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**MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING**

**JULY 5, 2018**

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The meeting was called to order at 4:30 p.m. Elected officials present were: Mr. Phil Beck, Mr. Kenneth Bryant, Ms. Jodie Leis and Ms. Carol Sims.

Also present: Kim Lapensee – Administrator and Kevin McDonough – Law Director.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Bryant made a motion to approve the Agenda. Mr. Beck seconded the motion. Motion passes.

OLD BUSINESS

Mr. Bryant made a motion to approve Resolution G2018-52 a resolution authorizing the Township Administrator to enter into an agreement with Paycor to process payroll and other HR functions for Symmes Township in the amount not to exceed \$6,434.40. Ms. Leis seconded the motion. Discussion continued.

Ms. Sims stated that she would like to have discussion. Mr. Bryant asked her if it was the same points as last week. Ms. Sims stated yes because she never did hear back from the Law Director on the answers to her questions from the meeting last week. Mr. McDonough stated that he has reviewed all of the sections of the ORC and the AG’s opinions that she talked about in her statement and his opinion remains the same. He stated that he still feels that the board has the authority to contract with Paycor for payroll services. Ms. Sims stated that it was implied that the Law Director was directed to get an opinion from the Attorney General over this matter. Mr. McDonough stated that he was not directed to get an opinion. Mr. Bryant stated that Ms. Sims stated at the last meeting that she would seek the opinion. She stated that she will. Ms. Sims stated that it does say in the Ohio Township Manual that the Fiscal Officer does not have to pay any charges that they feel are illegal and they should contact the Prosecutors Office for an opinion for the warrant. Ms. Leis stated that Ms. Sims should contact their office then. Ms. Sims stated that she will contact the Prosecutors office for an opinion. Ms. Sims stated that she does not agree and reread Section 9.35 again along with the opinion that the Attorney General gave in 2011 concerning credit unions. Mr. McDonough stated that he still disagrees with Ms. Sims interpretation of that section and the Attorney General’s opinion that she is the sole authority. He stated that he does not want to get into a legal battle in this meeting but a key word in those sections is the word “may”. He stated that this opinion was addressing a very narrow question regarding whether or not a non-home rule township could contract with a credit union. He stated that it just so happened that the Fiscal Officer was the one who asked whether or not the township could contract with them. Ms. Sims stated that the reference for who can request the opinion is located in the footnote and not in the body of the opinion. Mr. McDonough stated that the Attorney General’s opinions are only advisory and that they are not binding on the courts and it does not make a difference if that note is contained in a footnote or not. Ms. Sims stated that what Mr. McDonough is stating that the Attorney General’s opinion is not valid. Mr. McDonough stated that is not what he said at all. He said that he never said they were not valid, he only stated that they are advisory in nature.

Ms. Leis stated that Mr. McDonough gave his opinion and he is our Law Director. She stated that she believes that his opinion is correct and she is moving forward. She stated that if Ms. Sims stated that she needed to do something different, then that is fine. She stated that she asked at the last meeting if Ms. Sims had anything else she wanted to add and nothing was said. She stated that Ms. Sims keeps trying to throw up roadblocks at each meeting and if she researched the law and had something else to present, then she should not have waited until

tonight to bring it up. She stated that Ms. Sims should have sent a message to Mr. McDonough for him to review it before the meeting. Ms. Sims stated that the statute says that if she feels that anything is irregular or illegal then she has every right to contact the Prosecutors Office. Ms. Sims stated that she was disappointed that they are moving forward with this. She feels that these are her duties and not anyone else's. Ms. Sims stated that those references from the ORC and OAC are vague because they do not say "the board shall". She feels that they don't have the right to enter into these contracts. Mr. McDonough stated that he disagrees. She stated that she wants the board to wait until they get the opinion back from the Attorney General's Office.

Roll call vote was as follows: Mr. Bryant - 'aye'; Mr. Beck - 'aye'; Ms. Leis- 'aye'. Motion passes.

NEW BUSINESS

Mr. Bryant made a motion to approve Resolution G2018-55 a resolution pursuant to Section 5705.19(PP) of the ORC submitting to the electors of the township the question for an additional .4-mill levy for the purpose of the general maintenance of streets, roads, and bridges within the township and for the general maintenance of sidewalks, walkways, trails, bicycle pathways or similar improvements, including in each case, and without limitation, any salaries, benefits and insurance costs for township employees incurred in connection with those improvements. Mr. Beck seconded the motion. Roll call vote was as follows: Mr. Bryant - 'aye'; Mr. Beck - 'aye'; Ms. Leis- 'aye'. Motion passes.

EXECUTIVE SESSION

Mr. Bryant made a motion to go into Executive Session per ORC Section 121.22(G) (1) 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. Ms. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mr. Beck - 'aye'; Ms. Leis- 'aye'.

Mr. Bryant made a motion return from executive session. Mr. Beck seconded the motion. Motion passes.

No action was taken.

Mr. Bryant made a motion to adjourn the meeting. Ms. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mr. Beck - 'aye'; Ms. Leis- 'aye'.

Meeting adjourned at 5:30 p.m.

Approved:

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Kenneth Bryant, Board President

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Carol Sims, Fiscal Officer