

City of Willoughby Hills

Interoffice Memo

Date: April 9, 2018

To: Council President Fellows, Council Members and Council Clerk

From: Robert M. Weger, Mayor/Safety Director

Subject: Veto on Ordinance 2018-19 – Authorizing Employment Positions for the Fiscal Year Ending December 31, 2018

I hereby Veto Ordinance 2018-19 due to the following reasons:

- Council does not have the authority to create positions. While Section 2.27 allows Council the authority to fix salaries as defined in Section 3.32, only I, as Mayor, have the duty and responsibility to recommend to Council the amount of pay for various positions. I did not create the positions listed on Exhibit A and am not in agreement with them.
- Council has not accurately assessed job descriptions or City Hall feasibility and functionality with the eight position eliminations listed on Exhibit B. I do not agree with the elimination of these positions and will not support them.
- Elimination of positions listed on Exhibit B threatens the health, safety and welfare of our residents and the general public. The duties performed by our Property Staff members insures the safety and health requirements to manage the building activities. Without anyone performing these positions, I will be forced to close the Community Center rooms as a safety concern. As Mayor and, more importantly, Safety Director, I cannot support the elimination of these positions and create a threat of safety and welfare in this manner.
- The City would witness a severe loss of income with the elimination of a full-time Court staff. The financial data presented by Council is incorrect. The amount collected by our current Court exceeds previous years and would be a devastating loss of income to the City, if the Court needed to close based on

reduction in qualified personnel. Council's analysis is contrary to five administrations, including Mayors Schaefer, O'Ryan, Zur, Lorenz and Weger and contrary to at least five prior Finance Directors. In addition, during the O'Ryan administration, Mayor's Court had 2 ½ employees and we are now at 1 ½ employees with a larger workload. The automation of computer system software was investigated following the Independent Performance Audit Task Force, but was not feasible (subsequent reports by the Department prove this finding, but were never introduced in budget discussions by Council).

- The Finance Department (as previously approved by Council representatives Fellows and Fiebig) had 3 ½ employees). Council is now asking for a reduction to 2 ½. We had many leaner years when there were more employees in the department; asking for a reduction now seems unreasonable, particularly given the increased demands on the staff.
- Section 3 of the Ordinance addresses notification of Union members regarding layoffs and procedures. Unfortunately, if one takes time to review the Union contract in its entirety, you would find that the City is in violation of Articles 7 (Hours of Work), 10 (Job Classification), 25 (Wages), and 33, which determines that I, as the City's executive officer, "determine adequacy of the workforce" and "effectively manage the workforce." Following through with any layoffs when other individuals have been hired is unlawful and may present an unfavorable decision by Union members to seek litigation. In addition, there are numerous examples whereby Council has spent funds on excessively priced legal counsel, frivolous audits and other unnecessary expenditures, which has had a significant impact on City funds.
- Council did not pass ordinances, such as Ordinance 2017-36 that would have resulted in income for the Fire Department, which Council is now asking for funding for.
- Council agreed to the Road Inventory plan, as presented in July, October and November 2017, but now claims more funding needs to be given to "roads." Council is negligent in spending \$8,500 in a plan to forecast our expenditures if they do not intend to follow it.

Again, I do not support this ordinance whatsoever and am hereby submitting my veto.

cc: Finance Director Frank Brichacek

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

DAVID M. FIEBIG
CHRISTOPHER HALLUM
LAURA LENZ
JANET R. MAJKA
LAURA PIZMOHT

ORDINANCE NO. 2018-19

AN ORDINANCE AUTHORIZING EMPLOYMENT POSITIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018; REPEALING CERTAIN ORDINANCES AND DECLARING AN EMERGENCY.

WHEREAS, City Council has determined that it is in the best interests to formally establish employment positions in the City of Willoughby Hills that are sufficient to accomplish the objective of orderly and proper administration of the polices and ordinances of the City of Willoughby Hills, and to eliminate others that are not needed for the fiscal year ending December 31, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. With the passage of Ordinance No. 2018-13-Amended, the listing provided as the "Exhibit A", consisting of one page and attached hereto, formally recognizes and identifies compensated positions currently held within the City of Willoughby Hills.

SECTION 2. With the passage of Ordinance No. 2018-13-Amended, the listing provided as the "Exhibit B", consisting of one page and attached hereto, formally recognizes and identifies positions that are not to remain compensated positions held within the City of Willoughby Hills during the remainder of the fiscal year ending December 31, 2018.

SECTION 3. Prior to the implementation of the layoffs directed herein, the Mayor shall notify the affected union in a lawful manner and follow up with the affected union as required by law and within the budgetary constraints of the City of Willoughby Hills. The Mayor shall also implement the layoffs using the procedures set forth in the applicable collective bargaining agreement or with such other procedures as he may work out with the union within the budgetary constraints of the City of Willoughby Hills. All layoffs herein shall be fully executed no later than April 30, 2018.

SECTION 4. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it immediately secures financial resources required to provide services and improvements for all residents; wherefore this Ordinance shall be in full force and take effect from and after its adoption and approval by the Mayor.

PASSED: March 29, 2018

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval on this 29 day of March, 2018

Approved by the Mayor
_____, 2018

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor

**CURRENT POSITIONS HELD WITHIN THE CITY OF WILLOUGHBY HILLS
FOR THE REMAINDER OF FISCAL YEAR 2018**

Position
Mayor
Safety/Service Director
City Engineer
Zoning Administrator – (1)
Acting Law Director – (1)
City Police Prosecutor – (1)
Mayor’s Court Prosecutor – (1)
PT – Finance Director – (1)
Assistant Finance Director – (1)
PT – Building Department Clerk – (1) @ \$17,000 Annual
PT – Recreation Coordinator – (1) @ \$21,000 Annual
Mayor’s Court Magistrate – (1)
PT – Clerk of Court – (1) @ \$26,000 Annual
PT – Deputy Clerk of Court – (1) @ \$21,600 Annual
Council President – (1)
Council Members – (6)
Clerk of Council – (1) @ \$45,000 Annual
FT – Chief of Police – (1)
FT – Police Executive Administrative Assistant
FT – Police Community Service Officer
FT – Police Officers – (up to 18) including up to 5 Sergeants
PT – Police Officers – (up to 20)
FT – Dispatchers – (8)
PT – Dispatchers – (2)
FT – Acting Fire Chief/Lieutenant
FT – Fire Department Secretary
Fire Lieutenant – (2)
FT – Firefighters – (6)
PT – Firefighters – (up to 40)
FT – Road Superintendent – (1)
FT – Service Department – (7)
PT – Service Department – (2)
Service Mechanic – (1)
PT – PCABR and BZA Clerk – (1) – up to \$10,500 Annual

**POSITIONS THAT ARE TO BE LAID-OFF FROM EMPLOYMENT WITH
THE CITY OF WILLOUGHBY HILLS**

Position
FT – Executive/Administrative Assistant to the Mayor
FT – Clerk of Courts (aka Mayor’s court Clerk of Courts)
FT – Finance Assistant
FT - Building/Service Department Clerk (aka part-time Service Department Clerk/Service Building Secretary)
PT – Property Staff Member (aka Property Staff Managers/PT Community Center Monitors)
PT – Clerk-Recreation Commission (aka Clerk Stenographer-PT as provided for under Recreation/Recreation Operation Fund)
Secretary/Recreation PT as provided for under the Recreation/Recreation Operation Fund
Clerk Stenographer