

CITY OF WICKLIFFE CHARTER REVIEW COMMISSION

TUESDAY, MAY 27, 2008

Meeting Minutes

The Wickliffe Charter Review Commission held its meeting on Tuesday, May 27, 2008 in Council Chambers. The meeting was called to order at 7:03 p.m. by Chairperson Cindy Marino.

Commission Members present: Cindy Marino, James Schall, Don Contenza, Joe Oboczky, Cookie LoSchiavo, Nancy Cole and Mary Ann Surtz. Also in attendance were Building Commissioner Ray Sack, Law Director Bill Gargiulo and Council President Bill Margalis. Judy Powers and Ron Ely were absent.

Cindy Marino asked if there were any additions or corrections to the minutes from the May 13 meeting. Cindy noted that Ray Sack's name was omitted from the attendance portion of the minutes. There were no other corrections or additions to the minutes. A motion was made by Jim Schall to accept the minutes with the correction; Mary Ann Surtz seconded. All were in favor.

An e-mail from Mayor Ruffner was passed out to each Commission member thanking them for their dedication to the task of reviewing the Charter. He also listed his opinions regarding Bid Limits and adding the Building Commissioner as Classified under Civil Service.

Cindy thought it would be a good idea for each Commission member to state their opinion regarding including the Building Commissioner/Inspectors under Civil Service and whether or not to grandfather them in. She asked that everyone state the pros and cons regarding these issues. She noted that there were several issues that needed to be mentioned: 1) the Building Commissioner becoming a Civil Servant; 2) the assistants becoming Civil Servants and, 3) whether they can lawfully be grandfathered in or if they would have to take the Civil Service Test.

Ray Sack was asked how long the inspectors have been employed by the City. His response was that one will be with the City for one year in October and the other just started 2 months ago. Joe Oboczky asked if the inspectors put their names on violations as well as his. Mr. Sack responded absolutely. Ray Sack then asked the Chairperson if he could speak to them. With that, Ray clarified that according to the Ohio Revised Code, as a law enforcement person, he has the authority to appoint deputies (like the Police and Fire Departments) which are his inspectors. Discussion began regarding whether or not the political pressures are as intense for the assistants as is for him. Ray believes that yes the pressure is as intense for them. Ray prefers that the whole department be civil service. Joe Oboczky stated that might give him a little

less freedom to handle his department. Ray does not believe so because they still have to follow the law. Joe then said if there is any political pressure it would go to the Building Commissioner. Ray agrees. Don Contenza asked if the inspectors were to be Civil Service would they have to be tested. Discussion began to understand again the Civil Service requirements. Bill Gargiulo explained that the inspectors would first have to have the State Certification before they would be Civil Service tested. Then the Civil Service test would determine the top candidates for the job. After that, the Department Head would choose from those candidates.

Cindy wants to know if it is legally possible to even grandfather the Building Commissioner and his inspectors in to Civil Service. Ray added that he did talk with the Civil Service Commission and they are not against them being grandfathered in. He talked with all three members and they understand their positions. Cindy asked if they have the power to do that, or would this have to go further than the Civil Service Commission. Ray stated that they said they can do that. Nancy Cole quoted the way the Civil Service section reads in the Charter today: "Any person who shall have served the City of Wickliffe for at least one year next preceding the taking effect of this Charter may be retained in the same or any similar position without examination." Jim Schall pointed out that with that language only one inspector will be eligible because the other has only been employed for 2 months. Don Contenza said the Civil Service Commission did say when they were here that they would like to see all three of them under Civil Service (Building Commissioner and both inspectors). Bill Gargiulo noted that this Charter Commission will be rewriting that section in the Charter to include the three of them. Mr. Gargiulo sees no reason why the inspectors couldn't be included. He recommends that the year be taken out of that section and just say 'present inspectors at the time of this change to the Charter'.

Cindy is concerned that if they take the testing away by grandfathering the three current Building department employees then "technically" they are not the best people for the job.

Jim Schall is concerned about the cost of the testing. Ray does not think that the Building department Civil Service test would be as complicated as the one that the Police and Fire Departments give. It will still be fair testing but he does not think that it will be as complicated. Don Contenza does not believe that the Building Department Civil Service test would be given as often as Police and Fire.

They reviewed the procedures, again. Ray reiterated that when a position would open in the Building Department any applicant would have to be State Certified in order to apply, then from there they would be given the Civil Service test. Civil Service takes the highest grade on their test. Joe Oboczky asked if the State test would be the minimum requirement for the position.

With that, the Pros and Cons of putting the Building Department under Civil Service we mentioned:

Mary Ann Surtz is for it because in the future it will be better for the Department. She is in favor of grandfathering in the current Building Commissioner and inspectors because he has been there for 12 years.

Joe Oboczky certainly can understand the reasons for the Building Commissioner being Civil Service. He is undecided on the inspectors being included. He understands the political pressures that come with the Commissioner's job but doesn't see how 'threats' to the Building Commissioner from residents, business leaders, the Mayor etc. affects the inspectors job.

Nancy Cole said that Ron made a fantastic argument about a month ago stating that the Building Department has a difficult job. She thinks that the whole department should come under Civil Service.

Don Contenza is for it 100%. He believes it is needed at this time. There could be harassment whether it is the Director or the inspector. They are all doing the same job, signing the same forms and dealing with the public.

Cookie LoSciavo thinks it's imperative to have them Civil Service. She believes that the Building Department is just as important as the Police and Fire departments. She would like them all grandfathered in.

Jim Schall agrees that it is imperative that the Commissioner have Civil Service protection, however, he does not feel the same about the inspectors. He does not see the need and he believes that the Building Commissioner is their protection.

Cindy Marino feels the Building Department already has the protection it needs because they follow the zoning ordinances. It is not job security it is just an extra step. She does not see the need. She believes that the way it is now has been working.

Judy Powers realized that she does not get a vote on this issue because she is absent but she did tell the Secretary that she was against including the Building Commissioner and the inspectors under Civil Service. She basically feels the same as Cindy Marino and feels that this could open the door for other Department Heads to want to be included.

Ray stated again that they are law enforcement officers of the Building Code.

Nancy Cole made a motion to change Article VI The Civil Service Commission Section 3. Duties to have the Building Department come under Civil Service; the present Building Commissioner and inspectors be grandfathered in. Cookie LoSchiavo seconded; J. Oboczky, N. Cole, C. LoSchiavo, D. Contenza and M.A. Surtz voted in favor; C. Marino and J. Schall were opposed. This issued passed.

Jim believed that they should vote on this as three separate issues: adding the Building Commissioner, adding the inspectors, and grandfathering them in.

Bill Gargiulo said it was his understanding that this group wanted to add an extra criteria to Section 7. At the last meeting Brian Rogers suggested that Wickliffe's charter be changed to state "the lowest, responsive and responsible bidder". Bill Gargiulo gave some background of this: it came from the ORC section 9.312A where they added the lowest, responsive and responsible bidder. He said there is nothing wrong with adding that to the Charter. He mentioned that the general assembly has adopted the "lowest, responsive and responsible bidder standard". That gives the City the opportunity to look closer at who is giving the bid. If you say lower and best you get locked in.

He gave the definition from the General Assembly. To be a responsive bidder the following factors are considered:

1. the experience of the bidder,
2. the bidder's financial condition,
3. the bidder's conduct and performance on previous contracts,
4. the bidder's facilities,
5. the bidder's management skills and
6. the bidder's ability to execute the contract.

Bill Margalis believes that 10 years ago was when the Charter Review Commission changed the language from lowest and best to lowest and most responsive. He thinks that was the language back then that gave the City the ability to pass over the low bid because of work performance or bad reference and they have done that. Just recently the state changed that language to lowest, responsive and responsible.

Discussion then began about amending Article VIII Finances Section 7 Purchases, Contracts, Public Bidding where it says "...lowest and most responsive bidder ..." Joe Oboczky made a motion to add the word responsible following most responsive. Mary Ann Surtz seconded. All present were in favor.

Bill Margalis asked if there were other recommendations. Cindy answered only the Civil Service issue and raising the public bidding dollar amount.

Bill Gargiulo noted that the bid requests that are being advertised in the newspaper are now being shortened and it is working.

Bill Margalis suggested that the Commission have another meeting next week to vote on these minutes so that everyone is in agreement with the proposed changes. The next meeting will be June 3 at 6:45 p.m. in Council Chambers. The proposals will be submitted to Council at the June 9 Council meeting.

Don Contenza motioned to adjourn at 8:10 p.m.; Nancy Cole seconded. All were in favor.

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Maria Matiyasic, Secretary

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Cindy Marino, Chairperson

Next Meeting: June 3, 2008