

The following is a verbatim transcription of the portion of the October 2, 2006 Personnel & Safety Committee meeting pertaining to hiring policy:

Mr. Foltz: Next, Personnel & Safety Committee. And before I turn it over to Chairperson Susie Hines, I'd like to make a few comments. This has been a lightning rod for this Administration and Council. And I was very reluctant to even put this on the Committee of the Whole knowing so. We visited this topic during my first term in council back in 1998 and it was similar in nature, I believe, and intent. And I think that is in everybody's packet. But that went down 4 to 3 at that time. I believe the Mayor and Administration has the option to hire and let the officials' relative to hire or not to hire, it's their decision. I would stand behind their decision as the administration to do so or not to do so. And this is going to be the third time this is going to be discussed publicly and I don't think it really helps our image in North Canton or to the general public. I think we were elected to look at the more pressing needs in our community and hopefully we address those in the future. I realize everybody knows I work down in Canton and they do hire, on occasion, elected officials' relatives. I myself hired one in the park system and he was a very fine worker, without getting into any names, and since transferred to other full-time employment. So I've seen it where it can be very successful. I know us here in the City, especially our Fire Department, where would we be if we didn't have family members, two or three generations coming together with their vast knowledge and expertise to make us the great Fire Department that we have? So I think people should be judged on their abilities, not so much who they are related to. I feel if they're qualified to do the job, I don't have a problem if the Mayor and the Administration wants to hire that person. I also don't have a problem if they don't want to hire them. It's their decision to make. I'm just a – I guess I'm disappointed that so much attention has been given to this when we have so many other positive things that we do in this community. So with that I'll – I had mentioned earlier too this maybe could be possibly reviewed under charter amendment and I know some other council members had that same thought process. But with that I want to turn things over to Chairperson Hines. I know she wanted to get this issue addressed once and for all. So then I'll turn things over to you.

Mrs. Hines: Thanks, Doug. Nepotism – nepotism is favoritism such as an appointment or job placement given to a relative based on a relationship is a sensitive issue. If a job or position is given to someone related to someone in authority don't we all question the appropriateness? Don't we do this before knowing, or despite knowing, the person's qualifications? It's an easy conclusion if we're looking to find something wrong. The Mayor has proposed an ordinance prohibiting hiring full-time or part-time family members of North Canton elected officials, which he defines as the mayor and members of council. North Canton is a Charter City. Our city's charter does not address the hiring of a relative. However, in 1998 the mayors - one ...inaudible... because we changed mayors that year, they issued the same policy statement, quote, "no one who is parent, spouse, bother, sister, sibling, or any other person related by marriage to any of the above of any current elected city official or their immediate city employee, shall be considered for employment for the City of North Canton." That worked for them. Looking to other nearby communities we find that most do not have separate legislation. Canton and Massillon are statutory cities. Therefore, they follow the Ohio Revised Code. The cities of Akron, Alliance and Green have no separate legislation, nor do Jackson and town – and Plain Townships. Two charter cities do have separate legislation. In Louisville no close relative to City Council, the City Manager or any other full-time or permanent part-time employee of the city shall be appointed to any position. In Canal Fulton, council needs to approve the hiring of a relative of an elected official. When something isn't covered in the Charter, we are governed by Ohio Revised Code. Since our present charter doesn't address this issue, we, North Canton, must follow Ohio Revised Code. Why do we need to duplicate something which the state has thoroughly investigated and has defined explicit rules concerning the hiring of relatives of public officials? Rather than pass an ordinance that could be recalled or rewritten at any time, why not let the next Charter Commission consider it for our charter; which would be more permanent; that is if the commission feels it is needed. Next year, 2007, is when the next commission meets. With all this talk of not hiring relatives, an Ethics Commission information – information sheet does – does summarize to say, "...in most situations the Ohio Ethics Law..." and this is quote, "...in most situations the Ohio Ethics Law and related statutes..." and in bold, **"...do not prohibit family members from being employed by the same public agency as long as no official has secured a job or job related benefits for his/her family member."** You can't legislate fairness.

There isn't test to prove whether a candidate for hire will work hard, get along with others, show up on time, come to work with a frog in his or her throat, or in any other way meet the obligations of that job. The City of North Canton is a small city. Obviously we would have people who are related working in this community - brothers, sisters, yes, different people. There may be people before someone comes into council, after someone comes into council. But this is a good community. People want to work here, and that's a good thing. But I think this - I think it all comes down to Council really only has some appointments. It comes down to the - actually it's the City Administrator who does the hiring. I think it's setup in the Ohio Revised Code and if it's good enough for the larger cities of Canton and Massillon, I don't see why it wouldn't be good enough for us.

Mr. Foltz: Anyone else from your committee ...

Mrs. Hines: Patrick...

Mr. DeOrio: Well, I'd like to say that I don't think that this is very productive use of our time. If we've learned anything from last week I think the residents are expecting everyone associated with city government to be working on issues that affect them more directly. And to that extent, I think we all want to be on a successful team. And you know coming from a team sports background, you know it happened to be football, so I guess that's my analogies. How they work is that, you know, in order to be successful you have to block, you have tackle, you have to move the ball down the field, then you put points on the board. And I just don't see where this legislation enables us to do that. I think what it does is it forces, you know, animosity among us that does not lead to being a successful team effort and as a result the residents get hurt. Things that we should be working on - I know everybody has their own list and you know I've got a, you know, list of about ten things I think really are more important for us in the short term and the long term. And these are the kind of things we should be working on together. Now I know at the beginning of the year things started out I think a lot different than where they are today. I think that there was a lot of - a lot of effort reaching across the isle on both sides to try to make things work. And somewhere along the way, you know, those efforts were derailed and to the extent that they're the result of our not wanting to make the extra effort or as result of outside influences upon us, I, you know, don't know. It's for each one of us to answer. But what we have to do is, you know, get past this. And, you know, I read with great anticipation the Mayor's comments in the paper last week about reevaluating an approach with City Council. I would hope that that would be sincere. I, you know, somewhat expected - or I shouldn't say expected, somewhat an... waited with hopeful anticipation that perhaps this issue that we're discussing tonight what of just been, you know, withdrawn, but to the extent that it is here and that it needs to be discussed and then so be that. The legislation as it's written I don't think is a particularly good piece of legislation. I don't - I think it addresses - it leaves out more than it really addresses. I think it's more focused to impact upon perhaps one individual. And to that extent we must not allow ourselves to be put in a situation where issues become political, where there is just posturing in order to make the positive impact in the newspaper. So, you know, the area that I guess it gets tonight, as far as I'm concerned, that's all it needs. It hasn't gone anywhere in the past, it certainly doesn't need to go anywhere now, it's unnecessary. And I don't think it's going to go anywhere in the future.

Mrs. Hines: Thank you. Member Magel.

Mrs. Magel: Here we go again. It was just seven days ago we got an apology. I was sitting up there, we got an apology. You were going to reevaluate. I'm sorry for the way I conducted with, with, with Council. Maybe I should rethink things.

Mayor Held: No that - excuse me Mr. Chairman, if I may comment on that.

Mr. Foltz: Let's let her finish reading that...

Mayor Held: Inaudible...

Mr. Foltz: and then I'd be more than happy to have your ...inaudible... Thank you. I want this to be ...inaudible...

Mayor Held: I just don't want to be misquoted.

Mr. Foltz: Okay, you can address it later. I just want this to be civil as I know it will be with everyone here.

Mayor Held: Right, I understand.

Mrs. Magel: Okay...

Mr. Foltz: Get this addressed and then voted on. Thank you.

Mrs. Magel: Alright, this didn't just come up this Monday. This ordinance, proposed ordinance, proposed legislation, has been floating around for months. The Mayor has asked, polled, straw polled, however you want to word it, many members of Council. Council has asked the Mayor, please don't put this on the agenda. I believe Dave – excuse me, President Doug Foltz had addressed that and said he had asked that this not be on. However, after reading this legislation request, I'm talking about the nepotism that just came in front of us, I find that this has very little to do with nepotism, but rather another attempt in engaging in political puffery. Nepotism, as Susie has read, is a serious subject and should be dealt with professionally. It should not be mean spirited, it should not be discriminatory, and it should not be exclusionary. The Ohio Revised Code, which I believe Susie quoted from, has professionally scrutinized the subject of nepotism and it is uniform in nature. Therefore, I believe we should adhere to the Ohio Revised Code nepotism legislation. However, two members already have said perhaps this should come to the Charter Review Committee next year, which I have no quarrels about. Just – we'll give them, you know, all the accompanying paperwork and let them – if they want to address this issue I believe they can. Therefore, because it – ultimately our residents will vote for the wording on the ballot.

Mr. Foltz: Okay, any other council member?

Mrs. Hines: Okay, I open it up to the other members.

Mr. Lane: This is going to start and go around?

Mrs. Hines: Sure.

Mr. Lane: No, I support the general concept of this. I think I've been quoted as saying that. But I do have some major problems with the timing on it, primarily because we do have a Charter Review coming and that's where I'd rather see this go. As I look at this, and maybe the Director of Law can tell me if I'm misinterpreting this, but anything on this side of the building that falls under Council purview, is covered by the Ethics Commission and the ORC, correct? I mean just – just at first glance. I'm not asking you to give me a legal opinion.

Mr. McFarren: All of our - all of the employees...

Mr. Lane: Okay.

Mr. McFarren: are subject to...

Mr. Lane: I'm talking about ones that would be subject to our hire on the council side. That's what I'm getting at.

Mr. McFarren: Yes, but everybody is...

Mr. Lane: Right.

Mr. McFarren: subject to the ethics and I think

Mr. Lane: Yea.

Mr. McFarren: and we've – E.J. and I have talked about it and there's - there's a requirement that they be informed of such.

Mr. Lane: Okay, but anybody that would directly fall under council is already covered by this?

Mr. McFarren: Oh, yes.

Mr. Lane: And on that side of the building, and I don't mean to put a wall here because it's not here, but the Mayor has already said he's not going to hire anybody that would be a member of any of our families. So I think...

Mayor Held: That's correct.

Mr. Lane: I think we're covered through December 1st of next year as far as status quo. That doesn't mean we shouldn't move ahead and look at this. And my own personal feeling, and I think Susie brought it up, is that any ordinance can obviously be repealed. The charter is a little bit harder to do. And since I support the general idea of this, my per, per - personal preference would be to have the Charter Commission look at this to see if it's something they would like to put into city law and move on from there. And then if they don't, perhaps, and I would assume that has to be on the ballot by – or toward August of next year I would think or September, right; before they can get the wording on for the voters to vote on it in November? If they don't address it, then I think we can come back, and take a little cooling off period here and talk about it on the merits. And perhaps if they don't want to address it, we can address it again next year, but in a different time. That's just the way I feel.

Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you. I just have a very – unfortunately I think we fail to realize one thing. That the greatest review we have happens every twenty-four months on election day. And we can beat this thing all we want, but the people who we serve is - what we're supposed to do is serve the people of the City of North Canton. And every twenty-four months we stand based upon our actions and our record of the previous twenty-four months. I originally thought – and I don't really think I have to reconsider, I don't think it really needs any type of charter insertion. It's controlled by the people who vote us in office. It's controlled by the State of Ohio. It's controlled by the Ethics Commission. What we need to do is turn the lights up a little more on our government. We operate in a very clear and concise government here. We have a very open and very honest government. And we should proud of the fact that there are very few elected officials in the country today that can stand as proud as the seven members of Council and the Mayor and the Administration. And that's what we're supposed to do is work for the people. Not sit here and fight with one another. Not try – not that this was designed for a fight or whatever it was designed for. Let's move on. Let's get the work done. And I think the people will be appreciative of that fact. And if we do something wrong, we'll be like the rest of those people, we'll be out of a job. And that's about all I'm going to say about it right now.

Mr. Foltz: Alright, thank you.

Mr. Snyder: Thank you.

Mr. Foltz: Member Repace, do you have any...

Mr. Repace: You know there's - I guess a lot I would like to say. And that I think at the appropriate time there is a lot I'm going to say about all this. But I'm going to leave that alone for right now. And what I am going to say is I don't know what's happened to this city. This city was founded and built by families and generations of families that moved into this community. The Hoover family and I am very much Hoover of course, came into this family and believed in generations and generations worked in - working in his factories and within the city and that's been done. That's what this city was founded on. And that's what the Hoovers believed in. That's what makes for a good close community is people working with people, families continuing on in their community and growing in the community. But unfortunately, and this is my feeling with this mayor, that's not going to happen - that's not going to happen here. You know you have a council that wants to work and wants to work hard to better this community. And I have stated, I personally ran because I feel I could make a difference in this city, because I believe in this city. I live in this city, I like this city and I want my family to stay in this city. And that's been the philosophies through the years. And I can name ... families that, that - and a lot of you people would know many of the names that I would name. And I'm not going to go through all that. But I think this city is being torn apart for the wrong reasons, you know politics. I don't need politics. Politics means absolutely nothing to me. What means something to me is making a difference. I spent my career trying to make a difference across the street and now I'm trying to make a difference here. I don't want to play politics. I don't want to play little political games. And I think it should stop. I think it should stop immediately. If somebody's looking beyond what they're doing today, then truthfully I don't think they have any business, if their heart is not in to what they're trying to accomplish, trying to stop other people from forging ahead. And that's what we've got here. And once again, at the appropriate time, I will have - I will have an awful lot more to say. But this city needs to grow. We - it's stagnant right now. It can grow. But remember, it grew because of generations working within the city and believing in their city and wanting to better their city.

Mr. Foltz: Council, thank you for your comments. Mayor, you requested the legislation, I'm sure you want to address....

Mayor Held: Yes.

Mr. Foltz: some things.

Mayor Held: You know, I'd really like to clarify my reasoning for submitting this ordinance. Do all the members of Council understand the Ohio Ethics Laws when it comes to soliciting? And as far as securing employment for family members, do you understand what the penalty is?

Mr. Repace: David, I think you'd better be careful what you're saying because there is - there could be legal action pending. And I think you ought to be careful right now before you go into an area that maybe you shouldn't enter into.

Mayor Held: Can you answer the question?

Mr. Repace: I'm - I...

Mrs. Magel: Inaudible...

Mr. Repace: Me, can I answer the question? I probably know the law every bit or maybe even better than you do. And I'm going to tell you something David, I'm going to caution you one more time, do not go there because there could be legal action pending.

Mayor Held: That's fine. Again, shall I repeat my question?

Mr. Foltz: Mayor, I...

Mrs. Hines: That's – this is not helpful.

Mr. Foltz: I welcome your points and your reasoning to introduce this legislation and hopefully we can civically – civilly, excuse me...

Mayor Held: Inaudible... what...

Mr. Foltz: continue this. That's – that's my whole ...inaudible...

Mayor Held: Right. So the whole...

Mr. Foltz: I think we've got some strong opinions on this side and you're welcome to speak...

Mayor Held: Right. And I'd like to have my...

Mr. Foltz: Inaudible... Definitely - right...

Mayor Held: like my - to have my say, if that's okay with Council.

Mr. Foltz: Sure, absolutely.

Mayor Held: First off, we have Ohio ethics laws that we're all bound by to follow. It is absolutely illegal for any member of council to solicit or to use their position of influence to secure a job for a family member. Is everyone clear on that? Is Council clear on that?

Mr. Repace: Are you making accusations?

Mayor Held: Because the intent – I'm asking the question.

Mr. Repace: Are you making accusations?

Mrs. Hines: You're being antagonistic.

Mayor Held: I'm asking the question. Okay.

Mrs. Hines: Move on...

Mayor Held: Okay, that's fine.

Mrs. Hines: Just state your point, please.

Mayor Held: Mr. President, if I can – okay, so the reason that I introduced this was to clarify and to strengthen the Ohio ethics laws. This has been an issue in December in this City, January, February, March, April, May; and I'd like this approved so we could put it behind us and resolve it.

Mr. Foltz: Okay. Inaudible... thank you. Any other comments? If not, Chairman Hines – Chair – inaudible... with the legislation.

Mrs. Hines: Well since they...

Mr. Foltz: So do you have any votes to move this forward?

Mrs. Hines: I would like it on the agenda for October 9th so the Council can just vote and then they know...

Mr. Foltz: You can...

Mrs. Hines: how we stand. We are always...

Mr. Foltz: You can – you can vote – you can vote right now if you want to verbally so it doesn't even get to – get to a regular council meeting. We're already in...

Mrs. Hines: Well I ask my ...

Mr. Foltz: It's up to your committee.

Mr. DeOrio: It's fine with me.

Mrs. Hines: committee.

Mr. DeOrio: It's fine with me.

Mrs. Hines: That's fine with me.

Mrs. Magel: You both say yes? Inaudible...

Mr. Foltz: Okay, you both want to put it on for legislation?

Mrs. Magel: No, I think they wanted to do it tonight.

Mr. DeOrio: I thought we were – you were asking us whether wanted to have a vote.

Mr. Foltz: You just want to have a voice vote now?

Mrs. Hines: Whichever is ...inaudible... we'll get it done with.

Mr. Foltz: Okay. Which – do your vote now.

Mrs. Hines: Do the vote – voice vote?

Mr. Snyder: Mr. President, the point of order, sir. You – if it's not receiving two affirmative votes – ...inaudible...

Mr. Foltz: Right...

Mr. Snyder: But you can't vote by Council, it's a committee action.

Mr. Foltz: Well I understand that, but we want to go on the record...

Mr. Snyder: Are you asking for...

Mr. Foltz: whether we're in favor of this or not. That's what I'm looking to do. I don't see it's – I don't see any conducive – positive thing – of this or that coming out next week to vote on this again and have public speaks on it.

Mr. Snyder: Well if there's not an affirmative vote to leave ...inaudible...

Mr. Foltz: There's no public speaks mam, this all committee. So thank you for ...inaudible...

Mr. Snyder: If and it doesn't leave the committee, it dies in committee.

Mr. Foltz: It will die in committee. But if people want to go on the record right now you're more than happy to do so. That's all I'm saying.

Mr. Snyder: Oh ...

Mr. DeOrio: That's fine with me. I'm on the record against it.

Mr. Foltz: Okay.

Mr. DeOrio: I'm a no.

Mrs. Hines: I'd like a vote. I'd like a vote.

Mr. DeOrio: But if the Chairman wants a vote, I'll give her a vote...

Mr. Foltz: You want a vote on the council meeting next week?

Mrs. Hines: Well ...inaudible... right here, right then, if it's – if it's official – it's official.

Mr. Foltz: Well you can put – you can

Mr. Repace: She wants a vote tonight – she wants a vote tonight.

Mr. Lane: No, it wouldn't be official.

Mr. Snyder: First of all, you cannot – you cannot vote tonight.

Mr. Foltz: You can't vote now.

Mrs. Hines: Okay.

Mr. Snyder: It has to be presented 24 hours ...

Mr. Foltz: Right.

Mr. Snyder: prior to a council meeting.

Mr. Foltz: Member Snyder is correct. I'm just looking to see if there's a way that people can express their opinion...

Mr. Snyder: You can't vote tonight.

Mr. Foltz: without – if it doesn't come out of committee it's not going to the council meeting.

Mrs. Hines: We are – we are...

Mr. Foltz: You know you can go on the record that...

Mrs. Hines: covered under Ohio Revised Code. We are covered.

Mr. Foltz: Okay. So you – you're not in favor of this ...

Mrs. Hines: No, I'm not.

Mr. Foltz: this ordinance. Inaudible... Member DeOrio, you're not in favor of this ordinance?

Mr. DeOrio: That is correct.

Mr. Foltz: I'm not speaking for anybody. Member Magel, you...

Mrs. Magel: No.

Mr. Foltz: I'll be on the record not to do so. Anybody else like to address ...inaudible... Is there any other members willing to put this up – put on for legislation next week basically? There's three no votes in the committee.

Mr. Lane: No. I think we all said our piece. I don't mind visiting the issue, but I don't want to vote on it next week.

Mr. Foltz: Okay.

Mrs. Magel: Okay.

Mrs. Hines: Okay, so that...

Mr. Foltz: Okay, very good. So we've got four no's on the record. Does anybody else want to address it?

Mr. Repace: I'm a no vote.

Mr. Foltz: Okay, Member Repace is also a no vote.

Mr. Snyder: I will not support it just to be – have a unity of this Council.

Mrs. Magel: Thank you.

Mr. Foltz: There's six – six no's. And Member Lane, you're – I don't want to speak for you. So – okay, next Street & Alley Committee, Chairman Lane...