

# **Government Committee**

## **Meeting Minutes**

5/2/11

### **I. Call to order**

**Richard Barbera** called to order the regular meeting of the **Government Committee** at **700 pm**.

The following persons were present: Richard Barbera, Barb Schwartz, Kathy Rhoads, Rick Stallard, and Roger Kilgore. Jim Carrick and Jim Lovejoy were absent.

### **II. Approval of minutes from last meeting**

Motion was made by Barb Schwartz to approve the April minutes with a typo the word ban should replace the word ban. Motion made to accept as corrected by Barb Schwartz. Seconded by Rick Stallard. Approved.

### **III. Privilege of the Floor**

None

### **IV. Pending Legislation**

A discussion took place regarding the proposed legislation.

We are not sure if we received the bill from the county for 911 services.

There was a concern regarding the new capital outlay policy. There was question over the wording. The wording appears to make the fiscal officer solely responsible for the process. The committee felt the solicitor should rephrase the language to resolve any ambiguity.

There was a discussion regarding the need for an inventory of equipment owned by the village.

### **V. Old Business**

Kathy Rhodes gave an update on the status of the minute books. All committee chairs are advised to check and make sure the minutes are signed and in the book.

Roger Kilgore brought up an issue regarding the sweeper on the trails which was brought up last month by Richard Barbera. Mr. Lovejoy stated that the sweeper cannot be used on the trail. Mr. Kilgore said that Mr. Lovejoy's statement is incorrect. Mr. Lovejoy was not at this meeting, so it would be unfair to discuss this item due to his absence.

Mark Milton cost is not finalized. We still need the solicitor's bill.

Richard Barbera brought up the issue of open records. There is a records committee hearing on May 18. Richard has sent an email to council members regarding a lawsuit pending against the City of New Philadelphia. There is an \$81,000.00 judgment for violating record retention law.

Roger Kilgore questioned whether someone from BOPA should be on the committee. Several council members thought that it made sense to place someone from BOPA on the committee. Richard Barbera stated that the committee is created by statute and he did not think someone from BOPA could be on the committee, but suggested the question be presented to the solicitor.

Part time person- Will work 3days a week at \$10.00 hour. Rich Barbera sent a revised copy of the job description to Mr. Carrick. He will forward a copy to every council person and the mayor. Council discussed the level of detail needed in the job description. We also discussed how this person would fit in the chain of command. It was felt that Mr. Carrick should be the person responsible for this new part time person.

We should have a chain of command in the mayor's officer. It should list all employees and where they are in the respective chain. All department heads should

Council Rules: In my committees all agenda items must be submitted by 4pm. Privilege of the floor allows members of the public to bring items to the committee's attention. The public may participate in ongoing discussions.

Refuse collection contract. Richard Barbera brought up the issue of the trash hauling contract. The Streets committee felt that this issue should be resolved by the counsel of the whole committee. Counsel had a discussion regarding the pros and cons of having one trash hauler. It was decided that Rick Stallard would arrange a public workshop where citizens could provide input into the decision making process.

Infer-red scan of the building. It is too late to complete the scan this year. We will consider getting a profession to conduct the study next year.

### **New Business**

Public record is anything generated by a government unit is a public record. If you are not sure if something is a public record, you should error on the side of caution.

A question arose if text messages were public records. The issue would be referred to the Public Records Committee. We all need to be more aware of our obligations to provide records.

Barb Schwartz questioned if the minutes should contain documents that are referred to in the course of a meeting. It was suggested that the rules of counsel be changed to require that the exhibits be attached. The item is to be addressed by government in a future meeting.

Recent events in the police department led to us writing a check to pay a former police officer to stay home for a year. Richard Barbera noted that part of any accident investigations is to discuss on how to prevent this event from happening again in the future. He noted that the citizens will have hard questions and they will not accept generalities. Rick Stallard noted that the situation in the police department was similar to a flood. It was a convergence of factors beyond our control. We may not learn anything which would prevent a similar incident from happening.

Kathy Rhodes indicates that root cause analysis would be helpful in this situation. She felt it would have to be held in executive session. Rich Barbera felt a separate meeting is needed. Richard asked should this be delegated to the safety committee, or should it be addressed by the council of the whole. Richard Barbera noted that the medical profession regularly conducts morbidity and mortality session.

Kathy Rhodes noted that root cause analysis would be difficult because people have a tendency to get defensive and it would be difficult without disparaging the people involved.

Rick Stallard felt that we could answer the public questions by talking about the changes that we have made in the last year. Council members and the mayor are more involved in the department.

Mayor Carter noted we need to move forward. Barb Schwartz responded that some residents are not ready to move forward until we address the past.

Mayor Carter noted that the department has improved. She has seen a positive difference since Mr. Barbera and I conducted the chief's evaluation and gave him guidelines.

Roger Kilgore noted that he does not believe anyone knows the full story.

Mayor Carter asked why is it not good enough to tell people we are moving forward.

It was decided that the question of the mechanism of root cause analysis would be brought to Ted on Wednesday, by the mayor.

Motion to adjourn made by Rick Stallard, seconded by Roger Kilgore. Approved. Me

Meeting adjourned at 9:06pm.

Minutes submitted by: Ww

Minutes approved by: [Name]