
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

JUNE 27, 2018

The meeting was called to order at 6:30 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. Ms. Leis seconded the motion. Roll call vote was as follows: Mr. Bryant - ‘aye’; Mr. Beck - ‘aye’; Ms. Leis- ‘aye’. Motion carries.

NEW BUSINESS

None.

OLD BUSINESS

Resolution G2018-52. 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 \$5,803.60. Mr. Beck seconded the motion. Discussion continued.

Mr. Beck asked how long it will take to get this implemented. Mrs. Lapensee stated they will need our paperwork by the end of the month to start the setup process and that they will have us and running within 4 to 5 weeks. Ms. Leis asked if the \$5,803.60 will be a yearly cost. Mrs. Lapensee stated no, it will only cost \$5,200 a year and the implementation fee (\$750.00) is a one-time fee. Mr. Beck stated that this will allow employees to have access to time sheets, etc on their phones, computers, etc. Mrs. Lapensee stated yes. Mr. Bryant stated that there is an approval process as well each time they request time off and to submit their timesheets. Mrs. Lapensee stated yes. Mr. Beck asked if this will give them access to the paycheck stubs. Mrs. Lapensee stated yes. Mrs. Leis stated that we could set it up to go paperless as well. Mrs. Lapensee stated yes.

Mr. Bryant asked for any further discussion. Ms. Sims made a statement. She stated that she did not agree with Mr. McDonough’s opinion that he issued concerning the Boards ability to enter into a contract with Paycor to provide payroll services. She cites several sections of the ORC Section 9.35(A) that defines what a public official is and their duties, Section 9.35(B) provides that any public official may contract for this type of service, Section 505.032 provides for the duties of the Township Administrator, Section 505.04(A) that states no Board has the authority to adopt a resolution which encroaches upon the powers and duties of elected township officers, Section 507.04 where it refers to personal attendance at board meetings, the OAC (Ohio Administrative Code) 117-02-02(B) where it refers to accounting and reporting records requirements for the township, an Ohio Township Manual which cites an OAG opinion 86-057 which references Township Clerks and how they perform their duties, and an OAG opinion 2001-011 that refers back to Section 9.35. She stated that she feels that the board is interfering with the duties of her office. She stated that right now it only cots around \$725.00 to process payroll (See attached for the full statement).

Mr. McDonough stated that he rendered an opinion and is sticking with that opinion. Mr. Bryant asked where do want to go from here. Mr. McDonough stated that it is up to the Board whether or not they want to pass a resolution or not. Mr. Bryant asked if there is any other checking he

can look into to. Mr. McDonough stated that if the board directs him to look further into these sections then he will. Ms. Leis asked him if he was confident in his opinion. Mr. McDonough stated that he has researched this and the duties that Ms. Sims outlined are not strictly limited to the Fiscal Officer. Ms. Sims stated that if the Board does not request an opinion, then she will request an opinion from the Attorney Generals Office. Mr. Bryant stated that he saw it going in that direction. He stated that if we table this for a bit, then it will give us time to review it further and we will only lose time and the discount. Mrs. Lapensee asked how all the other townships contract out for payroll services. She cited that Fairfield Township, West Chester, Liberty Township, etc. are all home rule townships and contract out their payroll services to Paycor and ADP. Mr. Bryant stated that he is only interjecting his own observations because those fiscal officers in those townships have not objected and ours is. Ms. Sims wanted to know if we were adopting this resolution under the Home Rule Section or 9.35. Mr. McDonough wanted to know what they all want to do. Mr. Beck stated that he would like Mr. McDonough to do a double check on all the questions raised, and we can include specific references in the re-write of the resolution. He stated that if its concluded that we have the authority to enter into this contract, then we can move forward at that time. He stated that will have to lose our discount because this was brought up at the last minute and we've been talking about it previously. Ms. Sims asked when the notice for this meeting was arranged because it was last minute too. Mr. Beck stated that we have been talking about this for months.

Ms. Leis stated that this all came about because of complaints from the employees concerning pay and leave balances. She stated that it has come down to the Trustee forcing this to happen because there has been no cooperation with one department. She stated that everyone needs to learn to work together. She stated that the fiscal department has to learn to give and take and it is more balanced. Mr. Beck stated that this will be for the good of the township. Mr. Beck stated that this is not a micro issue, it is a macro issue. Ms. Leis stated that she agreed that it will be for the best of the township and the finance department fails to see the benefits.

Mr. Bryant stated that there is a motion and second, but there are questions. He stated that he would like to remove the motion on the table and made a motion to table this resolution pending further investigation. Mr. Bryant stated that he just wants to do things in the correct manner. He asked Mrs. Lapensee what the discount was. Mrs. Lapensee stated that Paycor discounted the setup fee. Mr. Beck seconded the motion. Ms. Leis stated that we already have an opinion from our Law Director and we don't need to see additional research. Mr. McDonough stated that he wants clear direction. Roll call vote was as follows: Mr. Bryant - 'aye'; Mr. Beck - 'aye'; Ms. Leis- 'aye'. Motion carries.

Mr. Bryant stated that he wants Mr. McDonough to look at the sections that Ms. Sims brings up in her statements. Ms. Leis asked Ms. Sims if there was anything else she wanted to bring forward at this time and get it all out on the table. She stated that she does not want to have more said in the future, she would rather hash it out right now.

Mr. Beck stated that he wants Mr. McDonough to liaison with the AG's office to get the opinion. Mr. Bryant asked Ms. Sims if she was going to file the request with the AG's office or should the Board. Ms. Sims stated that she will handle it. Mr. McDonough asked Ms. Sims for a copy of the statement she read. Ms. Sims asked why the Law Director did not look into the AG's opinion from 2011. Mr. McDonough stated that he wasn't going to answer that question. He stated that he will research what she has stated. Ms. Sims stated that it is very easy to understand the duties of the Fiscal Officer when you read Section 9.35. Mr. Bryant asked if everyone understand what needed to be done next. Everyone agreed.

Resolution G2018-54. Mr. Bryant made a motion to approve Resolution G2018-54 a resolution revising Resolution G2018-47 Declaring it necessary to levy an additional .4-mill levy for the purpose of the general maintenance of sidewalks, walkways, trails, bicycle pathways or similar improvements and requesting the Hamilton County Auditor to certify the total current tax valuation of the township and the dollar amount t of revenue that would be generated by that additional tax levy pursuant to sections 5705.03 and 5705.19(PP) of the ORC. Ms. Leis seconded the motion. Discussion continued.

Ms. Leis asked what changes were made to this resolution. Mrs. Lapensee stated that she removed the word “repair” at the request of Mr. Bryant. She stated it will now only say “general maintenance of roads and general maintenance of sidewalks”. Mr. Bryant stated that he found the mistake because only one section of the resolution had repair in it but he asked Mrs. Lapensee to remove it because he thought it may be confusing to the public. Ms. Sims stated that the finance committee is in support of the new levy request.

Roll call vote was as follows: Mr. Bryant - ‘aye’; Mr. Beck - ‘aye’; Ms. Leis- ‘aye’. Motion carries.

EXECUTIVE SESSION

Mr. Bryant made a motion to go into Executive Session per ORC Section 121.22(G) (3) To have a conference with the Law Director pending or imminent court action. Mr. Beck 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 at 8:15 p.m. Ms. Leis seconded the motion. Motion passes.

Mr. Bryant made a motion to schedule a special meeting for July 5th at 4:30 p.m. to discuss Paycor and the .4-mill levy request for the November ballot. Mr. Leis seconded the motion. Motion carries.

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

Meeting adjourned at 8:16 p.m.

Approved:

Kenneth Bryant, Board President

Carol Sims, Fiscal Officer