

The New Castle City's City Council Introductory Meeting took place on April 18, 2005 at 7 p.m. in the City of New Castle's Town Hall.

Members Present: John Klingmeyer, Mayor
William Blest, Council President
Donald Reese
John DiMondi
Teel Petty
Janet Churchill

Staff Present: Clifford Hearn, City Solicitor
Janet Carlin, City Treasurer

President Blest called the meeting to order at 7 p.m.

Mr. Hearn reported that Mayor Klingmeyer requested he speak to this Council about the areas of ethics, criminal charges, civil liability and the Freedom of Information Act (FOIA). He will provide Council with copies of recent FOIA cases from the Attorney General's Office.

Ethics – Mr. Hearn informed that New Castle does not have an ethics code and that it is probably better that you do your own. Mr. Blest asked if we fall under the State. Mr. Hearn was unsure since we are not State employees. He suggested they sculpture their own code.

Criminal Status – Misconduct is very broad. Reading the statutes you can see how broad it is and that an official could get caught up in it. Unlawful gratuity such as buying tickets for football games is an example; caution is stressed. The other part is the civil end (hiring, firing, demoting people). That policy may have certain exemptions. I suspect it doesn't cover punitive damages. An example for this Council would be firing someone because someone else's relative wants the job, or not promoting someone because the person took a position against you. This is obviously discriminatory. It is usually infighting that gets municipalities in trouble. Mr. Blest said he firmly believes in documentation and Mr. Hearn added that it is crucial. Mayor Klingmeyer added that we also have to follow the union contract. He asked if insurers would cover us in this situation. Mr. Hearn informed they cover you under certain situations. They probably won't cover punitive damages, and punitive damages can be very expensive. Compensatory damages are defined as pain and suffering, loss of income, disability, disfigurement, medical bills. You are compensated for an economic loss. Punitive damages include violation of rules due to malice, intentional misconduct. An example is driving while intoxicated. If a jury doesn't like you and didn't see all the players, rewards can be huge.

FOIA – The Attorney General’s Office gets hundreds of requests each year on FOIA violations. It is the public’s right to know what you are working on. You can make changes on the agenda six hours before the meeting. It was expressed the at times information gets to Council late. Mr. Hearn said if the subject matter is important you should move to amend the agenda. You need to insist on your administration to get information in on time. There are times when this isn’t possible. Mr. Blest informed he wants to approve anything that goes on the agenda. He doesn’t want this Council to be embarrassed by not knowing beforehand what will be on the agenda. Mr. Hearn said Council must look at what it wants to achieve and make a value judgment when it comes to late information. A question was asked is something comes up on the agenda and we didn’t have time to prepare for it, could we challenge it. Mr. Hearn advised you need three votes to rule the work then you can move to table it. It was suggested putting a notice on the bottom of agendas stating topics must be submitted seven days prior to the meeting or it won’t be discussed. Mr. Hearn suggested not binding yourselves; give yourselves flexibility. You need to make it very clear to the staff that you want all materials submitted in a timely manner. Unless it is an emergency, it could wait until the next meeting. If a violation of FOIA occurs, one remedy might be to void any action taken at that meeting. All voting has to be done openly, no email, no polling. For executive sessions, you have to have minutes as to what happened at that meeting. A personnel issue is an exception. You don’t need to name names, but if you are going to take some action, you do it in public. A question about who can attend executive sessions was asked. Mr. Hearn informed Council can have whoever they wish attend. If it involves a legal matter, I may be present. Mr. Blest said whoever is pertinent to the issue being discussed should be invited to attend. Mr. Hearn informed the Council can remove disorderly persons from meetings and can limit the amount of speaking time as long as the time limit is noted ahead of time. He suggested including “public’s comments” on the agenda.

Structure of Council – Mr. Hearn informed that the City charter says that Council makes its own decision on how it will be run, what committees to have and who will serve on them. Roberts Rules of Order are used during meetings. Ad hoc committees are designated for special projects such as Separation Day. It was asked if Council President has the right to vote on every issue. The Mayor responded that the City Council President has the right of full membership and can vote. A Treasurer’s Report should be presented each month of expenses and the budget. Discussion followed concerning borrowing monies and referendums.

Audits – Mr. Hearn informed that the charter says an audit is to be addressed in the May or June meeting. It has to be done before the budget comes up.

Charter – Mr. Hearn informed that New Castle has an old-fashioned type of charter that is Council-dominated. Most communities have gotten away from this type of charter. Mr. Blest said one of important issue is the separation of the Mayor's responsibilities and the Council's responsibilities. He feels the authority to hire and fire employees should be the Council's responsibility.

City Clerk – Discussion about the City Clerk's duties took place. In the past the City Clerk was responsible for Council meetings and attests of official documents. The salary is \$2,900. Council can determine the duties of the City Clerk. If anyone knows of someone who is interested in the City Clerk's position, and is qualified, please inform us.

Payment of Bills -- Ms. Carlin questioned about payment of bills that are due on a specific date. Do we need to discuss these billings with Council before payment? The concern is missing due dates that come before a Council meeting. It was noted that the budget is approved along with payroll and as long as billings are within the parameters of the budget it should be acceptable.

Committee Chairs – The following committee chairs were designated:

Finance Chair – John DiMondi

Streets Chair – Teel Petty

Parks and Recreation – Janet Churchill

Public Safety – Don Reese

Police Chair – Don Reese

Miscellaneous – A question was asked about the hiring of a Director of Parks and Recreation at the beginning of May. The biggest issue is money; we are not in good shape. The Mayor is scheduling a financial budget meeting soon. The City Auditor and Bob Appleby will be invited. He would like to get someone from State Auditor Tom Wagner's office to advise us to make sure we meet all the criteria necessary. The major issue facing this Council is finances. Mr. Blest feels a hiring freeze is in order since we don't have the funding. Mr. DiMondi asked for Council's permission to address the Financial Committee of the Trustees about turning the budget around. We need to prove to them that we are serious. Put the item on the agenda for tomorrow night's meeting then move on to the full Trustees Meeting in May. The basis of the meeting would be to forgive us from the \$200,000 lease of the police station. This would be a good faith effort to turn the City's finances around. Everyone should be aware of the request and

New Castle City Council Introductory Meeting
April 18, 2005
Page 4

agree to it. We need to talk to them now before we consider the budget. We have to have a budget by the end of June. Tax bills have to go out by July 1st. The first Tuesday in May is the next Trustees Meeting. We need to get a quorum here to authorize someone to go to that committee. We will also put it out for the public.

Recreation Program -- Marian Delaney asked if we are having city residents or open it to county residents. The reply was that this is a County program and perhaps we can get some funding from them.

Adjournment – The meeting was adjourned at 8:40 p.m.