

ASHLAND CITY COUNCIL

Minutes for Charter Members Meeting Economic Development Conference Room Thursday, April 5, 2007 7:30 a.m.

Charter Member Meeting started at 7:30 am

Purpose: Review Charter Updates

Session:

Meeting was called to order at 7:30 am by Ken Seidner, Chair

Roll Call.

Bernard Sargent, Anna Tomasek, Howard Scanlan, Dorothy Stratton, Bill Strine, Ron Baker, Ken Seidner, Kay Conrad, Liz Hipp, Glen Stewart, Ruth Detrow, Larry Paxton, Robert Valentine 1.

Dennis Vanscoy, Everett Devaul and William Benz are absent.

Ken Seidner- Mayor Strine, will speak first.

Mayor Strine: I prepared for this meeting by reading the minutes and made notes on some issues.

(a)City Administrator: Give it serious consideration. The position of Mayor, being elected, does not qualify an individual to run a Water Treatment Plant or a Sewer Treatment Plant or any of the operations our community has. It is very difficult for me personally when an issue is brought to me and I am expected to make the decision about it and I have no knowledge in it. Replacing \$40,000.00 dollar pumps at the Water Treatment plant. This type of issue is highly technical and I believe that we are at the point where we should consider at least City Administration along with the Mayor and how you would end up appointed by whom that is entirely up to probably Council would make the final, based upon your recommendations, I would assume, make the final decision as to how that would be done if they would consider that.

(b)Fire Chief and Police Chief: I did note that through it there were some comments when you discussed various issues about appointment of the Fire Chief, Police Chief, and other Board members. There was an issue about the power of the Mayor. In my view there are many limitations on the Mayor through the Charter and through all the rest of the Ordinances that are in here. I believe the emphasis should be more on how you can assist the Mayor and not the limitations on the Mayor.

(c) Emergency/Term Ordinance: This has been an issue. I do agree with you on the Term Emergency, this has been an issue since I have been around. It creates problems in the citizen's mind. I understand that. But actually they are not all Emergencies. I know you have addressed that and I don't know what Rick has to say about that. The special

assessment issue, I believe they should have a session with Barry Keefe of Squires, Sanders and Dempsey. Barry has been our Bond Attorney for this Community since about 1975 and he said all along there are quirks in our Charter that conflict with the State Law and it just creates problems whenever we issue bonds. He is very familiar with them so for him it is no problem. He knows how to address them and what to do with them. A new Attorney might have problems with them. If I were in your shoes, I would listen to him.

The appointment of the Fire and Police Chief; that is an interesting issue as far as the argument of Police and Fire Chief need some protection of the Civil Service. I agree with that to a degree; on the other hand, the community requires certain things and expects certain things out of their Police and Fire Chiefs and if they are not getting that, it is extremely difficult for the Mayor to change that because both Chiefs can take a stance, so far, we have not had any problems. We have discussed issues and maybe that's because they have that protection, I don't know. Both of the Chiefs can pretty much tell the Mayor, "Sorry I am doing it that way 1". I guess it is just one of those issues you have to decide. Personally, I have not seen any position in the City in the 30 years I have been here where any Division Director has been let go except a Police Chief. That issue had a lot of extenuating circumstances and didn't need to happen the way it did, but at any rate, that is the only time that has ever happened. That was a result of going to the Civil Service. In that case, the system did work. I believe it wouldn't have come to that if they hadn't of had the protection of the Civil Service.

(d) Finance Director: Whether the Finance Director should be appointed or elected; that also is a double-edged sword. That is a tough one for me after spending 26 years in that position. I don't ever remember a time with either of the Mayor's that we disagreed very often. It was not a problem. It is not to say that it couldn't be with different personality. Consider the Pros and Cons.

Those are the issues that I saw. Questions or Comments?

Howard Scanlan: City Administrator, Who would set the base salary for that position? How do you come about "THE" salary for the City Administrator?

Mayor Strine: Council ultimately sets all of those, all salaries with a recommendation from the Mayor.

Howard Scanlon: Would you look outside the City or would you look inside the City first?

Mayor Strine: I would say both. I believe it is becoming a Safety Service Director or a person in that type of position, most of them have a lot of training in all areas of Municipal operations and it is difficult to find somebody within the City Government who has training in all of those areas, so I would think you would definitely need to have the ability to go outside, as I think you should have with the Police Chief and Fire Chief.

Ken Seidner: Do you know Bill, are there various other Cities who have those types of individuals who, with educational programs or any certifications like I think Anna was telling us about; and what certifications are needed to be for a Finance Director, that information is out there.

Mayor Strine: Yes with those Job descriptions. Wooster and Mansfield are close.

I would like to hear a little feedback here on this discussion regarding a City Administrator and how you feel about that.

Ken Seidner: We are taking it all in. These 4 things from the last meeting minutes and this we are taking into consideration right now. One of the things we have discussed is on combining the Health Departments, the City/County and our position on that was, Council could do that anytime they wanted to. It looks like it is already happening to us. I mean I really don't see that as something this committee needs to be reviewing. I see we have something here on this but it looks like it is already in the works, so I don't see that needs to be a recommendation. That is kind of our position.

Mayor Strine: That was one of the areas that was discussed at the Council meeting Tuesday 4/3/07 night, Richard Wolfe II, Law Director was there, I didn't hear any comments from him, but Al Sanders was there and it is in the Charter now and the way he stated it, was as though there would have to be a Charter change.

Howard Scanlan: It would have to go on the ballot either way, whether you would put it on, because any recommendation we give you whether it is for this or not, City Council and the Mayor has to decide whether to put it on the ballot or not, so regardless of what we say about it if the City wants to put it on the ballot, that is up to you.

Mayor Strine: That is true of all these things.

Ken Seidner: Looking at things at what Council was currently working on. We haven't made any decisions yet on anything, we are still looking at it. It came up at the last meeting regarding the City Administrator, a Safety Director; I know there was some concern that you (Mayor) are overworked.

Mayor Strine: It is not that a person gets overworked I don't think, in my case, anyhow, a person might enjoy going to ribbon cutting, giving speeches and those type of things. There is a lot of it and there could be more. I hate to make this statement but I am going to anyhow, you know it might be a good reason to have term limits. In my particular case, a person can get a little stale in one position and when I start thinking along the lines of well if I bring this issue up, how much uproar is there going to be from the public? I am just trying to be honest. Don Richey was Mayor for 20 years and it did not seem to bother him.

Bernard Sargent: Mayor, where from your position today, where would the Administrator fit into your organization of the City. Who would they answer to? What types of direct authority would they have?

Mayor Strine: I see that position, the Mayor speaking overall. There is this public image, going out making the talks and going to all the public functions and then there is the Administration of the City. To me there is a clear distinction between those two and that is where I see the Administrator coming in and running the City, still responsible to the Mayor. But I think any reasonable Mayor who doesn't know anything about Water Treatment or anything else is going to count on his Administrator to run those things.

Kay Conrad: So you would have both the Mayor and the City Administrator?

Mayor Strine: I don't know if there is any City, well in some states, they do not have a Mayor.

Ken Seidner: And you are thinking this Administrator would be appointed or picked by the Mayor, then approved by Council, so it would not be an elected position?

Mayor Strine: No it is not. I would see it strictly as the pleasure of the Mayor, Mayor's assistant.

Dorothy Stratton: I would like to ask, how would you handle those difficult decisions that you don't have to train anyone to handle that process you use to come up with your decision?

Mayor Strine: I still talk to the people who are the Division Directors and it has been quite an issue for me to get the Division Directors to take the responsibility that they have. I think that has been one of the problems over the years that they have learned not to do anything unless the Mayor says to go ahead and do it, but when really they are the best qualified to move forward and make changes that need to be made or corrections, or all of those types of things. I think we are slowly getting to that where they are accepting the authority to get those things done. For instance, this is just an example. Historically, the division directors do not consider where the money is going to come from. They know that they have to replace the 5 pumps or they have to pave another street, or whatever it is. There is no good planning on recommending to the Mayor, okay we are going to get 5 new pumps but in order to get 5 new pumps we are going to have to increase the water rates by 2%. That is the type of planning that needs to be done and it is not getting done.

Dorothy Stratton: So, Would having an Administrator facilitate that planning or would it give the Mayor an opportunity to be more of a conceptual leader?

Mayor Strine: I think it would do that and then you would have a man who knows and understands why we need more pumps, why we need to do what we do. Somebody in that position would have the knowledge to know that before he makes a recommendation to the Mayor to get 5 new pumps, he knows how much income he has.

Kay Conrad: Your Division Directors are hired through promotion or they are credentialed? Do we assume the Division Directors have the ability and the knowledge and the background to make the decisions so you are able to follow them with a clear conscious?

Mayor Strine: I have been here, this is my second term as Mayor. I cannot think of anyone who I have appointed as Division Director. They have all been here.

Kay Conrad: If the Mayor can count on the Division Directors to be top notch then take your advice that is certainly within your realm to do so as opposed to having a City Administrator doing the same thing. What I am saying is; why do we need both if you have Division Directors who should be credentialed in some way to say yes, we need it. You're the talent here, I can sign off of this.

Mayor Strine: Ideally that is the way it should work, practically speaking.

Ken Seidner: Appreciate your input Bill.

Glen Stewart: I appreciate you affording us the opportunity to talk to you this morning and to discuss this and I am looking forward to your final presentation to Council and I think you have looked at some, in my opinion, very important issues that may be issues in

our Charter that might need either updated, corrected for the current way business is done today. I have one that may be considered to be a house cleaning issue and I haven't picked up in my notes that you have addressed it, Section 62, Ballot requirements. Have you touched base on that? I am not sure if that may need to say it is an update to include current technology. It specifically states you mark boxes with an x and so on. And I think with a current voting process, it may need some words changed. Don't know that for sure. I am not the Law Director. That is something I picked up on. I also concur with the Mayor's comments on the Chief of Police and Fire Chief; I believe those two positions among some others have a very high portion or general fund budget and they would need the opportunity to assure this community that we have the best management position available to us to run those two positions. Thus look beyond the City if necessary. I have no problem with if the individual has the correct credentials and he lives in Ashland Ohio, that is great and should even have preferential treatment all things being equal. I know you have looked at that.

Back to the Health Department. I really believe we are not in a position of moving one way or another, we got some feedback from you of the Minutes so we invited Al to share with us that you may want to do the same thing to have, I think it is section 50, I am not sure that our Law Director, I don't know what his position will be whether that section of the Charter will allow us to make a change if we chose to or if maybe we shouldn't. And I think for our Citizens prospective, non-elected people as you are, if I am looking for your input, are we okay with where we are at or may be we are not. But I really think you may have a different view of what we do. Maybe we are too close to the situation to see the picture as a whole. I don't want you to dwell on something that you have already resolved, that is not my, I am not asking you to re-hash. I am here to share my thoughts with you and that is exactly what I am doing. We have had a fair amount of calls relative to the Cable Service and the Utilities, and it is addressed in here and I don't know if we want to go further than that in the Charter or not. We had some discussion on it and the Council has been looking at the specific cable contract in the near future. I am not sure what the Law Director will say about this. I would like to comment on the Mayor's thoughts regarding City Administrator. The Mayor and I, we rarely ever differ but when we do, I have a little bit different view on the City Administrator. I do not disagree that there may need to be another "Layer of Management". My view of the Mayor's position and I am catching him cold. The Mayor is, and I am going to weigh the Mayor to any Chief Executive Officer, and the people elect that person to sit in that seat to manage the community as a whole to make sure things are run properly and there are very few Chief Executive officers that have the technical knowledge for every department that is here. And where we whole-heartedly agree is that those positions need to be astute in both the business end and the people management end. When your management team is under the Mayor, is the allowable, competent management and competent in business decisions. The Mayor has got the best team he could have. I am absolutely not saying that we do not have the best team; I am only saying that this is a \$ 50 million dollar business and I tend to agree with the Mayor, there may need to be some assistance in there to help manage the \$ 50 million dollar business. We have 22 thousand stock holders if you want to look at it as a business standpoint and I personally believe that today, we have a pretty high-ranking, overall management team, but I spend a lot of time with the Mayor and I have to tell you, from my perspective, his hands are full and not because of incompetence of the management team, it is traditionally how it has been handled and Bill addressed it that he is seeing some changes. I have no other specific comments on the Charter but I want to re-emphasize that from my perspective that I am looking forward to this Charter Review Committee which I think is a

wonderful slice of our community to give us a feedback on your perspective and then what you feel may a need to be addressed. Again I appreciate it.

Ken Seidner: Thank you. We will go around the table now; anyone have anything they want to add to that?

Kay Conrad: The only thing I would question is again with the City Manager/Mayor; Would the Mayor just then be a figure- head?

Mayor Strine: It depends how it would be set up. If you reported directly to the Mayor, no he just wouldn't be a figure-head. If he was totally hired by Council and reported to Council then I would say then that's when the Mayor is a figure-head.

Howard Scanlan: If we did have an Administrator, Mayor, and when you take a leave of absence, and Mr. Wolfe takes over; would then the City Administrator take over because that is in the Charter also. That section then would have to be changed also.

Glen Stewart: A lot of that depends exactly on what you already touched on. It would also depend on the Job Description. The job description would have to marry in the Charter so you have to correct the job description also.

Dorothy Stratton: I have a question regarding your perception of the role of this committee. Sometimes here at the meetings we say Council can do this at anytime they want. I hear you saying that you want us to address all of these things that may be you have the power to make changes or put something on the Ballot; is that your perception? Do you want the issues to come up at this committee and be sent to you or can we say Council can do this so we won't deal with it.

Glen Stewart: Your committee has the power to, Council can do all of this, and we don't need to ask for anything. My perception is as private citizens and residents of our community, those issues you feel need to be addressed, certainly we want to bring to it and I would like to hear your input on our thoughts. If you think we should handle it that is fine, I just think it is an opportunity to have your thoughts shipped back to us on issues that we brought up. Will we accept all of your recommendations? Probably if you would send 10-15 of them up, probably not. I think you all will be encouraged to screen what you will decide to put in your final report and prioritize them. And as previous Charter review, you may suggest that some of these should be considered by the next commission.

Ron Baker: Glen, would we be safe in assuming that Council is going to look at this and possibly study it? I guess what I am driving at is I cannot see a duplication of efforts if Council is going to look at it and us do the same thing. Now I can see us recommending to Council that they do look over this but as far as us making a recommendation off of this, it appears to me like Council is going to be looking at it anyway in some form.

Glen Stewart: I am in an awkward position. Obviously we asked Al to come in and share, quite frankly I did not understand and still do not totally understand the Health Department being managed by to Boards. We have been very fortunate in my opinion that Al Sanders has two bosses and has been as successful as he has been. Any of you that have worked for two bosses would know that sooner or later you are going to fail in somebody's eyes. We are not here to make any decisions based on several of us being here, that would be totally inaccurate. It may come up.

Robert Valentine 1: I am a strong believer in oversight. I had the opportunity years ago when I served as Commissioner, we talked about such. When I looked at it again, my concerns were 2 separate boards, but I still want City representation. Should that Board be based on population? Finances were another concern that I had, because what you have there is on the County level, you have a levy, ours come from general funds. Al, at his presentation the other night, I did not completely follow him but he said that could be worked out which made me feel a lot better. I would like you people to understand that I think it is so important and that is why you should have that opportunity to bring him in. The message I was getting is just what you said before, the Council can do this. What do you mean by protection by Civil Service?

Mayor Strine: Any decision that the Mayor would make regarding discipline with the Police Chief or Fire Chief can be appealed by the Civil Service Board. Other Division Directors do not have that protection.

Robert L. Valentine Ward 1: The point is you have control over all the Division Directors, these Division Directors too. There is a system called 2 and 1 or 3 and 1, is that not where by you can take, the people that take the test, the top 3 then the Mayor can select one of those three, isn't that a system that is being used in some cities throughout the State? And is it a good system?

Ron Baker: Yes, I am in agreement that the fact I think we should be able to go outside the City for candidates. But they have to take the test like anyone else. Then the Mayor would select the person.

Robert L. Valentine 1: I had a concern since I have been on Council that is our responsibility, I don't understand that what we pay the Mayor and what we pay some of the other Division Directors, I have concerns with that. I think that the responsibility that the Mayor has and what he has to do; that is our responsibility and I think that is something we have to look at for the next time. And as far as, Kay asked that question. There is what you call a strong Mayor and weak Mayor and I think when you start this type of thing with the Directors to help you, you create a weak Mayor type of City government. I have a concern with that.

Ken Seidner: This is what we are looking for; we are still on this fact-finding. The 4 things we have laid out there that I said we know we are going to look at. We can add that to this list. Again that is where we are.

Robert L. Valentine 1: If you don't know of the 2/1 or 3/1 with the outside and the other thing if it is going to stay like it is now, a suggestion would be if you stay with what we have, the Fire and Police Chief then I think we ought to have the old system we have just for those two departments where two Councilman serve on Committees and they are two committees. If we stay with what we have, we are again with oversight and that is what I am pushing. The more you people know, the better off. I applaud what was said by Glen, that I appreciate what you all are doing because I had the opportunity to go through what was done at the last Charter review committee and I couldn't believe all of the meetings went through all the Minutes. So I know what you are going through now and I think it is so important because you represent the people out there.

Larry Paxton: I appreciate being here. This is information I will share with each of you regarding the Finance Director's position and some of the training. Two things- one is

The Treasurer's office in serving us. When you work in the City of Ashland and the Finance Department you are required to have a Bond as we handle the Finances of the City, transferring money and depositing money and things like that. That is a very important item and the reason for that is; any Finance Director is required to be bonded currently by the City as well as some of the employees of the Finance Department. That possibly depending on if they all have tough times in their lives sometimes and if their finances are in dispute and should be at times possibly and some people may not be able to be bonded for insurance. Some information you should know while we are talking about the Finance Directors position. That is important. That is all I have Thank you very much.

If you have any questions, I will be more than happy to answer them.

Dorothy Stratton: I have a question regarding what you think should be the educational background for this position of Finance Director.

Larry Paxton: Education is very important to be Finance Director. The problem I have gotten involved in is several friends who are Finance Directors, unfortunately not everyone wants the financial responsibility to sign documents in the Municipal Corporation. There is a liability to you personally as well as the Municipal Corporation. I have an Accounting Degree, Associates degree; I do not have a Bachelors degree, through North Central State College. I am very proud of that because I earned that degree while I was putting two children through Ohio State. So I understand and appreciate the Educational backgrounds of people that serve in this capacity. Unfortunately with Municipal governments, it is not always easy to find people to take on this responsibility and to do this. Like I said, there is some personal liability, and you make a mistake and guess what? You lose your job and more importantly you lose your ability to make a living as a Finance Director or Municipal Finance Director. You have to go someplace else. Along with this I carry a School Treasurers License and that is why I obtained this training, it is a requirement and license as well. Education is very important to be a Finance Director. Accounting is still accounting and hasn't changed much over the last 50-100 years. We still Debit things and Credit things.

Mayor Strine: I would just like to add to that. Back in 1976 when I started as Finance Director, it seemed like back in those days it was fairly simple compared to today, they have enough and it would be extremely difficult for someone with no experience in Government Finance to step into a job. The good thing is there are very good people working upstairs and they can handle getting us through. One of the most important things of a Finance Director is their ability to get along with the rest of the people in the City Government. It is extremely important because there are so many different things that happen and it just takes the fact that they go through all the appropriations and keeping track of all the expenses, it just takes a lot of cooperation and you don't need somebody coming in that is going to change all of the policies and all of the issues that have developed over many years, so I think one of the most important things is getting along with one another, very important. How do you measure that?

Ken Seidner: I would agree with you. You were talking about these Department Heads and you need to look at, if we need 5 new pumps, where is the money going to come from; they have to look at that person for help along the way and it has to be a 2-way street. So you are right; you have to be able to get along, answer questions because again, that Finance person in my mind is the expert for that Department Head.

Anna Tomasek: Obviously the Finance Director is a very important position for the City of Ashland and absolute collaboration and cooperation with the elected officials and City Divisions is very important. Your strong Mayor type of government is important, to have citizens have a voice and who they choose to be the best qualified candidate. It is a position of trust; it is based upon qualifications, and years of experience. It is continuously changing due to the government work. Governmental Accounting Standards; They are issuing statements and actually the City of Ashland is running a little bit behind on these and not just the City of Ashland but the State of Ohio. Right now, all Government Finances were at a crossroad because there are issues with the bonding; it is becoming very expensive to do audits now. We are required by the State of Ohio to have 6 hours of training. The Finance Director is Bonded it is in the Charter. I actually would recommend raising the limit. That needs to be looked at. When I became Finance Director, every Finance Individual in the City, they hold money, the bond is currently at \$ 10,000.00 dollars. We just had an instance, an investigation of fraud in the Utility Department where the individual, it was at a \$9,000.00 dollar threshold. I am working with our Bonding Agency to look whether or not it is cost-effective to raise that. But right now the Finance Director, the Municipal Clerk, the Judge, the Law Director and myself are all bonded and that is per the Charter. But may be the limits might have to be tweaked or increased at some point. It should probably be looked at. The other thing from our audit, Our financial audit is done annually and one recommendation in the management letter is they are recommending that we should probably have an audit come in. There are pros and cons to having an audit committee but may be it is something you guys can look at. I am not for or against it. It is a State requirement that the State Auditors office is requiring; so that is something also to bring to your attention. There is definitely some Pros against having it, and the Committee knows about pros for it. It is something the Citizens should decide for oversight. That is all that I have to offer.

Ruth Detrow: Mostly here to listen and watch progress. One thing to mention is the Charter is our Basic Law for the City, most important and you as citizens are the most important people in town right now because you are looking at this and examining it. Things are going well, we have a good Mayor and a good Council, we do need though to think about worse case scenario; you are trying to come up with laws that will protect the citizens of Ashland and it is very important that you don't just say that things are going beautifully now so lets let it ride because you never know when you might get someone who is either weak or dishonest in a public job and you do need to put safeguards in there. Thank you.

Ken Seidner: Any other questions or concerns?

Mayor Strine: Just one clarification in what was spoken here regarding the Finance Director. Just to clarify, the requirement in the Charter now to run for Finance Director. It is not strong enough language in there. Right now being elected in the City and then not being bondable.

Ken Seidner: That is a concern that we will address in some form. We will review this again. Also we will contact Al Sanders to invite him to our next meeting on April 19, 2007.

Mayor Strine: Regarding the Health Dept. Right now there are two Boards. One the County Board and one is the City Board. The City Board is appointed by the Mayor and they actually have two budgets, the County budget and the City budget and I think the issues that are going to come up is that if you combine them, then it is into one budget and how do you finance that? Right now, the money that the City pays to City/County

Health is appropriated in the City's budget and they send bills over and we pay them through that City Budget, it really takes an "Al Sanders" who understands the operation of that whole thing to know which bills to send to the City and which ones to send to the County. That is part of this problem. It is very confusing; on the other hand it has worked for many years. We have a great health department. So then the issue would become, if you combine them and make it just a County Health Department; How does the City pay for its share? And what control do you have over that? Because if it is one Board and that Board says well, we are going to need "X" amount of dollars from the City, the City Council no longer has any, well they would still have control of it, but may be not pay it. It would become an issue, I am just giving you a little bit of background on what you are being asked to do here.

Ken Seidner: I understand what you are saying, it is sort of like going back to when I was in the service; "Here is your budget, here is your pool of money". Hey we have \$100,000.00 dollars here, if we don't spend it, we are going to get less next year.

Howard Scanlan: I am looking at page 10 here, I am looking at expenditures, and it fluctuates quite a bit. That would have to be addressed through the County also. It fluctuates, 240, 260, 250, 269, and 244. If there were a set price for the City to kick in to one unit, it would set that County; to the City's portion if we combined.

Kay Conrad: On that Board, if it becomes just one, would the City have any representation on the Board itself.

Mayor Strine: I think that they are looking at something like Bob said, that is an issue. If you have 10 Board members and 6 of them are from outside the City and 4 of them are inside the City you are pretty much going to go with people want outside the City. It is extremely confusing.

Ken Seidner, Chair person: Adjourned the meeting at 8:35 am.

Meeting adjournment at 8:35 am.

Submitted by
Valarie F. Bishoff
Clerk of Council