

**BRYAN BOARD OF PUBLIC AFFAIRS**

**MAY 7, 2019**

Board of Public Affairs Chairman Jim Salsbury opened the meeting of the Bryan Board of Public Affairs with the following members present: Karen Ford, Richard Long, Derek Allen, and Tom Sprow. Also present were: Director of Utilities Kevin Maynard, Mayor Carrie Schlade, Communications Superintendent Joe Ferrell, Power Plant Superintendent Matt Killion, Assistant Power Plant Superintendent Jim Coressel, Engineering Supervisor Nathan Gardner, Operations Manager Dawn Fitzcharles, Human Resource Director Jacqueline Perry, City Council member Richard Hupe, and Clerk-Treasurer Laura Rode.

Mr. Allen moved, Mr. Sprow seconded, to approve the minutes of the Regular Meeting held on April 16, 2019, as written. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 18, 2019, titled,

**AUTHORIZING THE UNAPPROPRIATION OF FORTY-EIGHT THOUSAND TWO HUNDRED AND TWENTY-FOUR DOLLARS AND TWO CENTS (\$48,224.02) FOR THE TOWNLINE ROAD WATER MAIN REPLACEMENT PROJECT**

was presented and read by title only. Operations Manager Fitzcharles advised the Board that the bids for the Townline Road Water Main Replacement project came in under what was budgeted and requested an unappropriation of \$48,224.02. Correspondingly, as the loan requirement will now be less, an anticipated revenue adjustment will be necessary as well. Further discussion was held.

Mr. Long moved, Ms. Ford seconded, to pass Resolution No. 18, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 19, 2019, titled,

**AUTHORIZING THE TRANSFER AND APPROPRIATION TO THE ELECTRIC CAPITAL RESERVE FUND**

was presented and read by title only. Operations Manager Fitzcharles requested the Board's approval to transfer \$3,550,000 from the 501 Electric Fund to the 515 Electric Capital Reserve Fund. Further discussion was held.

Ms. Ford moved, Mr. Allen seconded, to pass Resolution No. 19, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 20, 2019, titled,

**AUTHORIZING THE ADVANCE AND TRANSFER TO THE 2019 STREET IMPROVEMENTS FOR BRYAN NORTH INDUSTRIAL PARK CONNECTING BEMENT STREET AND BRUNICARDI WAY CONSTRUCTION PROJECT”**

was presented and read by title only. Operations Manager Fitzcharles requested the Board’s approval to advance \$73,973.36 and transfer \$14,205.82 from the 502 Water Department fund to the 410 Bement Street and Brunicardi Way construction project. The project was bid by the Williams County Commissioners and intended to be awarded soon. By proceeding with this resolution, the City will be prepared to move ahead with the City portion of the project which includes up to \$400,000 in grant funds. If approved, this transaction will go before Council when the City moves ahead with the project. Further discussion was held.

Mr. Long moved, Mr. Sprow seconded, to pass Resolution No. 20, 2019. Roll call vote: all ayes; nays, none. Motion carried

Human Resource Director Perry requested to hire Nicholas Richer as a temporary, part-time laborer for the Video Crew at a rate of \$9.00 per hour effective May 20, 2019. Further discussion was held.

Ms. Ford moved, Mr. Allen seconded, to hire Nicholas Richer as a temporary, part-time laborer for the Video Crew at a rate of \$9.00 per hour effective May 20, 2019. Roll call vote: all ayes; nays, none. Motion carried.

A discussion was led by Chairman of the Board Salsbury regarding the recent concerns that portions of the City meetings being aired on YouTube were not available to viewers. As City Council meetings and the Planning and Zoning Meetings are now being aired on YouTube with a disclaimer denoting that the videos may not accurately reflect the public meetings due to glitches in uploads, Chairman Salsbury suggested the Board of Public Affairs do the same. Further discussion was held.

Mr. Long motioned, Mr. Salsbury seconded, to add a disclaimer notice to Board of Public Affairs meeting being aired on YouTube. Roll call vote: all ayes; nays, none. Motion carried.

Resolution No. 21, 2019, titled,

**AMENDING AND APPROVING THE CITY OF BRYAN EMPLOYEE 2019 HANDBOOK, AND DECLARING IT AN EMERGENCY**

was presented and read by title only. Chairman of the Board Salsbury advised the Board that while Council had approved the 2019 City of Bryan Employee Handbook on December 27, 2018, the Board of Public Affairs had not yet done so. He continued that under the City Charter, the Board of Public Affairs has control in supervision over the operations and personnel of the Utilities including paying and setting the wage of each of its’ personnel. Past handbook amendments and various personnel and compensation

policy revisions have been brought to the Board for approval. Both versions of the City of Bryan Handbook state they may be amended at any time by the Bryan City Council and the Board of Public Affairs. He asked the Board to review and discuss the handbook that has been approved for employees under the supervision of the Mayor as outlined in the City Charter.

Human Resource Director Perry provided a detailed overview of the amendments in the 2019 City of Bryan Employee Handbook noting that collective bargaining unit agreements may supercede the handbook when applicable.

Chairman Salsbury noted that some employees are adversely impacted by the change in retirement sick leave payout and that Veterans Day may cause an issue as it is not a holiday under the collective bargaining agreement. He added that not all changes support the Bryan Municipal Utilities strategic plan and maintaining a succession plan with a skilled work force. He felt this has negatively impacted at least one (1) employee who agreed to stay and help the Utility as well as having a negative impact on morale as younger employees have seen how the senior employee was treated.

He said that the City of Bryan is a charter municipality which allows for Home Rule; however, the Ohio Revised Code sets the floor for sick leave cash in requirements and sets the minimum years of service in any political subdivision at 10 years. State law further states that at 10 years employees in any political subdivision are eligible for sick leave balance payment. He also added that the sick leave payouts were included in the 2019 budgets.

Board member Sprow read a question from an employee who felt their benefits were slipping away. The employee questioned how are we offering current employees any incentive to stay as well as attracting veteran skilled employees willing to work the last 10-15 years of their career. The employee also said when he was hired at the age of 50 plus, he was told that after 10 years he would receive a full 960 hours of sick time paid to him upon retirement. He added that he feels he is being discriminated against because he is older and that because he is older, this is a way to eliminate paying him something he is entitled to.

Board member Sprow feels it's hard to get the quality of people Bryan Municipal Utilities is looking for. He is not in favor of the handbook requiring 15 years or more to get their payout as employees were promised something by us. He further assumed the other Board members agreed.

Board member Long is concerned about the employees as some are governed by the collective bargaining unit and others by the City Handbook. He continued that he has issues with the Veterans Day holiday as union employees will have to report and that non-bargaining employees forced to work will need to be paid holiday pay plus.

Chairman Salsbury continued that it's a matter of honoring the commitment made to employees who came to work here. He feels that as a public utility, they cannot pay what

some of the private sector does and that they have to rely on such things to entice someone to work here acknowledging that a lot of times it's persons looking to work that last 10-15 years of their career here.

Chairman Salsbury believes that there should have been more conversation not only among the Board, but between the Board and Council about the changes and that to approve the 2019 Employee Handbook as currently written is not a viable option. In addition to other reasons stated, the Board of Public Affairs does not wish to possibly violate statutes; however, some of the changes to the handbook make sense. He stated that it was his recommendation to reject this resolution and to introduce a new resolution to amend and adopt the 2019 City of Bryan Employee Handbook with the exception of Section 301 Sick Leave Benefits policy and retain the 2015 version of the sick leave policy.

Mr. Salsbury moved, Mr. Long seconded, to pass Resolution No. 21, 2019. Roll call vote: all nays; ayes, none. Motion denied.

Chairman of the Board Salsbury then stated that as the 2019 City of Bryan Employee Handbook failed to pass, there were some changes that were of value. Therefore, he proposed a new resolution for the approval and adoption of a new 2019 City of Bryan Employee Handbook with the exception of Section 301 on the Sick Leave Benefits Policy. Mayor Schlade requested a copy of the proposed handbook/resolution. Copies were then distributed.

Resolution No. 22, 2019, titled,

**AMENDING AND APPROVING THE CITY OF BRYAN EMPLOYEE 2019 HANDBOOK AND SECTION 301, SICK LEAVE BENEFITS POLICY, AND DECLARING IT AN EMERGENCY**

Was presented and read by title only. Board member Sprow then questioned that the Section 301 Sick Leave Benefits Policy would be what was stated in the 2015 City of Bryan Employee Handbook. Chairman Salisbury noted that was correct and read the entire body of the proposed resolution for the Board which noted that if approved, this resolution would be in effect retroactive to January 1, 2019.

Mr. Long moved, Mr. Allen seconded, to pass Resolution No. 22, 2019. Roll call vote: all ayes; nays, none. Motion carried.

Mr. Long moved, Ms. Ford seconded, to pay the bills. Roll call vote: all ayes; nays, none. Motion carried.

Board member Allen noted he was glad the handbook issue had been addressed and asked questions regarding the production at the Auglaize facility. Further discussion was held.

Board member Sprow wanted to follow up that this was not the first time the Board of Public Affairs had not approved the City of Bryan handbook. He continued that between 2000-2001, the Council and Board of Public Affairs operated under two (2) different handbooks.

Director of Utilities Maynard reminded the public that the Drinking Water Week celebration was underway and thanked Operations Manager Fitzcharles for preparing the agenda for the evening as he had nothing to do with it due to a death in the family. He also reminded the Board of the May 29, 2019, legislative day in Columbus with Ohio Municipal Electric Association and American Municipal Power.

Engineering Supervisor Gardner informed the public of an informational meeting on the Townline Road Waterline Replacement project to be held on May 21, 2019, at 7:00 p.m. at the Church of Jesus Christ of Latter Day Saints located at 515 Townline Road and added that letters would also be sent to those affected. Further discussion was held.

Mayor Schlade informed the public that over the past several months, there has been a lot of accusations on the City side regarding her not communicating or people not being honest. She continued that on January 18, 2018, February 12, 2018, March 12, 2018, and November 12, 2018, Director of Utilities Maynard was present during department head meetings where the proposed handbook was discussed. She also added that Bryan Municipal Utilities management team had the 2019 handbooks with revisions two (2) weeks prior to the Council approving to adopt it.

Mayor Schlade then read a statement noting that on December 27, 2018, Bryan City Council unanimously passed an ordinance adopting a new City handbook to become effective January 1, 2019. Under Municipal Charter 157, Council has the authority to pass the city wide handbook through ordinance, not resolution. While the Board may pass a courtesy resolution, passage is not required in order for the handbook to be placed into effect for all employees.

Mayor Schlade further noted that the money was budgeted for in the 2019 budget as the budget was passed at the same meeting the handbook was approved. She also referenced that changes to employees retirement eligibility via the Ohio Public Employees' Retirement System have occurred as well since people have been hired and that in government, this typically has to do with funding. She continued that it has been repeated that the City hasn't grown in revenue over a number of years; however, Bryan Municipal Utilities can raise rates while the Council does not want to go the taxpayers and ask for an income tax increase.

Mayor Schlade informed the public that the sick pay retirement benefit now matches the Police contract and that the discussion to make an adjustment had taken place prior to her becoming mayor. She added that discussion regarding adding Veterans Day to list of holidays had been discussed for nearly a year with no issues raised. In conclusion, Mayor Schlade noted this would be discussed at a later time.

Council member Hupe stated that while this discussion has continued for some time and probably will continue, he hopes that the relationship between the Board of Public Affairs and City Council will not be severed. Several Board members concurred.

Mr. Long moved, Mr. Sprow seconded, to adjourn the meeting. Roll call vote: all ayes; nays, none. Motion carried.

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Chairman of the Board

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Clerk-Treasurer