

The Ohio Commission on Local Government Reform and Collaboration  
County Commissioners' Association Building  
Columbus, Ohio

June 4, 2010  
Minutes

**In Attendance:**

Daniel Troy: Co-Chair	Dan Foley	Rob Roland
Anita Lopez: Co-Chair	Chester Jourdan	Charleta Tavares
Michael Cochran	Martin Jenkins	Tom Weidman
Tim Downing	Lynda Murray	Larry Wolpert

**Approval of the May 21<sup>st</sup>, 2010 Minutes:**

Co-chair Daniel Troy requested a motion to approve the May 21<sup>st</sup> minutes. Mr. Jenkins noted that the wording of recommendation 17C was not consistent with the discussion that had taken place on May 21<sup>st</sup>. Ms. Murray replied that a more recent version of the minutes had a corrected wording for recommendations 17C. The motion was moved by Ms. Tavares and seconded by Mr. Jourdan. The motion passed unanimously.

**Update on Time Extension for Commission's Report Submittal (Am. Sub. HB 393)**

Mr. Troy reminded Commission members that at the May 21<sup>st</sup> meeting, the consensus was that the Commissioners did not want to rush the word-smithing process and compromise the quality of the final product. The Commission therefore requested an extension on the final report's date of submission, which was granted by the General Assembly. The report's date of submission is now September 1, 2010. Mr. Troy thanked Heidi Fought of the Ohio Township Association, Commissioner Weidman, Commissioner Downing, and Cheryl Subler of the Ohio County Commissioner Association for their effort to extend the submission deadline of the report.

Mr. Troy said that though the submission deadline had been extended, he did not believe the appropriation expenditure deadline had been extended beyond June 30, 2010. He cited this as a potential problem; hopefully, funds could be encumbered before that date even though they might not be actually spent until after then.

Mr. Cochran asked for clarification; the deadline extension was made so Commission members could word-smith and revise final drafts of recommendations -- not for additional testimony or to add entirely new content to the report, correct? Mr. Troy replied that this was the case, though there would likely be meetings held during July and August to make those revisions.

Ms. Lopez added that with the extension, all Commission members now had an opportunity to discuss and word smith recommendations, rather than only the co-chairs as had originally been planned when the submission date was July 1.

**Budget and Finance Report:**

Mr. Downing gave the budget and finance report. He verified Mr. Troy's statement that the Commission's appropriation must be spent prior to June 30 or it would be returned to the General Fund. All of the bills from the John Glenn School have either been submitted, or the

specific amounts are known. However, funds can be encumbered so that they may be used past June 30<sup>th</sup> if necessary. Mr. Downing also said that an email from John Glenn School representative Dr. Dave Wirick said that the Glenn School does not have a record of payment for a bill from October, 2009. The bill was for \$2,402. Payment of this bill had been approved by the Commission. According to the Commission's record, the bill had been submitted to the Legislative Services Commission for payment. Mr. Downing said he would check to see if the Glenn School had in fact been paid.

Ms. Lopez said that as many of the recommendations as possible would be completed by Tuesday, June 8<sup>th</sup>, after which time Dan Geroni of the Glenn School would be unable to write further recommendations. After Tuesday, Dr. Cowley would write the recommendations. The co-chairs and Dr. Evans-Cowley agreed to a \$5,000 cap for that part of the process.

Mr. Roland asked if this was a flat fee. Ms. Lopez replied that the Glenn School would bill the Commission as they always have, after which time there may be further tweaking of the report. Regarding the content of the report draft that the Glenn School was presenting during the meeting, Mr. Troy added that the co-chairs had looked at three samples regarding certain recommendations. The co-chairs had requested that the Glenn School include relevant public testimony and references to university reports and reports from other states in our final report. He also added that the secondary recommendations would not be costly for the Glenn School to include, as these recommendations would need only one or two sentences.

Mr. Roland asked if the Commission could simply give the Glenn School a budget, and allow the Glenn School to do whatever necessary within that budget to produce the best possible product. Ms. Lopez said that the \$5,000 dollar cap would cover the Glenn School's expenses of revising primary recommendations, and that the secondary recommendations would incur only a very minimal cost. After the Glenn School produces the first draft of the primary recommendations, further changes would be clerical in nature and not expensive.

Mr. Jenkins said he hoped all Commission members could be a part of the discussion on the wording of the recommendations, and he would prefer someone else not attempt to interpret his own wording when his material is placed in the report. Ms. Lopez said all Commission members were able to participate in the discussion on the wording of the recommendations that are placed in the report. This would be achieved by a combination of email and meetings.

#### **Glenn School Update:**

Daniel Geroni, graduate intern of the John Glenn School, presented a draft of seven items that will follow the recommendations in the main report. He said that the draft is very much a work in progress, and that each discussion will ultimately draw on the words of individual Commission members and subcommittee recommendations, as well as the university reports, public testimony, and reports from other states.

Mr. Jenkins raised a questions directed at fellow Commission members - could several of the secondary recommendations be combined with the primary recommendations? Ms. Tavares said she would not be comfortable with that, since this may result in a combination of mutually exclusive recommendations (for example, one recommendation is a mandate, the other calls for

voluntary action) She gave an example of this on page 11 of the draft before the Commission, where the recommendations calls for either required or voluntary action. She said this inconsistency should be resolved. Mr. Troy replied this is only a recommendation to the General Assembly, which would ultimately make the decision on how to implement the recommendation. Mr. Jenkins suggested that the recommendation be word-smithed to solve the inconsistencies. Ms. Tavares agreed.

Mr. Jenkins expressed concern that during the May 21<sup>st</sup> meeting, Commission members were not told in advance that they would vote on the recommendations that were not in the “top 4 list.” He also noted these were only meant to be key themes, not recommendations per se. The Commission discussed the process by which recommendations were placed in the top tier of recommendations. Ms. Murray suggested it may help if Commissioners see a draft before they make further decisions on how to establish a hierarchy or recommendations for the report. She suggested following the example of a report from the Government Institute of Wisconsin.

Mr. Jenkins said the process of making recommendations was not entirely clear at the last meeting. He asked for a discussion on how the recommendations were organized. The Commission discussed how the recommendations from the May 21<sup>st</sup> meeting were organized. What was a primary recommendation? What was a secondary recommendation?

Mr. Wolpert suggested secondary recommendations be called “concepts” to avoid giving them too much weight in the report.

“Concept” recommendations would be included if they received between 3-7 votes. A Commissioner could attach their name to that recommendation if they so chose.

Mr. Troy noted that there have been three general themes in the Commission’s work that align themselves with the subcommittees: alternative service delivery models, reform of state and local tax structures, and incentivizing collaboration.

Mr. Jenkins submitted a motion that the John Glenn School create a draft focusing on the three main recommendations (i.e. general themes aligned with each subcommittee) and incorporate the other recommendations into the three general recommendations, and that recommendations that were not in the top 4 list be opened to discussion. Discussion ensued to ensure all Commissioners understood the motion. Ms. Tavares seconded the motion. Five Commissioners voted in favor. Seven voted against. The motion was defeated.

Mr. Foley submitted a motion that was a variation of the original motion by Mr. Jenkins. In complement to that original motion, there would be an inclusion of the concept recommendations that received between 3 and 7 votes. These items would only be described with several sentences at the end of the report. Any Commissioner that proposed and/or supported that concept could choose to have their name included. A Commissioner that expresses opposition could also have their name included.

Per this motion, the report would include:

Three general areas of government reform and collaboration, aligned with the three subcommittees.

Within these three themes, there are 26 primary recommendations. These 26 recommendations include 14 recommendations that were in the May 21<sup>st</sup> “Top 4 Themes” list. Any recommendation was put in this list if a Commission member listed it one of their top four themes. Also included were 12 more recommendations that the Commission voted on at the May 21<sup>st</sup> meeting; all 12 of these received at least 8 votes. Each primary recommendation would be discussed in the report, supported with evidence from studies and public testimony.

Recommendations that received between 3 and 7 votes would be considered “concepts.” These would only be listed and described with one or two sentences.

Recommendations that received 2 or few votes would not be included in the final report.

The motion was seconded by Mr. Downing. The motion was passed unanimously.

Mr. Troy said that Mr. Geroni may contact individual Commission members for clarification of their particular recommendation or concept for purposes of word smithing the draft report.

Mr. Roland said he hoped there would be more detail in the discussion following each recommendation. Mr. Geroni said the co-chairs had made a similar request during a conference call with the Glenn school, calling for inclusion of university studies, public testimony, and reports from other states.

Mr. Downing asked how much this would cost to compile. He inquired as to how much it would cost Dr. Evans-Cowley to work after Mr. Geroni left after Tuesday, June 8. Mr. Troy restated that the Glenn School would work under a budget constraint of \$5,000, though a greater sum can be encumbered in case it is necessary for future use. Ms. Murray submitted a motion to encumber \$20,000 dollars to enter into a contractual agreement with the John Glenn School to complete the report for costs not to exceed that \$20,000.

The Commission members discussed they still preferred the report’s cost not exceed \$5,000. Mr. Downing suggested \$20,000 serve as a benchmark, and if a conversation with the Glenn School indicated costs would exceed that amount, then another writer for the report could be found.

Ms. Murray motion was seconded by Mr. Weidman. The motion passed unanimously.

Ms. Murray suggested Mr. Geroni contact not only a recommendation’s author, but also any Commission member that have expertise in an area related to the recommendation. For example, Mr. Geroni could contact Mr. Cochran if a recommendation was related to townships. To discuss any word smithing of the recommendations, Ms. Murray suggested the Commission save discussion on recommendations until the June 25<sup>th</sup> meeting when they could review a draft of the report.

### **Commission Discussion and Decision on other Items (from last page of Compiled Recommendations)**

The Commission discussed the final page of items that had been attached to the proposed recommendations. These items included themes from past meetings and cost saving measures

such as reviewing collective bargaining agreements, prevailing wage laws, and performance audits. During the May 21<sup>st</sup> meeting, the Commission had decided to review the status of these items during the June 4<sup>th</sup> meeting.

The items were organized into four general topics. These four items read as follows:

**1. Sharing State Laws that Already Permit Collaboration (Jenkins)**

*When a commission is created such as this, it is often assumed that local governments are not currently collaborating or that consolidation of services does not happen. However, there are many provisions in the ORC that currently allow for collaboration and or/consolidation.*

*For example:*

- Municipal/Township Merger Laws
- Joint Fire/EMS/Police/Health/Solid Waste Disticts
- Joint construction or management of public work
- Cooperative purchasing programs

**2. State acknowledgement of role of Local Governments**

*Local governments provide basic everyday services to Ohio residents that the State of Ohio cannot or does not provide. Encourage the General Assembly to create a permanent commission or position within the state dedicated to local governments.*

- State and Local Government Commission (Murray, Jenkins)
- Independent State Office to Oversee Local Government Training (Lopez)
  - Include fiscal responsibilities, ethics suggestions for improving service delivery.
- Best Practices Manual (Cochran, Downing, Economus, Jenkins, Lopez, Murray)
- Publicize Council of Governments in Ohio and what they are doing (Jenkins)

**3. New and Interesting Concepts Utilized in Other States**

*Many states have recently had similar commissions to this one and have suggested implementation of unique ideas that Ohio could learn from and potentially implement.*

- Georgia Collaboration Model (Wolpert)
- Indiana
- Wisconsin
- Pennsylvania

**4. Cost Saving Measures (Alternative Service Delivery Subcommittee) (Encourage and Incentivize Subcommittee)**

*Encourage the General Assembly to periodically review state laws on the following items so that the costs associated with the items are relative to the real costs of doing business and that technology and modern day practices are taken into account.*

- Performance Audits
- Competitive Bidding
- Prevailing Wage (Roland)
- Public Notice
- Collective Bargaining
- Design Build Model for Public Construction Projects

Mr. Foley raised a question about proposed recommendation 1A authored by Commissioner Wolpert from the list of recommendations that were not from a Top 4 List, from the May 21<sup>st</sup> meeting. The wording of 1A is: Pass a law requiring each county to create a Local Government Services and Collaboration Commission that would include a representative from each local government and each entity, excluding schools but including quasi-government agencies, which receive tax dollars. Commission would be required to establish a plan for sharing or collaborating on services and if plan is not adopted, state funds would be withheld.

Although the recommendation received fewer than 8 votes and therefore did not become a primary recommendation, Mr. Foley said he believed 1A was meant to encourage all parties partake in a discussion on collaboration. He said that though it did not pass, he believed it was important that there be some mechanism at the local level to carry out much of what the Commission had been discussing for the past year and a half, and encourage parties to “come to the table”. The concept could be a local government strategic plan that would be submitted to the state legislature.

Ms. Murray asked if the Commission might craft a recommendation to that effect. Mr. Wolpert said he drafted a page and a half outline of a proposed bill to make this recommendation work in Ohio. Mr. Cochran said that a bill of this nature that simply brings parties with common interests to the table without the threat of punitive measures as opposed to mandatory would be ideal, because then parties will be more likely to find solutions.

Mr. Jourdan pointed out that the process described by Mr. Cochran describes the role MORPC currently plays in central Ohio. Ms. Murray suggested this be included in the item that discusses best practices.

Mr. Cochran said that this topic could fit into the first item in the “Other” category, and could be mentioned in the preamble. Ms. Murray also said it could fit in the best practices section. This would be to institutionalize collaboration at the county or multi-county level and facilitate local government discussions on collaboration.

Mr. Foley said this could be put on paper for the next meeting to be discussed.

Mr. Jenkins said Family and Children First Council already mandate participation to ensure that people are at the table. He also said that Mr. Foley’s statement raised a good point that it was beneficial to reopen this topic to clarify any ambiguities in the language on a good recommendation. Conversely, he asked if there might be recommendations that *were* approved at the last meeting that may have been bad ideas that were passed because there was not sufficient discussion on them. Mr. Troy suggested this issue be raised after completing the currently discussed item on the agenda.

Mr. Cochran moved that the material from the “other” page of recommendations be included as is in the preamble, with the addition that there were many states’ commissions that have made reports similar to this Commission’s. Mr. Downing seconded the motion. Mr. Troy noted there are differences of opinion on the fourth item of the “other” page. Mr. Cochran said the

Commission only needs to suggest periodic review of these issues. Mr. Weidman asked to add outsourcing of services to the cost savings category.

Mr. Troy asked for consensus to include the first three items from the “other” page of issues within the report. There were no objections.

Mr. Troy requested consensus to include the fourth item in the report (with Mr. Weidman’s addition to include outsourcing of services). Mr. Cochran wanted to add to the motion that his was meant to call on the General Assembly to *periodically review* these issues, and not suggest the Commission necessarily supports or opposes these measures. Anything under the fourth category would be titled to reflect they should be periodically reviewed. All members agreed with the proposed consensus on the fourth item except Commission Co-chair Lopez, who indicated her objection.

### **Discussion of Report Preamble**

The Preamble/Executive Summary would include the process that the Commission had conducted to arrive at the recommendations they were submitting. This would include mention of the different university reports and the various public hearings and locations Ohio held over the past year and a half. Mr. Troy added that Ohio is not alone in addressing these issues, and within Ohio, there are other groups such as Greater Ohio and the CPA’s that are looking at these issues.

### **Plans for Dates and Locations for Future Meetings**

The next meeting was determined to be scheduled for Friday, June 25. The location is to be determined and will be emailed to Commissioners. Mr. Roland said the Commission should not forget to discuss how the report will be released. Commissioners agreed to conduct that discussion at a future meeting.

### **Old and New Business**

Mr. Jenkins asked to review the recommendation related to examining the number of library districts at the next meeting, and to review how many financial resources library governance structures consume compared to other government structures. Ms. Murray also said she was concerned that libraries were singled out among governance structures to be reviewed, and asked for discussion on the recommendation that passed. Ms. Lopez said that would create the possibility of all recommendations being reopened for discussion. There was no motion to reconsider the recommendation on examining the number of library districts.

Mr. Troy thanked Heidi Fought, Maggie Lewis, Bob Steinbach, and Kathy Dillon for the time they have contributed to the Commission’s work.

Mr. Troy requested a motion to adjourn the Commission meeting. It was moved by Mr. Weidman and seconded by Ms. Tavares. The motion passed unanimously. The meeting was adjourned.