

FINANCE COMMITTEE MINUTES
OF NOVEMBER 9, 2020
VIA ZOOM

In Attendance: **Vermilion City Council:**
Steve Herron, President of Council; Monica Stark, Council at Large; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Emily Skahen, Ward One

Administration:
Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Ken Stumphauzer, Law Director (via cellular)

Call to Order: Barb Brady, Chairperson, RESOLVED THAT this Finance Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: Review of Ordinance 2020-45 (Paralegal)

S. Herron commented on this matter in relation to his own experiences of a person who prosecuted in municipalities for some time. He said a paralegal is necessary in that environment. When you have a situation and the police department makes out a report, sometimes there is information in that report that is not privy to the defense attorney and this information needs to be gone through so the defendant has his right to an attorney. In order to move the court forward, this is one of the tasks a paralegal would have, so he thinks this is a good idea and he felt it was brought forward to council in good faith by the law director to streamline it on a more professional service to the court. He said they can discuss the compensation, but as far as making it a new position he thinks it is a good idea and a necessity.

B. Brady said according to the job description it appears they need an impressive person to fill this job. S. Herron said it is a step above the present position. However, he understands the person doing it now is doing an excellent job, but for the future they need to look at making it a paralegal.

S. Holovacs said the lady in the position now is a secretary being paid as a secretary who is also a paralegal. The work she does for the police department and prosecutors is above and beyond what they are used to having in that position. As this person moves up into the courts, this next person who comes in should follow those same footsteps but be paid as a paralegal. He has no problem with this ordinance due to the work that is done for the police department and the court.

B. Brady didn't understand the 'environmental factors' in the job description as it states: Exposure to intense and volatile environment incumbent in adversarial

relationships consistent with criminal prosecutions. Also, she thought somebody other than the law director should be responsible for setting the compensation. S. Herron said when you work in a court unfortunately there are safety issues which is part of the job description. He said City Council sets the salary at the suggestion of the law director. He provided a range of income that is competitive.

Mayor Forthofer said the proposal for this pay would be comparable to a level in the courts because there was an opportunity for someone to work for both the courts and the prosecutor's office with two different levels of pay. He said if that person in the prosecutor's office is at the same level compared to the courts, then she might not be so eager to migrate to the courts for a higher pay level. She would stay where she is, and this was one of the considerations when the law director proposed this level of pay.

B. Brady asked if the compensation should be included in the ordinance. G. Fisher said City Council sets the compensation by ordinance, and the salary range was defined in the job description at the suggestion of the law department. However, this range can be changed by council.

B. Brady asked the finance director if they were okay with this amount of money. A. Hendricks said the increase for the position in the prosecutor's office (benefits included) was between \$5,000 - \$6,000 a year. There was also a question about adding an additional day because currently it is a four day a week position. She said they have money available and it is up to council on how they want to spend that. B. Brady asked if they would make that person full time if they are adding a day with benefits as well. A. Hendricks said that could be the potential.

S. Holovacs explained that the city has a part time court, and that position is held two days a week. The other three days this individual is working for the court, so it is not a full-time job now. Presently, it's a two day a week position. He said they also need to look at how they are going to handle raises in the future when they hire someone. Will they handle it like the nonunion members receiving raises following the Local 860 terms? Will this change the increase of this hourly rate? B. Brady asked the administration to look at some of these issues and come back with an ordinance that includes a pay scale with the number of hours. Mayor Forthofer said they will discuss this with the law director.

B. Holmes asked if they were hiring the person as a paralegal only – not what the current person is doing. Are they are hiring a paralegal to work for the courts for two days a week? S. Herron said this person has been a secretary and now they are asking to hire a paralegal. He said they are fortunate that they hired a secretary that was a paralegal, but if she leaves the next person coming in will be a paralegal hired in at this rate. He said she is being paid a higher rate at the courts than what she is being paid as the secretary in the prosecutor's office.

B. Brady asked the administration to revise the ordinance to define the number of hours this paralegal will work weekly and the pay scale.

B. Brady adjourned the meeting upon no further discussion.

S. Herron said council is scheduled to meet on November 16 at 7pm at council chambers for a public hearing and council meeting, but according to the numbers in the State there is an increase in positive COVID cases. It is his understanding that Lorain and Erie Counties could move into purple and it would be a mistake to have a public meeting in person in a county that is purple. However, before he decides, he will provide enough time to inform everyone if the meeting next week will be conducted via ZOOM.

Additionally, he noted that if any of their ZOOM meetings are hacked by an unknown person that doesn't get a link or refuses to identify themselves, then it meets all the criteria by his order to be ejected. He said they would not allow somebody to walk into a council meeting completely dressed in something that would cover their face. He said the City of Vermilion has interest in keeping the meetings from being bombed and they are not going to do this to the best of their ability. He said it's a security risk and it's not stopping anyone from watching the meeting on You Tube. They are simply doing the best they can to make access to anyone that wants to be involved and they invite open discussion. He is confident that they are not infringing upon anyone's right to attend a meeting – statutory or constitutional. He said you cannot walk into any meeting with your face covered and hide your identity. This does not mean you cannot participate or watch the meeting from another location.

G. Fisher said when she sends out the meeting link, she would ask that the link not be shared. She will provide the meeting link to anyone who requests it from her. However, if everyone starts sharing the link it can become a security issue. She said three individuals came into the meeting tonight that she did not send the link to and they came up anonymous which was their concern.

Mayor Forthofer advised that he had Ken Stumphauzer on speaker if Council would like to ask him questions pertaining to the paralegal.

B. Brady reconvened the finance meeting. She asked Ken Stumphauzer how many days/hours a week the paralegal will work and questioned the pay scale, and how they will follow with raises/benefits in the future. K. Stumphauzer said this person will work 16 hours per week, which will be on Tuesday's and Thursday's which is the day the prosecutors are prosecuting cases at the Vermilion Municipal Court. He said this is a part-time position and there are no benefits. The significant difference with this position is probably comparable to the Clerk of Council as a Certified Municipal Clerk. To do this job, it is different to what the current classification is as a secretarial position because the person that holds this position must interact with

the court and police department. They must assist with the preparation of search warrants. In the criminal process there is a methodology where the prosecutor's office is required to respond to discovery requests. For example, what supports the city's charges against an individual, etc. In this capacity, the person cannot simply be a secretarial person. B. Brady said nobody is disputing the job description with the pay range, but they need to put this position in the city's salary range. She asked the administration to figure out where this belongs in the pay scales. K. Stumphauzer said this person will still get OPERS, but no benefits from the City of Vermilion because she is a paralegal.

G. Fisher said the range is listed in the job description and since this position falls under the law department, they list the range only in the ordinance. She said council sets the salary range for the prosecutors as well, so it is treated separate then the range scale determined for other city employees. B. Brady asked if they could build in the hours. G. Fisher said they can add the hours into the exhibit under the compensation.

M. Stark asked if this person will be working two days a week as a paralegal and three days for the court, so is the five days a week coming from the City of Vermilion? K. Stumphauzer said the paralegal will work two days a week in the prosecutor's office and three days in the Clerk of Courts office. A. Hendricks said these salaries are paid from the general fund of the City of Vermilion. M. Stark asked if this person has two separate jobs within the city? A. Hendricks said this is correct. B. Brady said this would qualify her for full time benefits. M. Stark said if she works 30 hours per week for the city it would make her eligible for benefits. B. Brady asked if this person is getting benefits now? A. Hendricks said this is HIPPA protected information, but confirmed the eligibility is there. B. Brady said they could hire two separate people so they would not have benefits. K. Stumphauzer understands that in 12 months or so the current person that holds this position will be working for the Clerk of Courts office full time, so he would be hiring somebody in the prosecutors office only that isn't working in the Clerk of Courts office. M. Stark asked if this person is going to be hired in full time in the Clerk of Courts office. K. Stumphauzer confirmed. M. Stark said they would then be creating a new position as a full-time person in the clerk's office.

S. Herron said this would be the courts budget on this hire. A. Hendricks said it is paid from the general fund. They have salaries paid out of court special revenue funds. She explained the employees at the court are paid from the general fund, with the exception of the positions that are reimbursable (Clerk, Judge, Bailiff) at a certain percentage that is billed quarterly to Lorain and Erie Counties based on those services.

B. Brady said the person will be replacing the position of somebody that was working full-time, so they were already incurring that salary. S. Holovacs clarified there was a retirement in the courts – Tami Horton retired, and somebody moved up and took her position and the current secretary in the prosecutor's office will be

moving into the Chief Deputy Clerk's position full-time. B. Brady said this was a cost they were incurring, so they are only talking about the increase in the paralegal's salary. Therefore, they will just put the hours worked in the job description. G. Fisher asked the law department to amend their job description to add the 16 hours.

After no further discussion came before the committee, B. Brady adjourned the meeting.

Next Meeting: December 14, 2020 @ at time and location to be determined.

Gwen Fisher Certified Municipal Clerk