain values to the city: a commitment of basing policy and service delivery on need rather than demand, expressing the long-term interest of the community as a whole, promoting equity and fairness, and advancing citizen participation that is broad and inclusive. He also mentioned that a CAO placed into the charter provides a support position for the Mayor and institutionalizes the professional coordination of departments of city government. He noted that it was important to point out that in shared authority Mayor-Council cities, the CAO is nominated by the Mayor and approved by the Council and serves as a bridge between the Mayor and the Council and is assigned administrative responsibilities.

Mr. Boyle presented a draft City Charter which he prepared by starting with the current Charter and amending it to include excerpts from other Charters, items from conversations with City Council members, items from discussion amongst the Commission members, as well as items taken from the minutes and from discussions with the directors. He stated that the draft proposes a City Administration which is nowhere near comparison to a City Manager. He explained that additions are in yellow. Mr. Boyle stated that the draft is a compilation of time and effort on the part of many people, and he hoped the draft would be used as a starting point to enhance the Commission's future discussions. He requested that the draft also be placed on the City's website. Mr. Morrison thanked Mr. Boyle for his efforts. Mr. Wiseman inquired about the color coding in the draft. Mr. Boyle stated that the yellow portions were insertions. However, he was not sure why some letters were red and some were black, but attributed it to the software program.

**MOTION BY MR. CARROLL, SECONDED BY MRS. PARDEE to excuse the absence of Mr. Ferrante and Mr. Shafran. On voice vote, all voted "aye."**

**D. CONTINUED DISCUSSION REGARDING ALL CITY GOVERNMENT MODELS AND IMPACT UPON CHARTER RECOMMENDATIONS**

**MOTION BY DR. ADAMS, SECONDED BY MR. BOYLE to suspend agenda item “D” and continue with the agenda. On voice vote, all voted “aye.”**

Mr. McConville requested that an agenda item at the next meeting be discussion regarding allocating a portion of the Commission’s budget for educating the public.

At the request of many residents, Mr. Morrison requested that the Council and the Mayor provide a Town Hall meeting at a larger venue such as John Carroll University to hear all sides of the issues. Mr. Wiseman recommended that the Commission hold its own Town Hall meeting(s) when the proper time comes to educate the public about what was decided and why it was decided. Mr. Carroll noted that it is important to get input from the residents before a decision is made. Mr. Morrison suggested that the March 24, 2009 meeting be moved to a larger location for the Town Hall meeting. Mr. McClintock stated that the Commission may not be ready by March 24<sup>th</sup> because the CRC has not had time to concentrate on the issues and set a direction. Mr. Morrison suggested that the Town Hall meeting could be held on March 31, 2009. It was suggested that the CityWatch notification system be used to publicize the CRC meetings.

**MOTION BY MR. BOYLE, SECONDED BY MR. McCONVILLE to spend \$15 to purchase the National Civic League’s Model City Charter, 8<sup>th</sup> Edition, and place it on the website. On roll call, all voted “aye.”**

Mr. Miller stated that it is important for the Commission to do everything it can to educate the public about the ramifications, pros and cons of the issues. Mr. Wiseman agreed that the CRC must do everything within its power to let all the residents know about the meetings and also to educate them. There was a discussion of possibly sending a letter to all households. Several suggestions were given for a means of notification: regular mail, bulk mail, sound car, sign in front of City Hall, and CityWatch. Mr. McConville suggested that the issue be debated at the next meeting. Ms. Goldberg stated that she will take the message back to Council to support any and all resources available to notify the public of upcoming meetings.

**E. ADDRESS QUESTIONS/COMMENTS FROM OTHER ATTENDING CITIZENS**

None

**F. ADJOURNMENT**

**MOTION BY MRS. PARDEE, SECONDED BY DR. ADAMS to adjourn the meeting. On roll call, all voted “aye.”**

The meeting adjourned at 10:01 p.m. The next meeting will be held on Tuesday, March 10, 2009 at 7:30 p.m. in City Hall Council Chambers.

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Harvey S. Morrison, Chairman

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Jason Patrick Ferrante, Secretary