
Ashland City Council

MINUTES FOR THE SPECIAL SESSION OF COUNCIL Monday, September 10, 2013 at 5:00 p.m. Council Chambers

Council President Stephen Stuart called the meeting to order at 5:03 p.m.

ROLL CALL

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| Council-at-Large & President: | Stephen L. Stuart | Present |
| Ward 1: | Duane R. Fishpaw | Present |
| Ward 2: | Robert M. Valentine | Present |
| Ward 3: | Ruth Detrow | Present |
| Ward 4: | Sandra Tunnell | Present |

PLEDGE OF ALLEGIANCE

Mr. Wolfe began by explaining the meeting is called for the purpose of discussing forming the Regional Council of Governments with the City of Wooster. Three visitors were introduced, Mayor Robert Breneman, Administrator Joel Montgomery, and Council Member Jeff Steiner.

Dr. Stuart stated legal counsel for the project has been delayed and a recess was had.

(Short recess.)

5:19 p.m. The meeting reconvened.

Attorney Adam Miller, with the law firm of Taft Law in Columbus, presented the program. The PowerPoint presentation was disseminated in paper form which summarized a proposal for a Council of Governments between Wooster and Ashland for a dispatching service.

His purpose for the evening was to help the entities to determine if this course of action is appropriate for our respective needs. He stated he is not an advocate for a course of action, but an advocate for solid detailed consideration. He stated he would point out the pros and cons.

He pointed out the State Budget has local grant money available for this type of project. He stated joint agreements are becoming more popular and the degree of control one has over a Council is greater because the founding members decide what the by-laws and parameters are. Who and how the COG will be funded and who will be appointed to the COG is decided by the founding members.

A COG is a subset of our governments, not a governmental entity. It allows for resetting of by-laws and contracts through joint operations. The purpose of a Regional COG is whatever is decided by the founding members. Today the proposal is public safety, police and fire.

In the next 30 to 90 days, it will need to be decided what is the level of participation of the founding members and what will be the participation level of another governmental entity or a private entity. Traditionally, secondary members will pay a higher rate to participate in the corporate venture.

Attorney Miller stated his experience is in working with COGs with five to six times bigger budgets than what Ashland and Wooster have combined, and he has worked with a COG in Seneca County that doesn't come close to our current budget.

A COG is like a whiteboard because it is subject to how the parties set it up. It typically begins with three founders, like-type entities, i.e. school districts, villages – typically within one county, but that is not a requirement. Adjacency is not a requirement for a COG. The COG Ashland and Wooster is looking to form is a particular set of functions that could be a potential cost savings by combining dispatch.

Tasks can be shared, and at the beginning the founders become dual-hatted until the COG becomes more familiar. It is a not-for-profit business entity. It is suggested that A & W consider a not-for-profit. It has aspects of a governmental function and aspects of a business function. A COG is protected by Sovereign Immunity.

Mrs. Tunnell asked about Atty. Adams' suggestion that the COG gives the founding members a high degree of control. She noted in the COG Articles that were prepared in concert by A & W it was stated that the founding members could be up to 20 people. She asked if that document was finalized because she did not feel that 20 people would provide a great deal of control if Ashland has only five.

Atty. Adams stated that is something decided as to how many people should be on the Council's Government of Directors and he felt in A & W's case, it would be best served with five to seven people.

Mr. Wolfe stated one possibility of choosing the Government of Directors would be if it was seven it would be three from Ashland and three from Wooster. The sixth person would be from both areas on a rotating basis. Mr. Wolfe stated the 20 people potential is allowing for growth and latitude. It provides the structure to be in place to accommodate the flexibility.

Atty. Adams stated the COG is always governed by the Purpose Clause. "Council Articles" were referenced. Cities are looking at a COG because of a concern for duplication of effort. They are asking, How can we do more with less at a time when State government is providing less to local government. Instead of shifting the burden to the taxpayers, cities are now looking for a way to consolidate and be more efficient.

Atty. Adams noted a newspaper article attesting to the value of the Feasibility Study that already has been done by Cleveland State for Ashland and Wooster. He stated this study validates this course of action. There is also buy-in from the public safety services, police and fire. He indicated a grant of \$50,000 can be expected. This is what needs to be considered to decide if the entities should continue with exploring the Regional Council. To continue the course of action is to save money and continue to push out your service as you go. Over time some savings will be recognized. There will be revenues to sustain the Feasibility Study and sustain build-out, meaning the equipment and fielding the execution of the startup of the joint dispatch. It is doubtful if we could get a half million dollars in grants to start the operation, but if the grants were layered, the COG could get close to that much in grants. Since this COG is a first of its kind, a FEMA grant is a possibility. He warned of getting "a lot of grants" and burning through the grant money right away. If the grants are phased out and the money is used conservatively, it can be a successful progression.

Atty. Adams went on to point out the bullet point as follows as being one of the most important:

"[The COG] Has powers given by statute or delegated by contract – can have as many or as few functions as the parties want."

Atty. Adams continued to review the PowerPoint presentation and discussed establishing the governing bodies. He stated a COG has the specific statutory authority to operate a 9-1-1 system to supplement and extend to improve response time and to improve service area.

Dr. Stuart stated it was his understanding that the sole authority to operate a 9-1-1 system was through the County Sheriffs' Departments. They could relinquish that responsibility to someone else, but under law the Sheriff's Department in each County had that responsibility.

Atty. Adams stated the systems would work in concert. The County Sheriff's Department has authority to do what they are authorized to do. The COG has the authority to operate higher levels of emergency service. The COG fills in the "gaps" for things like band, radio, logistical equipment. Rather than the City or County bearing the cost, the COG would have the ability to hold that property.

Mrs. Detrow asked if there would be a duplication of services.

Atty. Adams stated no. If the City wants to establish a joint operation for police and fire dispatch, as the police and fire are already currently doing, this will be going on while we are still having 9-1-1 at the Sheriff's Department. All the services would not be consolidated into one pot. The taxpayers' money is saved by consolidating the two City operations.

Mr. Wolfe stated this initiative is not for the purpose of pre-empting our current 9-1-1. This is for enhancement of the system. But with this system, the Sheriff would not need as many people, and that would be decided by the Commissioners.

Atty. Adams stated one plus for the COG is to be able to extend the 9-1-1 dispatch service and hopefully reduce response time down to a very, very effective range.

Mr. Joel Montgomery from Wooster stated the 9-1-1 dispatch is required to patch the call to the COG. He stated that the State is looking to reduce a number of the PSAPs (Public Service Answering Point), so they will be evaluated. It is the responsibility of the PSAP to answer the phone, it is not their responsibility to dispatch the fire and police.

Mr. Wolfe stated the City of Wooster had this same meeting last week to discuss what was being proposed.

Chief Anderson stated, by way of explanation, that 9-1-1 and dispatch are being used interchangeably, but 9-1-1 is the telephone call for help. Dispatch is the actual sending of the call to the police or fire. The 9-1-1 call stops after they get the information on the phone.

Atty. Adams stated if the Federal aggregation of emergency services with FEMA and the State EMAs looking for ways to join areas and regions of the state, this initiative would position our region for an emergency hub.

Dr. Stuart stated the two municipalities will have to issue debt because the COG cannot do that.

Atty. Adams stated debt issuance, meaning bonds versus short-term notes. The COG can issue short-term notes to purchase consoles, recording equipment, dispatch equipment.

The question was asked as to the location of the site. Mayor Breneman stated that has yet to be determined. He stated both mayors feel they have appropriate sites that can house the PSAPs.

Mr. Fishpaw asked if the equipment would be new or used.

It was stated it would be new equipment and a joint operation. At the point of discussing the joint site, it could be considered with a hub and annex, and equipment at both. Atty. Adams stated the uniqueness of the hospital in Wooster would be a help for grant funding. The grants would be jointly written as co-applicants.

Dr. Stuart asked for copies to be made of an email that Mr. Wolfe received regarding the cost for the COG startup.

It was noted by Mr. Jeff Steiner, Councilperson from Wooster, that the costs that have been presented in the email include no grants or reductions of any kind.

Mr. Wolfe reminded Council that general discussions have been going on for several years. There has been contact and communication with the respective chiefs, and the cities' law directors have met.

Atty. Adams stated the position will be stronger once a provisional entity is in place. Since we have a board that's been appointed, meetings have been held, and there is a working group doing joint feasibility planning, the next major decision point will be in November.

A question was asked by Mayor Breneman about a charitable gift to a City, would that be allowed. It was stated that a tax-deductible contribution would be allowed.

Dr. Stuart stated he has personally been involved in some aspects of this COG organization. He has been encouraged by the cooperation and positive relationships that have evolved between the two entities. The overriding objective and goals are to establish a dispatching arrangement that is more efficient and effective at a cheaper cost than we are each doing now.

Dr. Stuart stated there has been \$435,000 appropriated for the current 9-1-1 dispatch. He stated there should be expected at least 10 percent more that might happen in the first year, and then he reviewed the capital costs shared which amounts to \$333,250 per City. If set up on a 15-year bond and amortization, it would be an additional \$30,000 a year. With those figures put together, Dr. Stuart stated he is not coming up with a way to show that this is a more economical way to go. He also noted that that is exclusive of what may happen in the way of grants.

Personally speaking, Dr. Stuart stated there is positive potential, but he has concerns that it is going to be more economical to have this COG. He asked if the parties can agree to proceed on a provisional basis that takes the COG project to a grant application and a further feasibility consideration before committing to the project in full.

Atty. Adams stated that can be done. He stated that FEMA and EMA will look closely at what the provisional terms are.

Mr. Wolfe stated the first year the savings would not be seen; it might take a couple years.

Mayor Breneman stated if there are three or four entities involved, the savings are more quickly seen. In two years he anticipates a break even. What they are looking for is a cost-effective entity that provides quality dispatch. The cost can be the same or better, but the goal is a quality dispatch system.

Mr. Wolfe stated we have seen that locally there is a want for dispatch to become centralized. The first step is to form the COG and the next step is to pass an ordinance to form a COG. Mr. Wolfe stated he will have a draft of an ordinance that can be passed on the first reading and a second and third reading can be at the next meeting.

Mr. Montgomery agreed that the first step is the legislation to form the COG to get further along. With the entity formed, it will provide the opportunity to assess whether the COG can serve the purposes for which it has been formed, better or at least the same service as is currently at the same or lower cost.

Mrs. Tunnell asked if the COG is formed and the money is not forthcoming, does the COG then get dissolved.

Mr. Wolfe stated it would be premature to dissolve the COG immediately; at some point it can be dissolved. The projection to form the COG is by the end of September.

Mrs. Tunnell asked if there are application dates. She felt it would weaken our stand if we develop the COG and get inadequate funding and decide not to go forward with it.

Atty. Adams stated there is a September application that could be possible if things come together quickly next week. He indicated there has been enough time between the State Budget adoption and the Governor's signature that people are now looking at the applications; he anticipates there will be a lot of applications next spring. The goal is to put the COG together as quickly as possible with the analyses of details that have already been done. It shows preparation and intent that will help attain the grant funding.

Mr. Fishpaw asked if Atty. Adams had worked with combined dispatch center COGs.

Atty. Adams stated there are not many COGs that are doing combined dispatch, only that it is an aspect of the COGs that are out there. He stated that is why he feels A & W have more of a chance because it is a unique COG.

Mr. Fishpaw asked about the players in the COG: The committee that forms the COG, the City Councilmen, the Police and Fire Chiefs from each of the departments, and they have someone in charge of the dispatch center, what if there is a problem at the dispatch center. What is the chain of command?

Atty. Adams stated the COG is the first point because it is the joint chain of command and the operating entity. But he noted, Council is not divesting its authority.

Mr. Fishpaw asked about the fire or police departments having a problem and having to go through “hoops” to get the problem solved because the chain of command has changed.

Atty. Adams stated the problem in the past has been people on the COG who do not have the operational knowledge. He stated the way to solve the problem is to have the planning process involve people in the field.

Mr. Montgomery stated the reason Wooster is interested is to gain back some control.

Chief Anderson stated the different problems would go to different people depending on the type of problem and the hierarchy.

It was stated that there will be Policy and Procedures drawn up.

Mr. Wolfe pointed out that the representatives are decided by the COG. It could be Chiefs and Council members with experience.

Mr. Paxton stated the current cost of dispatch by the City is not “set in stone”. That price can go up or down; it is a contract currently. The fact that the City budgets \$435,000 now is no guarantee it actually costs that amount, and it does not mean it will not increase. The billing is now within \$1,000 of what was spent last year. He noted there is no control over the cost.

Mr. Wolfe stated there would be much closer control of the expenses.

Mrs. Detrow stated two cities can afford better-quality equipment by collaborating.

ADJOURNMENT from Special Session: 6:42 p.m.

Moved by Mr. Valentine and seconded by Mrs. Tunnell to adjourn.

Ayes: Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

Respectfully Submitted by
Kimberly S. Calhoun, Clerk of Council