

FINANCE COMMITTEE MEETING

held June 4, 2012

7:00 p.m.

Present: Chairman Mike Young
Councilman Dwight Clark
Councilman Dave Tadych

Also Present: Mayor Sutherland, Councilwoman Lieske, Detective Mark Spaetzel,
Police Chief Wright, Fire Chief Lyons, Recreation Director Enovitch,
Operations Manager Landers, Director of Public Service and Properties
Galli

Audience: Bruce Geiselman, *Sun New*, Jeff Gallatin, *Westlife*, Dick Majewski, Susan
Murnane, Dennis Driscoll

Mr. Young called the meeting to order at 7:00 p.m.

Budget Variance Report

Mr. Young distributed the budget variance report prepared at the end of the month of May, 2012.
(Exhibit A attached).

Vehicle Policy

Mr. Young distributed copies of a suggested vehicle policy formulated by Mayor Sutherland.
(Exhibit B attached). He stated that the last policy created by Council was a tier policy as
indicated in the minutes of the Finance Committee held April 23, 2012. (Exhibit C attached).

Mayor Sutherland stated that her draft policy was developed after polling approximately twenty
different communities, approximately the same size as Bay Village. The Mayor found that many
communities do not have formal policies. It is a matter of course that the Mayor, Fire Chief,
Police Chief, Service Director, and whatever directors or employees so designated use vehicles,
but they do not have a formal policy that regulates operation for personal use. Based on that, as
the Mayor did the research on the policies, she felt that Rocky River's was very well written,
very equitable and reasonable. The Mayor's policy is almost word for word taken from Rocky
River's with a few grammatical tweaks.

Mr. Young commented that City Council has to approve expenditures, so if any Mayor wanted to
give a car to someone, City Council would have to approve the expenditures of funds. The
Mayor designates the use.

Mr. Young stated that the first bullet point of the Mayor's draft policy states that "Due to the
essential nature of the duties of certain administrative officials (designated below as the

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Mayor/Safety Director, Fire Chief, Police Chief, and Service Director), it is in the best interest of the City that such employees have access to and use of City vehicles on a 24-hour-a-day basis so that they may respond to the needs of the community regardless of where such employees may be located at the time such need arises.”

Mr. Young asked the Mayor what are the essential duties of those employees as opposed to other employees, and why does it make sense that based on that they would be afforded not just a vehicle, but commuting privileges.

Mayor Sutherland stated that those four positions are on call 24/7, and this is standard in other communities. Based on that, and the fact that they are responsible for the safety of property and persons within the municipality, that is why 95% of the communities have it set up that way.

Mr. Young commented on the fire at the Service Garage four years ago. The Mayor was at the fire, and the former Fire Chief was there. Mayor Sutherland stated that the fire started during a Council meeting and when the meeting concluded everyone went over to the fire.

Mayor Sutherland stated that there is a difference between what is called first responders and those who are in command or control. The first responders will do whatever they need to do. But, if there are additional types of decisions that have to be made by the Chiefs, they will respond and they will be there on time.

Chief Lyons stated that Mr. Young is correct that the people in the station are the first responders. The Police Chief and Fire Chief are not considered first responders normally, but operate according to the National Incident Management System, a federally mandated system used nationwide. The Chiefs come in and provide the incident command control when the opportunity and necessity arises. As soon as there is a working fire confirmed in Bay Village, Chief Lyons gets called at home or wherever he may be, and he is on the way to the scene. With the limited amount of manpower in the city, even a very small house fire can quickly overwhelm the resources available.

Mayor Sutherland stated that there is a natural assumption that the responders will be coming from home. That is not always the case. There are many times when the responders may be called from meetings, court or other activities.

Chief Wright stated that he has literally left weddings and funerals to respond to incidents in Bay Village. In the event of a SWAT team incident, the patrol officers are the first responders. They are there to contain and set up a perimeter. The SWAT team handles the inner perimeter and the SWAT team commander assumes responsibility for the scene until the Police Chief arrives. The decision to use force is a decision that would be made by the Police Chief in concert with the Mayor and Safety Director. The detectives are there to interview witnesses, establish identity, determine facts, and debrief police officers. The Police Chief is there to make critical decisions with the Mayor/Safety Director, the SWAT Commander, and Incident Command.

Mr. Young discussed the possibility that the Police Chief or Fire Chief would be using their own personal vehicle when attending a wedding, funeral or other family related function. Chief

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Wright gave the example of a disaster in Bay Village when a tree fell, causing the death of residents. He was out that evening and when he returned to the vehicle he could tell by the radio traffic that there was an emergency situation. He returned immediately to the city. There is an understanding when taking the positions of chief, service director, detective, or operations manager, that you have agreed to be physically present when the need arises.

Mr. Young asked if this requires a police vehicle as opposed to anything else. Chief Wright stated that the vehicle is provided because the employee has agreed to be present at these situations.

Mayor Sutherland stated that one of the detectives brought up to her the fact that if they are in an emergency police or fire vehicle they can exceed the speed limits on their way to the site. They could not do that in a personal vehicle.

The Mayor stated that Bay Village has been voted the No. 1 suburb by Cleveland Magazine and one of the reasons for that designation is because the city is such a safe community. We are a safe community because we have great response, even though we are short handed. The Mayor stated that she does not want that to change. Speaking as a resident, if something happens in her neighborhood she wants the chiefs, detectives and service workers to be able to respond quickly. Even while looking to do things on a regional basis and continuing to look for ways we can become more efficient, effective, and collaborative, it is always with the idea to increase the response rate or provide better service at the same cost, or the same service at less cost. When it comes to safety, the Mayor stated, she does not want to sacrifice the service that is given. She does not want to slow that down, and that's what happens when you impair the individuals' ability to respond to emergencies.

Mr. Clark stated that no one wants to sacrifice the quality of the service. He questioned whether the city is being reimbursed a fair amount for the personal commuting mileage, which is really the discussion at this meeting. There were about 57,000 miles of commuting in 2011 and the city was reimbursed about \$4,300 for that, which comes out to about \$375 per month for the use of eight cars. That seems low. The right number should be higher.

Mayor Sutherland stated that she understands that and this is one of the reasons that the draft policy based on Rocky River's policy is the way to go because it is consistent with IRS code and how the IRS says this is to be handled. Tiers and reimbursements are not what the IRS code maps out; it tells you exactly how you are supposed to handle it. Personal usage is to be logged, and that is then to be added to the income at the year-end W-2's.

Mr. Young stated that he understands there are instances within a five year period you would be required to exceed the speed limit. He stated that he has never seen anything, as far as the contract for the police chiefs and detectives that the reason they are on call 24 hours a day is because we give them a car. Mayor Sutherland stated we give them a car so that they are on call 24 hours a day. Being on call is not an easy thing; especially in the position of Mayor, Service Director, or Chief. You get called at anytime for any reason.

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Mr. Young stated that there are reasonable limits as far as the mileage being driven. A short distance from the city does not create a problem for commuting, which is described in the Tier document. Excessive distances from the city are questionable if response times are so critical. Mr. Young stated he questions why the person lives so far away if response time is so critical to the city, and why the city should reimburse them for commuting and provide them with vehicles. We are reimbursing for mileage that does not qualify in a response on an emergency or quick basis.

Mayor Sutherland stated that the State of Ohio has created an environment where we can no longer require our employees to live in the City of Bay Village. Constitutionally, we cannot require our employees to be residents or have any type of parameters on the distance from the city. Until the state law was changed, the labor contracts stated that they had to live within twenty miles of any part of the city boundary to any part of the city that they lived in. As you look at the draft policy, it states a radius of twenty-five miles and that is consistent with what Rocky River has for personal usage. The Mayor stated that she made it more restrictive and made it twenty-five miles from 350 Dover Center Road.

Mr. Young stated that he lauds the fact that the Mayor took distance into consideration. There should be a distance requirement in order to be able to respond on an emergency basis. If response on a secondary basis is required, the distance may be a little further. Distance is critical. The amount that the city should reimburse or charge for use of vehicles should be based on the distance away. There does come a point where the city should say they are not going to do it at all, or should charge.

Mayor Sutherland stated that she went according to IRS code. IRS code does not have a tiered system. It is strictly a log and taken off as revenue.

Mr. Young stated that the IRS reimbursement doesn't limit the city as far as policies they can draft or write. You cannot do less but you can go beyond.

Mayor Sutherland stated that ninety percent of the communities are consistent with IRS code. Mr. Young responded that we are talking about something that the other cities have not looked at; this is a unique town. We have not had to look at such policies in this or other cities. The Mayor stated that the policy for Rocky River is relatively new; 18 months to two years.

Chief Wright stated that Mr. Young's argument is not totally without merit. When choosing a detective he bases it primarily on knowledge, skills, and abilities. Geographic location does not come into consideration. However, the employees who live in certain geographic locations now can get to the scene in timely fashion and bring the knowledge, skill and ability needed. If there was a request to move to a distance very far away, the Chief would remind the employee of the need to be able to get to Bay Village in a timely fashion.

Mr. Tadych stated that he disagrees with both the policies under consideration. The one that the Council created on April 23, 2012 is biased and flawed; is not simple enough or clean enough. If we are going to do it we should do it on a simple basis so that those that are in the city can have their cars and others can't. Edging in five miles here is not fair; it is based on current addresses

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rather than an overall picture. Mr. Tadych stated that he understands what the Mayor is saying; she has some very qualified and good points. He does agree with the idea that there is a need for some remuneration on vehicles. To the Police Chief's statement about having to leave a wedding, if he were at a wedding when a call came in he would have to go home to pick up his city vehicle. Mr. Tadych stated that he does not agree with either one of the policies being reviewed. He would like to see it far more clear and simplified.

Chief Wright stated that he would respond directly from the event and arrange for other transportation for his family.

Chief Lyons stated that it is part of the duties of a chief to be aware of the potential necessity to leave a family event, and to be available 24 hours per day, seven days a week.

Due to the necessity of beginning the regularly scheduled Council meeting, the discussion ceased and the meeting adjourned at 7:30 p.m.

Mike Young, Chairman

Joan Kemper, Secretary