
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

JULY 28, 2015

The meeting was called to order at 7:02 p.m. Elected officials present were: Mr. Phil Beck, Mr. Kenneth Bryant, Mrs. Jodie Leis, and Ms. Carol Sims.

Also present: Brian Fox - Acting Township Law Director.

MINUTES

- Minutes of the August 26, 2014 meeting were approved as submitted.
- Minutes of the September 2, 2014 special meeting were approved as submitted.
- Minutes of the September 2, 2014 regular meeting were approved as submitted.
- Minutes of the October 7, 2014 meeting were approved as submitted.
- Minutes of the November 4, 2014 special meeting were approved as submitted.
- Minutes of the November 4, 2014 special meeting were approved as submitted.
- Minutes of the December 2, 2014 special meeting were approved as submitted.
- Minutes of the December 9, 2014 special meeting were approved as submitted.
- Minutes of the December 22, 2014 special meeting were approved as submitted.

NEW BUSINESS

MR. BECK moved to adopt the following resolution:

RESOLUTION G2015-20

**Resolution Determining to Proceed
With Submission of Tax Levy**

WHEREAS, this board of trustees at its meeting on the 7th of July, 2015, by resolution duly adopted, determined the necessity of levying a tax in excess of the tenmill limitation for the benefit of this township for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company; and providing and maintaining motor vehicles, communications, other equipment, buildings and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised

Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by the police department within the township, pursuant to the provisions of 5705.19(JJ) of the Ohio Revised Code, with a renewal levy of 1.0 mills and to levy an additional increase of 0.5 mills, to constitute a total of 1.5 mills at a rate not exceeding 1.5 mills for each One Dollar (\$1.00) of valuation, which amounts to fifteen cents (\$0.15) cents for each one hundred dollars in valuation for five (5) years, commencing in 2015; and

WHEREAS, pursuant to °5705.03 the county auditor has certified to this board of trustees that the total current tax valuation of this township is \$596,893,790 and the dollar amount of revenue that would be generated by one (1.5) mill per year as specified in such resolution is \$879,335, and that such dollar amount of revenue is \$879,335.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Symmes Township, Hamilton County, Ohio:

- Section 1. That it is hereby declared that the amount of taxes which may be raised in this Township within the tenmill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of this Township.
- Section 2. That it is hereby determined to proceed with the submission to the electors of the question of levying a tax described in the preambles hereto at the election to be held November 3, 2015.
- Section 3. That pursuant to the provisions of Sections 5705.19(JJ) of the Ohio Revised Code, it is necessary to levy a tax in excess of such tenmill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company; and providing and maintaining motor vehicles, communications, other equipment, buildings and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by

the police department within the township, with a renewal levy of 1.0 mills and to levy an additional increase of 0.5 mills, to constitute a total of 1.5 mills at a rate not exceeding 1.5 mills for each One Dollar (\$1.00) of valuation, which amounts to fifteen cents (\$0.15) cents for each one hundred dollars in valuation for five (5) years, commencing with tax year 2015.

Section 4. That the form of ballot, upon which the question of levying said tax shall be submitted to the electors, shall be substantially as follows:

**PROPOSED TAX LEVY
SYMMES TOWNSHIP**

A majority affirmative vote is
necessary for passage.

A tax levy for the benefit of Symmes Township for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company; and providing and maintaining motor vehicles, communications, other equipment, buildings and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by the police department within the township with a renewal levy of 1.0 mills and to levy an additional increase of 0.5 mills, to constitute a total of 1.5 mills at a rate not exceeding 1.5 mills for each One Dollar (\$1.00) of valuation, which amounts to fifteen cents (\$0.15) cents for each one hundred dollars in valuation for five (5) years, commencing in 2015, first due in calendar year 2016.

Section 5. That the Fiscal Officer of this township be and is hereby directed to certify a copy of this resolution to the board of elections, not later than four o'clock (4:00) p.m. of the ninetieth (90th) day before the date of said election and to notify said board of elections to cause notice of the election on the question of levying said tax to be given as required by law.

- Section 6. That the Trustees of Symmes Township, Hamilton County, Ohio, upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorizes the adoption of this Resolution upon its first reading.
- Section 7. That it is found and determined that all formal actions of this board of trustees concerning and relating to the adoption of this resolution were adopted in an open meeting of this board of trustees; and that all deliberations of this board of trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 8. This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public health, safety and welfare within the community for the reason that it is necessary to continue to provide police, fire and emergency medical services within the township.

MRS. LEIS seconded the motion.

MS. SIMS advised this is the final step in the process for the placement of a safety levy on the November ballot. This provides for 1.0 mil renewal and a .5 mil additional for a total of 1.5 mil for five (5) years. The projected revenue is \$879,335.00 per year. The estimated cost to a homeowner, based on \$100,000 market value, is \$46.45 and the current annual cost is \$28.95.

The roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BECK moved to adopt the following resolution:

RESOLUTION G2015-19

Resolution Rescinding Resolution G-9416
and Adopting New Rules
in Compliance for Open Meetings,
Ohio Revised Code Section 121.22

WHEREAS, Ohio Revised Code Section 121.22 provides in part that every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings, and the time, place, and purpose of all special meetings; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, desires to rescind G-9416 adopted March 15, 1994; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, desires to update its policies consistent with Ohio Revised Code Section 121.22.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio (hereinafter, the "Board"):

Section 1: Previous Board Resolution G-9416 is hereby rescinded and replaced by this resolution.

Section 2: Public Notice of Meetings

- a. All meetings of the Board, committees established by the Board, and combined meetings of the Board and one or more committees shall be public meetings, except insofar as Executive Sessions are permitted as set forth below, and except for audit conferences conducted by the Auditor of the State or independent certified public accountants with officials of the Township.
- b. Accordingly, the rules established by Section 2(c) and following of this Resolution apply to meetings of:
 - i. The Board; and
 - ii. Each committee or task force legislatively created by this Board to make recommendations or provide advice to this Board about matters which the Board could discuss, pursuant to Ohio Revised Code § 121.22, only in a public meeting. Each such committee or task force shall be deemed to be a "public body" within the meaning of Ohio Revised Code Section 121.22(B) (1).
- c. The following rules are applicable to the meetings described in Section 2(a):
 - i. Regular Meetings of the Board. Regular meetings of the Board shall be conducted on the first Tuesday of each month at 7:00 P.M. at the Township Administration Building, 9323 Union Cemetery Road, Symmes Township, Ohio 45140-9312. All other meetings shall be considered special meetings.
 - ii. Special Meetings of the Board. A request to call a special meeting of the Board may be made by any public official of the Township. However, a special meeting of the Board may only be called by a Township Trustee after that Township Trustee has inquired, in writing or through electronic correspondence, of the Township Fiscal Officer or the Township Administrator

as to the availability of the other Trustees. Such inquiry ought to describe the intended time, date, and purpose of said special meeting and notice of the meeting shall comply with the requirements of Section 2(c) (iv) below.

- iii. Posting of Notice of Regular and Special Meetings. Notice of the date, time, and place of all regularly scheduled meetings, and of the date, time, place, and purpose of all special meetings shall:
1. be sent to a newspaper of general circulation for publication;
 2. be posted on the Township website at www.symmestownship.org; and/or
 3. be posted on the bulletin board in the Township Administration Building, or if not so posted, shall be available upon request by any person to the Township Fiscal Officer, or designee, in any event in advance of each such meeting.

Any such notice shall be replaced or revised in the event of a change in the date, time, or place of a meeting, and in the event of a change in the purpose of the special meeting.

- iv. Notice to Members of the Board of Special Meetings.
1. Any Trustees shall notify either the Township Fiscal Officer or the Township Administrator of the time, date, place, and purpose(s) of the desired special
 2. Upon receipt of such information, the Township Fiscal Officer, or in the Township Fiscal Officer's absence, the Township Administrator, shall immediately notify or cause notification to the remaining member(s) of the Board, and the Township Fiscal Officer or Township Administrator.
 3. All reasonable efforts shall be made to notify the aforementioned officials no later than forty-eight (48) hours before such special meetings.
 4. No special meeting shall be held if delivery of notice to all Trustees is not confirmed at least twenty-four (24) hours before the scheduled meeting, unless the meeting is deemed to be necessary in order to act on an emergency basis.
 5. Notice shall be tendered in writing and attempted to be delivered by mail, email, facsimile or hand delivery.

6. The Township Fiscal Officer or Township Administrator shall confirm the delivery of said notice, and document and acknowledge the delivery of said notice.

- v. Notice to News Media of Special Meetings. Except as provided in Paragraph (vi), oral, facsimile transmitted, or email notice of each special meeting shall be given by the Township Fiscal Officer, or designee, at least twenty-four (24) hours in advance of the special meeting, to the news media that have requested notification of special meetings. News media desiring notification of special meetings in advance must complete an application requesting advance notice from the Board.
- vi. Notice of News Media of Emergency Special Meetings. In the event of an emergency requiring immediate official action, the member or members of the Board, committee, or task force calling the special meeting shall immediately notify the news media that have requested notification of special meetings, by any reasonably convenient means, of the date, time, place, and purpose of the special meeting.
- vii. Notice of Specific Business. Any person, upon completion of an application, and payment to the Township for any calendar year (or part thereof) of \$5.00, shall be given reasonable advance notification of all meetings at which any specific type of public business (as specified by the person making the request) is to be discussed. No such request shall be valid beyond the calendar year for which it is made.

Section 3: Pursuant to Ohio Revised Code, Section 121.22(G), all of the Township's public bodies (referenced above in Section 2(a)) may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

- (A) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official,

licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, the public body shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If the public body holds an executive session pursuant to division to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

- (B) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

- (C) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;
- (D) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

- (E) Matters required to be kept confidential by federal law or regulations or state statutes;
- (F) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;
- (G) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code;
- (H) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
 - (1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.
 - (2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider any of the matters listed in this Section,

the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

Section 4: It is hereby determined that all formal actions of the Board relating to the adoption of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code ° 121.22.

BE IT FURTHER RESOLVED THAT, by a majority vote, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, hereby authorizes its passage. This Resolution shall be effective on the earliest date permitted by law.

MR. BRYANT seconded the motion.

MR. FOX stated the purpose of the proposed changes is to bring the resolution into compliance with the current Ohio Revised Code 121.22. It provides for a written rule for the notification to the general public

MR. BECK questioned what was different.

MR. FOX explained the old resolution did not contain a written rule for notice of special meetings. It did provide a rule for the notice to board members but failed to provide a rule that outlined the actual procedure used by the Township .

MR. BRYANT stated it appears the Township was already doing this; however, it was not within the resolution.

MR. FOX stated that was correct. It was just important that there is a written rule for the Township.

MR. BECK stated this will bring us into compliance with the Ohio Revised Code.

MR. FOX agreed.

The roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

The meeting adjourned at 7:10 p.m.