

Minutes of **Allen-Clay Joint Fire District Trustees** Organizational Meeting
Held on **December 8, 1999**

The Board of Trustees of the Allen-Clay Joint Fire District held an Organizational Meeting on the above date at the Genoa Administrative Offices, 102 E. 6th St, Genoa, OH 43430.

Attendance:

Trustees: Jack Bower, Scott Everhardt, Don Hoeft, Jack Willard **Others:** Dennis Hartman, Bill Nissen, Bruce Moritz, & Sonia Eischen

Political Subdivisions: The political subdivisions of Allen Township, Clay Township, the Village of Clay Center, and the Village of Genoa have each passed a Resolution agreeing to form the Allen-Clay Joint Fire District and each appointing a representative to sit on the Board of Fire District Trustees for a one-year term.

#99=01 Rules, Regulations, & By-Laws of the Allen-Clay Joint Fire District Board of Trustees

Mr. Scott Everhardt moved the adoption of the following Resolution:

WHEREAS, rules, regulations, and by-laws are necessary for the orderly conduct of business, now therefore

BE IT RESOLVED, that the following be adopted as the **Rules, Regulations, & By-Laws of the Allen-Clay Joint Fire District Board of Trustees:**

PURPOSE:

The purpose of these Rules, Regulations, and By-Laws is to provide the Board of Fire District Trustees an orderly administration of the affairs of the Allen-Clay Joint Fire District in accordance with the applicable laws of the State of Ohio as found in the Ohio Revised Code.

Article I - Membership of the Board of Fire District Trustees

- A) The Board of Fire District Trustees (herein referred to as the "Board") shall consist of:
- One (1) township trustee from Allen Township,
 - One (1) township trustee from Clay Township,
 - One (1) council member from the Village of Clay Center,
 - One (1) council member from the Village of Genoa.

The Board reserves the right to appoint additional members to the Board based on criteria to be determined by the Board.

Each political subdivision should also appoint an alternate member to the Board in order to conduct business as usual in the absence of the regular appointed board member.

Article II - Chairman and Vice-Chairman of the Board

- A) **Selection of the Chairmen:** The election of the Chairman and the Vice-Chairman of the Board will be held at the first meeting of the calendar year. The members will nominate a Chairman and a Vice-Chairman. Each will be selected by majority vote of the board members present.
- B) **Duties of the Chairman:** The Chairman shall have the following duties:
- 1) To conduct the meeting of the Board in accordance with these rules, regulations, and by-laws.
 - 2) After a debate has ended, and no member desires to speak again on a matter, the Chairman shall call for a vote on the matter before the Board. Each member of the Board will have one vote on each issue.
 - 3) To announce the results of a vote.
- C) **Rights of the Chairman:** as a member of the Board: The Chairman shall have the right:
- 1) To introduce motions.
 - 2) To vote on all questions and
 - 3) To speak in turn on any matters on question before the Board.

Article III - Meetings of the Board

- A) **Regular Meetings** will be held at a location to be determined by the Board upon adoption of the Rules, Regulations, and By-laws.

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- B) Special Meetings may be called at any time by the Chairman of the Board provided that each of the members of the Board have been notified of the date, time, place and purpose of said meeting.
- C) All regular appointed members of the Board are expected to attend all meetings of the Board, whether regular or special. If a member fails to attend more than two (2) meetings in any three (3) month period (without furnishing an excuse found to be acceptable to the other members of the Board) the Chairman shall direct the Clerk to notify said member, in writing, of his or her absenteeism.
- D) Quorum - No business shall be conducted by the Board unless there is at least three (3) members present, except when an unanimous vote is required in accordance with Article III, Section I, of these Rules, Regulations, and By-Laws.
- E) Open Meetings - In accordance with the provisions of the Ohio Revised Code: 121.22 (Sunshine Law) all business of the Board shall be conducted in meetings open to the public except those meetings called as "Executive Sessions" which may be called only for the following purposes:
- 1) To consider employment, dismissal, discipline, promotion, demotion, or compensation of an employee (unless the employee requests a public hearing).
 - 2) To consider purchases of property or new equipment.
 - 3) To confer with an attorney regarding a pending law suit.
 - 4) To prepare for negotiations with employees regarding their compensation or conditions of employment.
 - 5) To consider special details of security arrangements.
 - 6) For matters required to be kept confidential by federal or state law.

The vote on any questions considered in executive session shall be in open session. The only reference to the executive session required to be in the minutes of the open session shall be a statement that the matters were considered in executive session and the recording of the vote on a matter considered in executive session.

No member of the Board shall engage in discussion or argument with a person not a member of the Board or a person invited by the Board to address the Board.

- F) Agenda for Meetings of the Board
- 1) The agenda for the regular meetings of the Board of Trustees shall be as follows:
 - a. Roll Call
 - b. Reading of the minutes of the last meeting
 - c. Financial report by the Clerk
 - d. Report of the Chief
 - e. Any correspondence received by any Board member, Chief, or the Clerk
 - f. Other matters which may be placed before the Board by any member of the Board, including the Chairman
 - g. Presentation of purchase orders for review and approval of the Board
 - h. Presentation of vouchers for approval by the Board prior to the payment of the bills.
 - 2) No other business shall be brought before the Board or considered by the Board except that which is initiated as follows:
 - a. All other persons wishing to bring a matter before the Board shall give written notice to the Clerk at least seven (7) days before the regular meeting stating:
 1. the exact nature of the business to be brought to the Board,
 2. the number of persons, if known, who will be attending on that matter,
 3. and the designated spokesman for the group.
 - b. The Clerk shall immediately transmit said request to the Chairman.
 - c. The Chairman shall notify the person making such request, either:
 1. denying the request for hearing and stating the reason for denial or,
 2. granting the request and stating the time the Board will allow for the presentation.

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G) Debate on Motions before the Board

- 1) No member shall speak more than five (5) minutes at a time or more than once on any motion before the Board until all members have had the opportunity to speak on the same motion.
- 2) No member shall engage in debate with a member of the audience, and no member of the audience shall be heard on any matter before the Board except by request of the Chairman with at least a majority of the Board consenting.
- 3) When all members of the Board have been given an opportunity to speak concerning a motion and no member desires the second opportunity to speak on the motion, the Chairman shall call for a vote.

H) Vote necessary to Adopt a Motion - A "Yes" vote by a majority of the membership present shall be necessary before a motion is declared adopted. In the event of a tie vote, a lottery will be enacted and the one member who is chosen via the lottery process will not vote on that particular issue. A lottery will be enacted for each individual matter when there is a tie vote and a member chosen by lottery for non-voting status retains that status for only the particular vote for which the lottery was held. For any subsequent tie votes on other matters, a new lottery will be held for each tie vote. All votes shall be verbal. It shall not be necessary to poll the individual members on a vote. The Chairman may ask for a general show of hands as to "Yes" or "No" on the question.

A **unanimous vote** of the Board is required for passage of motions and resolutions having to do with the following issues:

- 1) All property tax levies for all purposes,
- 2) Admitting new political entities to the Allen-Clay Joint Fire District,
- 3) Purchases and/or leases of vehicles,
- 4) Purchases and/or leases of property,
- 5) Construction and location of new fire stations,
- 6) Any purchases of goods and/or services that have a cost above the existing threshold set by the State of Ohio which requires that the purchases be sent out to competitive bid.

Votes on all other issues excluding those issues set forth above will be decided via a simple majority vote. Each Fire District Trustee will have one vote on each issue that is voted on by the Board.

I) Duties of the Board - The Board shall have the duty and obligation to:

- 1) Prescribe rules and regulations for the Allen-Clay Joint Fire District.
- 2) Appoint the Fire Chief and set his or her compensation.
- 3) Approve the appointments of other officers, as recommended by the Fire Chief and the Fire Officers' Committee, and set their compensation.
- 4) Approve and provide for the employment of such fire and EMS personnel as necessary to meet the needs of the Allen-Clay Joint Fire District, and fix their compensation.
- 5) Remove any officer or other fire department personnel as provided in Sections 733.35 to 733.39 of the Ohio Revised Code or order that a letter of reprimand be placed in the member's service file. Initiation of removal proceedings shall commence by the Board designation of the Fire Chief or of a private citizen to investigate the conduct of the accused personnel and to prepare the necessary charges in conformity with the above cited section of the Revised Code. The Board, in its discretion may make removal or suspension of a member of the Department if any member of the Department is found guilty on one or more of the following of his or her duties:
 - a. Bribery
 - b. Misfeasance (the improper or illegal performance of a lawful act)
 - c. Malfeasance (an illegal act performed by one in the conduct of public office)
 - d. Nonfeasance (neglect or omission of an official or legal duty)
 - e. Misconduct
 - f. Gross neglect of duty
 - g. Gross immorality
 - h. Habitual drunkenness

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- 6) Arrange and pay for the physical examination of all fire department personnel by a licensed physician. Said physical examination shall be had not more than sixty (60) days before any fire department personnel receives a permanent appointment and at least once every twenty-four (24) month period thereafter.
- 7) Employ a Clerk and set the compensation for the same.
- 8) Employ such other consultants or professional personnel as the Board deems necessary and provide for their compensation.
- 9) Approve all purchase orders and vouchers for payment of money.
- 10) Based on information provided by the Clerk, fix and approve the annual budget for the Allen-Clay Joint Fire District.
- 11) Advertise and arrange for the deposit of all active, inactive, and/or interim funds in approved depository banks as provided for in Chapter 135 of the Ohio Revised Code.
- 12) Provide for the amount of the Clerk's bond and designate the surety thereon. A copy of the Clerk's bond shall be filed with the County Auditor.
- 13) Advertise for bids on all purchases in excess of \$15,000.
- 14) Grant leaves-of-absence for any member of the department upon such terms and conditions as the Board, in its sole discretion, deems advisable.

Article IV - Duties of the Clerk

A) The duties of the Clerk shall be:

- 1) To be the fiscal officer of the Allen-Clay Joint Fire District.
- 2) To record and maintain minutes of all Allen-Clay Joint Fire District meetings.
- 3) To perform all other duties required by applicable law and regulations.
- 4) To perform all other duties assigned by the Board and/or included in the job description for the Allen-Clay Joint Fire District Clerk.

Article V - Amendments

These Rules, Regulations, and By-Laws **may be amended** from time to time **by a unanimous vote** of all members of the Board.

Mr. Jack Willard seconded the Motion and the roll being called upon its adoption the vote resulted as follows:

Mr. Scott Everhardt, yes Mr. Donald Hoeft, yes
Allen Township Clay Township

Mr. John (Jack) Willard, yes Mr. John (Jack) Bower, yes
Village of Clay Center Village of Genoa

Adopted this 8th Day of December 1999 Attest:

Clerk, Allen-Clay Joint Fire District

District Chairman and Vice-Chairman: Jack Bower nominated **Scott Everhardt** to be the **Allen-Clay Joint Fire District Chairman** and **Don Hoeft** to be the **Vice-Chairman** for the term ending December 31, 2000. Second by Jack Willard. Motion carried.

Temporary Funding: More research is necessary to determine the proper procedure for writing contracts with the political subdivisions. The county prosecutor and the county auditor will be consulted.

Clerk's Position: Jack Bower moved to appoint **Bill Nissen** to be **Acting Clerk** and to appoint **Sonia Eischen** as **Assistant to the Clerk** for the interim period from December 8, 1999 through April 30, 2001.

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Second by Don Hoeft. Motion carried. Compensation will be determined after temporary funding is secured.

Salaries for the Board: The Ohio Revised Code allows compensation of up to \$30.00 per meeting with a maximum of 15 meetings per year for each Board member. Compensation will be determined after temporary funding is secured.

District Fire Chief: Jack Bower moved to hire **Bruce Moritz** as **Acting District Fire Chief** for the interim period from December 8, 1999 through April 30, 2001. Compensation will be determined after temporary funding is secured. Second by Don Hoeft. Motion carried.

Meeting Location/Business Office: Scott Everhardt moved to designate the Clay Center Council Chambers as the meeting location and as the business office of the Allen-Clay Joint Fire District Trustees. The **business address** for the **Allen-Clay Joint Fire District will be 400 Main St., P.O. Box 43, Clay Center, OH 43408.** A telephone line will be secured and the number recorded in the minutes. Second by Don Hoeft. Motion carried.

Meeting Dates: Scott Everhardt moved to designate the **4th Thursday of each month at 7:30 p.m., beginning January 2000**, to be the regularly scheduled meeting nights of the Allen-Clay Joint Fire District Board of Trustees for the year 2000. Second by Don Hoeft. Motion carried.

The **next meeting** of the Board will be held on **Wednesday, December 22, 1999 at 7:30 p.m.** in order to finalize the levy language prior to the deadline for submission to the Board of Elections. This date will be advertised in the *News Herald*.

Alternate Board Members: Should the regular appointed Board member be unable to attend meetings, the following are designated as alternate representatives, one from each political subdivision:

Allen Township	Dan Johnson
Clay Township	Lee Yackee
Village of Clay Center	Dennis Adkins
Village of Genoa	To be determined

Banking Institution: The location for the deposit of public funds will be determined at a future meeting.

**#99-02 RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE
TEN MILL LIMITATION**

Mr. Jack Willard moved the adoption of the following Resolution:

WHEREAS, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Allen-Clay Joint Fire District Ottawa County, Ohio; therefore be it

RESOLVED, by the Board of Trustees of the Allen-Clay Joint Fire District Ottawa County, Ohio, two-thirds of all members elected thereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of Allen-Clay Joint Fire District for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer fire fighters or fire-fighting companies to operate the same, including the payment of the firemen employer's contribution required under section 742.34 of the Revised Code, or to purchase ambulance equipment, or to provide ambulance, paramedic, or other emergency medical services operated by a fire department or fire-fighting company, pursuant to O.R.C. Section 5705.19 (I) at a rate not exceeding 5.0 mills for each one dollar of valuation, which amounts to \$0.50 for each one hundred dollars of valuation, for a continuing period and which levy is a new tax of 5 mills commencing in tax year 2000, and first due in calendar year 2001 and thereafter.

RESOLVED, That the question of levying additional taxes be submitted to the electors of said Allen-Clay Joint Fire District at the Primary election to be held at the usual voting places within said Allen-Clay Joint Fire District on the 7th day of March, 2000; and be it further

RESOLVED, That said levy be placed upon the tax list of the current year after the February settlement next succeeding the election, if a Majority of the electors voting thereon vote in favor thereof; and be it further

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RESOLVED, That the Clerk of this Board of Fire District Trustees be and he is hereby directed to certify a copy of this Resolution to the Board of Elections, Ottawa County, Ohio, prior to the 75th day before the election in March 2000 to be voted on in the election of March 2000, and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

Mr. John (Jack) Bower seconded the Motion and the roll being called upon its adoption the vote resulted as follows:

Mr. John (Jack) Bower, yes

Mr. Scott Everhardt, yes

Mr. Donald Hoeft, yes

Mr. John (Jack) Willard, yes

Adopted the 8th day of December, 1999

Clerk
Allen-Clay Joint Fire District
Ottawa County, Ohio

Jack Bower moved to adjourn. **Second by Jack Willard. Meeting adjourned** at 9:15 p.m.

Respectfully Submitted,

Sonia Eischen, Assistant to the Clerk

For the Record: this permanent record contains the amendments enacted after the reading of the minutes at the 12/22/99 meeting.