

**HAMILTON TOWNSHIP TRUSTEES  
SPECIAL MEETING  
March 17, 2014**

Mr. Weber made a motion and Mr. Duvelius seconded the motion to open the emergency meeting at 6:03 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

The Pledge of Allegiance to the Flag was recited by all in attendance.

Mr. Warren Ritchie, Law Director, stated the statute that requires the certification of the Fiscal Officer pertains to contracts or normal purchase orders not to payroll. Mr. Ritchie had contacted the State Auditor's Office in regards to confirming that.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve the payroll checks.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber stated one of the purposes of the meeting was to discuss the process for filling the vacancy of the Fiscal Officer.

Mr. Gary Boeres, Administrator, prepared a draft job description. Mr. Weber stated he had put together a few guidelines of topics to go over.

The first discussion was on a time frame moving forward. Mr. Weber stated it would need to be advertised that the board is accepting applications. Mr. Duvelius was concerned about giving enough time to accept applications. Mr. Wallace stated he would like to limit how many get interviews and to be transparent. Mr. Wallace would like a list of the interested applicants to be posted on the website. Mr. Ritchie stated this could be done as it is public record. Mr. Wallace suggested each trustee bringing in a citizen to sit in on the interview process. Mr. Duvelius agreed. Mr. Weber stated the advertising would begin tomorrow March 18, 2014. Resumes and letters of interest are due to the Administrator by Monday, March 24, 2014 at 12:00 p.m. noon.

There was question about accepting applications electronically. Mr. Duvelius stated if one is received electronically, Mr. Boeres will send an electronic receipt request to the applicant stating it was received. If an acknowledgment was not received then there was a problem. Mr. Weber agreed he was fine with electronic submission. Mr. Duvelius stated otherwise he would want the resumes dropped off in person.

Mr. Weber stated the Board would evaluate and rank the applications at the meeting on Wednesday, March 26, 2014. Mr. Boeres stated he would sort through the applications to make sure all applicants met requirements per the Ohio Revised Code and give the eligible candidates to the board. The interviews would be scheduled for April 1<sup>st</sup> and 2<sup>nd</sup>, 2014. The board will interview the top five (5) candidates. Then a special meeting may be called for on April 3<sup>rd</sup> or 4<sup>th</sup>, 2014, if it is necessary.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to advertise for resumes and applications to fill the Fiscal Officer position beginning March 18, 2014 and the deadline for applications is Monday, March 24, 2014 at 12:00 noon. The board will evaluate and rank the resumes and applications received at the regularly scheduled meeting on Wednesday, March 26, 2014. Then a special meeting will be on Tuesday,

April 1, 2014 to conduct interviews at 6:00 p.m. likewise for Wednesday, April 2, 2014 for remaining interviews. Each trustee will bring in a citizen with them to the interview.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber stated the applicant needed to be a resident of the township. He would like for the person to be a CPA with public/government experience which is up for debate with the draft job description. Mr. Wallace stated the CPA limit may not be needed, but just a strong financial background. Mr. Duvelius liked the draft job description, but would like to include they need to be a township resident and recommended qualifications. He would like this to be put out with the announcements.

Mr. Bill Dowden wanted clarification in regards to the applicant having to be a CPA. Mr. Weber stated no. Mr. Duvelius stated it would be listed as accounting background preferred, but not a requirement.

Mr. Weber stated letters and resumes have been sent to them already and did not know if the board felt they should be resubmitted based on the advertisement. Mr. Wallace stated he would like them to resubmit. Mr. Weber suggested making direct notification to the applicants showing them the advertisement for the position.

Mr. Weber listed a time expectation of 2 to 5 hours expected per week, overseeing and working with the Finance Coordinator and perhaps a CPA. Mr. Wallace stated he did not care about the hours; the ORC outlines what they need to do. Mr. Duvelius stated he liked what Mr. Ritchie had read at the emergency meeting of the ORC qualifications.

Mr. John Roesch, 406 Grand Legacy Drive, asked about the power the board has to remove the person if they are not satisfactory in that position and would the salary be measurable to what is in the ORC. Mr. Ritchie stated once a Fiscal Officer is appointed they are an official as if they had been elected in a general election. Only subject to removal by the Ohio Attorney General, Court of Common Pleas Suit of failure to fulfill duties, recall or not return to the office. Mr. Duvelius stated salary is pursuant to the ORC. The term will expire March 31, 2016.

Mr. Ray Warrick, 5466 Grand Legacy Drive, stated the board should put in enough time for each interview.

President Weber opened the floor to the public in regards to the appointing process.

President Weber closed the floor to the public in regards to the appointing process.

Mr. Wallace stated the gap still needed to be shown as to who will perform the duties until the position is filled. He would like the board to show what they mean instead of talk about it. The 30 day temporary should not be eligible to be the Fiscal Officer.

There was some discussion about the park levy failing and bringing a CPA on as the fund balances were falling apart.

Mr. Duvelius stated he disagreed with Mr. Wallace regarding the temporary person not being eligible because they may be more qualified to stay in that position. Mr. Wallace asked who will be the fill in until the board hires someone. Is someone even needed? Mr. Ritchie stated the board is not required to appoint someone until they hire another. Mr. Boeres stated he is confident that the staff can handle the duties.

There were questions about contacting Mr. Mark Hurst, CPA Consultant, during this time as he may be an applicant for the position. Mr. Boeres stated the contact could be Mr. Wayne Bastin until a Fiscal Officer is chosen.

Mr. David Craig, 122 Durbin Terrace, stated the township should use surrounding Fiscal Officers as contacts instead of a CPA who would charge the township. No reason to rack up additional charges when free help is available.

Ms. Kim Wilmes, 10707 Schlottman Road, asked if the CPA the township has been working with was interested in the position. Mr. Weber stated the board does not know.

Mr. Boeres stated the next point of business is the past Fiscal Officer has a large inventory of files and many are in the old office. Mr. Boeres would like to have a staff person take inventory of the files. Mr. Duvelius stated he would like to have two (2) people do the inventory.

Mr. Duvelius made a motion and Mr. Weber seconded the motion to allow Mr. Boeres to inventory the records in the Fiscal Officers Office to prepare for the audits and use two (2) people for check/balance.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Discussion began on the concession stand contract for Testerman Park. Mr. Wallace spoke with some of the players. The concession contract was given without other residents having the opportunity to bid on it. He would like to table the idea and let it go through like it had been for this year and it would give the board time to review the contract and be able to include others. Mr. Weber agreed. Mr. Duvelius wanted to continue with the bid process. Mr. Weber wanted to advertise on the website and it could be acted upon at the next meeting. Mr. Wallace proposed it be tabled because he wanted to see what all the requirements are and he did not have time to read through the current contract. Mr. Weber asked who would police the requirements. If the board waits too long they will run the risk of not having it ready for the season.

Ms. Pat Cremeans, Park Board Member, stated she was concerned with it being out to bid and holding the same hours as the current group who are always there. Mr. Wallace wants to table this discussion until the next meeting on March 26<sup>th</sup>. The board agreed.

Ms. Wilmes asked when she would be able to ask questions. Mr. Weber stated he would open the floor to the public after business was handled.

Mr. Boeres noted as of today there is \$750.00 for the Easter Egg Hunt. This event will move forward. Mr. Wallace thanked the donors. Mr. Duvelius asked if the Park Board should be notified about the Christmas event now since it too will have to be privately funded. The board agreed to send notice now. Mr. Weber thanked the residents and businesses for contributing to the Easter Egg Hunt.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to put the Park Board on notice that the Christmas event should be funded with private donations due to the financial situation.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

President Weber opened the floor to the public.

Mr. Mike Cremeans, 9603 So. St. Rt. 48, asked why the position of Fiscal Officer has to be an elected position. Mr. Ritchie stated the statute of Ohio requires four (4) elected positions.

Ms. Wilmes requested a recap of what had happened and how it got as bad as it did. Mr. Duvelius stated Ms. Terwilleger retired from her position last week. The problems that had occurred are now known due to audits and CPA reviews who are helping to straighten out the financial situation. As one problem is found a new one opens up to be corrected. Ms. Wilmes asked how as a resident she can make sure this doesn't happen again. Mr. Wallace agreed to disagree with Mr. Duvelius and stated he would be willing to talk with her at another time as Mr. Duvelius's interpretation is different than his. Ms. Wilmes asked how she can be reassured it won't happen again. Mr. Weber stated controls

have been put in place at the end of last year. The challenge was making her comply with the controls set. Mr. Wallace stated a township trustee is responsible for tracking the money.

Dr. Frank Colon, 1534 Indian Bluffs Drive, asked Mr. Wallace about what he had just stated about the trustees being responsible and if it was statutory as far as the ORC. Mr. Wallace stated it is part of the duties as a trustee to know where you stand with the finances. Dr. Colon stated the way he read the ORC and understood the trustee responsibility was to authorize payments based on the indication of funds being available by the Fiscal Officer. There is no auditing responsibility in the hands of a trustee. Mr. Wallace stated they could agree to disagree because the trustees should be sure the books are audited. Dr. Colon stated that happens based on the states responsibilities to do audits. There was further discussion about job positions and roles.

Ms. Wilmes asked who is watching the Fiscal Officer and their work. Mr. Wallace believed it is the job of the trustees. Mr. Duvelius stated his opinion is the State Auditor is the oversight for the Fiscal Officer as to whether they are performing correctly or not. In an elected position it is the residents that have an official say if there is an impropriety.

There was much follow up discussion to Ms. Wilmes question from the board.

Mr. Warrick encouraged Ms. Wilmes to attend the Financial Work Session on April 5<sup>th</sup>.

Ms. Laura Gardner, 1735 Calm Stream Lane, asked the board if they felt confident that they are qualified to interview and hire a Fiscal Officer or should others be brought in because obviously the last Fiscal Officer did not have the skills to do the job. Mr. Weber stated the board does have the skills to interview someone and they will be bringing a guest in with them to the interview. Mr. Wallace stated these will not be rushed interviews. Ms. Gardner stated her husband is interested in this position.

Mr. Craig spoke, but was too far from recorder to hear.

President Weber closed the floor to the public.

Mr. Duvelius made a motion and Mr. Weber seconded the motion to adjourn the meeting at 7:41 p.m.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes