

JACKSON CITY COUNCIL

Minutes from
October 1, 2007
7:00 p.m.
Special Session

Jackson City Council met in special session on Monday, October 1, 2007, at 7:10 p.m. at the Jackson City Council chambers. President Speakman called the meeting to order. The Pledge of Allegiance was given and followed by prayer, both led by Mr. Reed.

A roll call was taken as follows:

- Mrs. Colby – present
- Mr. Hughes – absent
- Mr. Eric Brown – present
- Mr. Reed – present
- Mr. Cary Brown – present
- Mr. Stewart – absent
- Mr. Heath – present

Mr. Heath made a motion to excuse Mr. Hughes and Mr. Stewart, seconded by Mr. Eric Brown. In a voice vote, all Council agreed.

This meeting was called to discuss and act on Ordinance No. 124-07

ORDINANCE NO. 124-07

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE OHIO ASSOCIATION OF PUBLIC SCHOOL EMPLOYEES, OAPSE/AFSCME LOCAL 4/AFL-CIO AND ITS LOCAL #410, AND DECLARING AN EMERGENCY.

Third Reading

Mr. Reed stated the clause was taken care of when the Mayor discussed it with the union; this can go with current language. Mayor Goodman stated this has not been taken to the group, but the president of the union stated it should be fine, the opinion of Howarth. Mr. Reed asked Mr. Speakman if this was an issue with Council since it was not financial. Mr. Heath asked if that is the case, the administration has the authority to rewrite all non financial matters, why is any of it brought to Council. Mr. Speakman stated it has always been that way, but we need to vote. Mrs. Colby asked you have done this before, is this union representative or the group that makes this change. Mr. Speakman stated the members and the administration have to agree, formal action of both. Mr. Heath asked if the MOU was to clear up language. Mr. Speakman stated yes. Mr. Heath stated his general observation, appreciative of the supervisors, 2-1/2% raise, in contract negotiations no one always gets what they want. We need to be fair to the citizens, responsible voting weighs in. Mrs. Colby asked did you get a copy of the salaries; this is quite a bit of money. Mr. Heath stated he did talk to Mr. Howarth, the opinion we have, not sure, he thought the contract was signed. I told him it was not signed. Mayor Goodman stated citing statute, reminding Council that OAPSE salaries were inherited from the previous administration, we could not get out of this. But we must make the best of it, OAPSE did not ask for a lot. Mr. Reed stated he agreed with the Mayor, Council was against this union at the time. There is a concern with the administrative secretary, should not be in the union and have access to the Mayor's office. ORC give the right, do you have the right to get rid of this person. Mayor Goodman stated if the position was filled and not a confidential employee, they have the same protection as any other employee. Mr. Speakman stated there is a 90 day period under new

administration, this is confidential and they can be terminated, certain duties must be performed. Mr. Heath asked if they could bump another supervisor. Mrs. Colby stated not if the probationary period has been waived. Is this the position that was eliminated? Mr. Reed stated it had not been filled. Mr. Heath stated this is the same position of a person let go several years ago, asking if it was renamed. Mayor Goodman stated this didn't affect anything, job description was not changed.


In a roll call to adopt the ordinance, Council voted as follows:

Mrs. Colby – no
Mr. Hughes – absent
Mr. Eric Brown – yes
Mr. Reed – yes
Mr. Cary Brown – yes
Mr. Stewart – absent
Mr. Heath – no

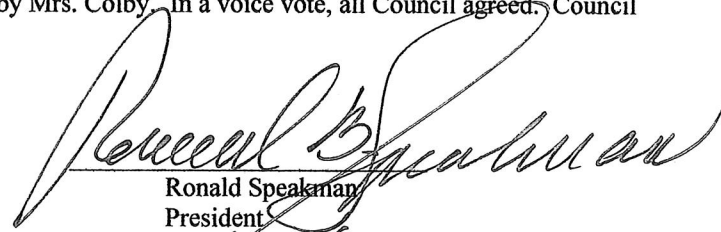
ORDINANCE NO. 124-07 DEFEATED

Mr. Reed made a motion to adjourn, seconded by Mrs. Colby. In a voice vote, all Council agreed. Council adjourned at 7:26 p.m.

APPROVAL:


Tera L. Brown
Clerk

Date 11-26-07


Ronald Speakman
President
Date 11/26/07



Shane Goodman <shaneagoodman@gmail.com>

Waiver of probationary period

5 messages

bobhowarth@aol.com <bobhowarth@aol.com>

Fri, Sep 28, 2007 at 3:14 PM

To: sgoodman@jacksonohio.us

Cc: jdetty@jacksonohio.us

Dear Mayor:

I have been asked whether you, as Mayor, have the authority to waive the probationary period of an employee of the City who is a member of OAPSE; whether such waiver must be agreed to or authorized by City Council. The Ohio Revised Code provides, at Section 731.05, that the legislative authority of the City shall perform only legislative functions and shall have no administrative authority. The section further provides:

All contracts requiring the authority of the legislative authority for their execution shall be entered into and conducted to performance by the board or officers having charge of the matters to which they relate. After the authority to make such contracts has been given and the necessary appropriation made, the legislative authority shall take no further action thereon. (Section 731.05 is attached.)


Hence, I believe, and you are so advised, that you, as Mayor, have the authority to waive the probationary period for the subject OAPSE member on behalf of the City.

Please call if you should have further questions.

Yours very truly,


Robert Howarth

Email and AIM finally together. You've gotta check out free AOL Mail! - <http://mail.aol.com>

 RC_731-05.pdf
30K

sgoodman@magicohio.com <sgoodman@magicohio.com> Fri, Sep 28, 2007 at 3:17 PM
To: Bryan Davis <bdavis@jacksonohio.us>, Donovan Workman <dworkman@jacksonohio.us>, "John L. Jack Detty" <jdetty@jacksonohio.us>, Steve Benson <sbenson@jacksonohio.us>

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 **RC_731-05.pdf**
30K

Shane Goodman <sgoodman@magicohio.com> Mon, Oct 1, 2007 at 12:24 PM
To: Randy Heath <rheath@zoomnet.net>, breed@jacksonohio.us, "egbrown@magicohio.com"

Randy -


Below is the information from Mr. Howarth that we discussed. Please review this today, as it is important that we get the OAPSE contract behind us. As we discussed this weekend, it appears that reverting to current contract language wouldn't change anything if the concern is whether I or a future Mayor could waive probation.

This is a very good contract for the City and a fair contract for the OAPSE members, so it's important that we don't allow a non-monetary issue like this to hold it up. The AFSCME contract is going to be far more difficult, we already have mediation scheduled. Feel free to call me if you'd like to discuss. I'll copy this message to Brett and Eric so they'll also have the information. Thanks.

Shane

----- Forwarded message -----
From: **bobhowarth@aol.com** <bobhowarth@aol.com >
Date: Sep 28, 2007 3:14 PM
Subject: Waiver of probationary period
To: sgoodman@jacksonohio.us
Cc: jdetty@jacksonohio.us

[Quoted text hidden]

 **RC_731-05.pdf**
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Mail Delivery Subsystem <mailer-daemon@googlemail.com> Mon, Oct 1, 2007 at 12:25 PM
To: shaneagoodman@gmail.com

This is an automatically generated Delivery Status Notification

Delivery to the following recipient failed permanently:

"egbrown@magicohio.com"

Technical details of permanent failure:
PERM_FAILURE: Parse Error: Illegal To: address (invalid domain name): "egbrown@magicohio.com"

----- Original message -----

Received: by 10.114.106.1 with SMTP id e1mr814674wac.1191255899505;
Mon, 01 Oct 2007 09:24:59 -0700 (PDT)
Received: by 10.141.123.1 with HTTP; Mon, 1 Oct 2007 09:24:59 -0700 (PDT)

731.05 Powers of legislative authority.

The powers of the legislative authority of a city shall be legislative only, it shall perform no administrative duties, and it shall neither appoint nor confirm any officer or employee in the city government except those of its own body, unless otherwise provided in Title VII [7] of the Revised Code. All contracts requiring the authority of the legislative authority for their execution shall be entered into and conducted to performance by the board or officers having charge of the matters to which they relate. After the authority to make such contracts has been given and the necessary appropriation made, the legislative authority shall take no further action thereon.

Effective Date: 10-01-1953