

CITY OF SAINT MARYS VACANCY BOARD MEETING

FEBRUARY 6, 2012

CALL TO ORDER

A Vacancy Board meeting of the City of Saint Marys was called to order by Chairman Robert Ordiway on Monday, February 6, 2012 at 7:25 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to members on February 2, 2012, posted at City Hall, and published in the Daily Press.

PLEDGE OF THE FLAG**ROLL CALL**

Present: Chairman Robert Ordiway, Mayor Sally Geyer, Councilmen Bob Roberts, Daniel Hepner, Richard Dornisch, Gregory Gebauer, Nedward Jacob and Manager David Greene.

VISITORS

Visitors included: R. Bills, Grace Jesberger, Paul Jesberger, Dale Bille, Warren Stewart, Lyle Garner, Tom Farley and R. Sadley.

PURPOSE OF MEETING

Chairman Ordiway explained the purpose of the meeting was for the Vacancy Board to hold a discussion regarding the procedure on filling the Vacancy on City Council and to provide for public input.

INSTRUCTIONS TO SPEAKERS

Speakers were instructed to approach the podium and state their name. There would be a 5 minute time limit per speaker.

PUBLIC COMMENT

Richard Bills

Richard Bills commented he believed since one of the candidates for Council had resigned from running in the election, Mr. Farley who was the next vote getter in the election, should have been appointed. He stated Mr. Farley has already served on Council and was willing to serve again. Mr. Bills also stated he believed Mr. Farley did a good job while he served and because of his experience should be appointed rather than someone off the street.

Tom Farley

Tom Farley approached and wanted to thank everyone who voted for him in the fall election. He stated he thought the issue of the vacancy could have been resolved on January 3rd of this year, but it appeared there was an underlying issue that was determined that he be no longer seated on Council. He stated he was told by a Council member that they were opposed to him being seated as a member of Council and that Mr. Farley was trying to "push" his way onto Council. Mr. Farley stated that nothing was further from the truth regarding the previous statement that was made to him. He stated he had an interest in serving on Council and the experience, but apparently those qualities were not what the Vacancy Board was looking for.

Grace Jesberger

Grace Jesberger approached and thanked everyone for putting the meeting together. She felt that at tonight's meeting a very crucial decision needed to be made regarding the welfare of St. Marys. She stated, "she realized there was a person submitting their name for the Council position because of their experience. She questioned how the City was ever going to get younger people involved to help the City if they do not bring

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them "into the fold" and place them on a Board so they can get the experience they need to help our community?" She stated "she hoped the right decision would be made and possibly give other people the opportunity, even though they would not be experienced, but there were enough experienced people on Council who could help, encourage and bring new people to our community to serve on Council."

DISCUSSION

Councilman Dornisch

Councilman Dornisch commented his thoughts were considerably different from those expressed by some of the people who had previously spoken. He stated he did not care whether the person wanted to get on Council or whether they are experienced, but he did care if those who were interested in serving follow the proper protocol by following the procedure at the Elections Office by paying the fees, obtaining the proper forms, acquiring the required amount of signatures, and were placed on the ballot for the primary and then the general election. He stated he opposed Mr. Farley running for Council again and was at "loggerheads" with the Solicitor's interpretation of the statute regarding the eligibility of a former Councilmember to run after serving two consecutive terms. He did not agree with the judgment given to him, but was willing to abide by it. He was in support of the electoral process and that there were only three legal names on the ballot and those three names won. He stated he believed if the Democrat and Republican parties and the Media would have gotten the information out to the voters then there would have been plenty of publicity that one of the candidates listed on the ballot was no longer eligible to run for the position. He stated he would support the three "legal" people on the ballot and he believed that those three people won the election. He also believed the vacancy could have been resolved on Jan. 3rd.

Mayor Geyer

Mayor Geyer stated she believed there were four legal people on the ballot. She accepted Attorney Wagner's interpretation that Mr. Farley could run for office again and agreed that it would be up to the citizens of St. Marys to decide if they wanted him back on Council. She stated she believed the citizen's votes showed that they wanted three new people to serve on Council. She stated that according to the Elk County Courthouse the three winners were Greg Gebauer, Ned Jacob, and Gwen Auman. She stated Gwen Auman could not serve and believed that did not ever give the next person the entitlement of taking that position. She commented the election was over and the fourth vote getter lost the election.

Dale Bille

Dale Bille approached and requested to reply to Councilman Dornisch's comments. He commented four people ran because no one else could run. There were other people in the primary but they got beat. He stated he checked the election results and the winners were Jacob, Gebauer and Auman. There were 37 write-in votes. There were four people on the ballot and you only voted for three. There were 2205 people or 28.6 percent that voted for less than three people. He

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believed the voters did not want someone that was on the ballot. There were more people who didn't want one of the candidates then there were who did. He thought it was like taking away the votes from people who didn't have a chance to vote for someone they wanted.

Councilman Hepner

Councilman Hepner thanked everyone who had already spoken. He stated he did not necessarily agree with Mr. Bille's comments. He agreed there were 2205 under votes but he believed that simply meant people chose not to vote. He agreed with Councilman Dornisch regarding the electoral process and did not think that the Vacancy Board had the right to reject the 1700 votes cast in support of the fourth place finisher. He stated, what you would be left with is a Council that was elected by a little less than half of the voters. He stated he had not heard anything yet that would change his position on the matter.

Mayor Geyer rebuts Councilman Hepner by stating the only thing that matters in the Courthouse are the votes that are counted and what is established by the Courthouse which was Gebauer, Jacob and Auman were the winners.

Councilman Hepner responded Ms. Auman was an ineligible candidate at the time of the election.

Mayor Geyer responded Ms. Auman filed the petition and paid the money and she believed Ms. Auman was eligible on the ballot.

Councilman Hepner stated Ms. Auman tried to withdraw, but it was too late.

Mayor Geyer stated Ms. Auman still had the votes.

Councilman Hepner responded that would mean you would be ignoring 1700 votes. (for Mr. Farley)

Mayor Geyer responded you can't ignore the majority of the votes that said they wanted someone other than Mr. Farley on Council and they voted against him.

Councilman Dornisch and Councilman Roberts commented the voters were not aware Ms. Auman had withdrawn.

Mayor Geyer stated a lot of people knew that Ms. Auman withdrew.

Councilman Gebauer

Councilman Gebauer thanked everyone for attending. He stated his position has been and will remain the same that the democratic process was done and the people spoke. There is nowhere within any level of government that entitles any opening to go to the next runner up. It is always an appointment. He didn't see the harm in advertising for the position. If Mr. Farley is interested and would like to apply he could do so and would be considered by the Vacancy Board. It hurts nothing to open it up to see who from the Community

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would be interested in an appointed position for a two year term. The Home Rule Charter provides that a Councilmember can only serve two consecutive terms. He believed it was put in the Charter to provide for a turnover of people so you don't have the same people serving year after year. It is a matter of City Policy to advertise for any member to the all City Authorities, Boards and Commissions. He believed the same protocol should be used for Council.

Councilman Jacob

Councilman Jacob commented the people voted for all four candidates. He stated if Ms. Auman was ineligible then why didn't the Board of Elections appoint Mr. Farley to the position? They didn't do that; they declared Gwen Auman the winner. Ms. Auman placed an ad in the newspaper that she was relocating out of town and he believed that was enough to let people know that she was ineligible to run. People still voted for her and that told him those people wanted a change. He stated that was the reason he was in favor for advertising for the position.

Councilman Roberts

Councilman Roberts commented that Mr. Bille stated there were candidates that lost in the primary and Councilman Roberts stated there were no other candidates in the primary. Ms. Auman since she moved from the City could not comply with the basic requirements of the Charter that you must be a resident of the City to be a member of Council. This occurred not in time for the Election Board to remove her name from the ballot. He did not believe that many people knew that she was ineligible. He agreed with Councilmen Dornisch and Hepner regarding following the proper procedure to become elected. He expressed that was why he would not change his vote.

Councilman Gebauer requested to state one more thing for the record. It was mentioned by Councilman Hepner that we were simply ignoring the 1700 voter that voted for Mr. Farley. He stated he had a major problem ignoring the majority of the voters who did not vote for Mr. Farley. It was a fact that the majority of the voters did not vote for Mr. Farley or he would have been in.

Councilman Hepner questioned that it was not known what the majority was. He stated just because of "under voting" you can't assume they were purposely not voting for Mr. Farley.

Councilman Gebauer responded that the majority obviously did not vote for Mr. Farley or he would have won.

Councilman Dornisch responded that the majority of the people did not vote for anybody.

Councilman Gebauer did not agree with Councilman Dornisch's comment.

Mayor Geyer stated she would go by what was at the Courthouse.

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Councilman Gebauer responded Ms. Auman won the election and did her part to advertise that she was no longer eligible.

Councilman Dornisch responded she did not, nor did the parties, nor the media.

Councilmen Gebauer disagreed with Councilman Dornisch.

VOTE OF VACANCY BOARD**Motion**

Councilman Hepner made a motion to appoint the next highest elected official based on the election results, seconded by Councilman Roberts.

Roll Call Vote- Motion Died

On a roll call vote four voted in the negative and three in the positive. Motion Died.

Motion

Mayor Geyer made a motion to publish for the position on City Council, seconded by Councilman Jacob.

Roll Call Vote- Motion Passed

On a roll call vote four voted in the positive and three in the negative. Motion Passed.

Comment

Chairman Ordiway stated the Vacancy Board has voted to advertise and request Letters of Interest from all eligible individuals who reside in the City of St. Marys and who would want to be considered for an appointment to fill the vacancy of City Council.

Presentation of Questions

Councilman Roberts presented a set of questions to be asked as part of the application from the individuals who would submit a letter of interest.

Motion

Councilman Roberts made a motion to include the questions to be submitted by any applicant to be answered to give a good overview of why they are applying and why they want the position.

Discussion

Mayor Geyer, Councilman Gebauer and Councilman Jacob opposed.

Councilman Roberts requested to read the questions; they were as follows:

1. A reason for wanting to serve.
2. The familiarity of the City and its projects.
3. Prior experience with government, political, occupational, community and volunteer service.
4. Education and achievements
5. The City's budgetary priorities

Councilman Gebauer commented that of course Mr. Farley would have the "upper-hand" on the questions. He opposed the questions.

Mayor Geyer strongly opposed the questions.

Councilman Roberts questioned on what basis they were opposing the questions?

Councilman Jacob responded when he ran for office he did not have to answer these questions.

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Councilman Roberts responded that Councilman Jacob was not appointed.

Chairman Ordiway commented that in previous discussions about procedure it was his understanding that there was a consensus that individuals would come to a public meeting of the Vacancy Board and express their interest in the position and why they were interested in being a City Councilperson.

Chairman Ordiway stated he did not agree with some of the questions and Councilman Roberts responded then certain questions could be picked from the list.

Chairman Ordiway questioned if further discussion regarding the questions could be held in another forum and Solicitor Wagner responded it was best to be discussed at tonight's meeting.

Councilman Gebauer commented he believed that the Board should proceed with the procedure that was previously discussed. He stated he would be willing to look at a letter of interest including their qualifications. The person would come to a meeting and present it. He didn't see why the Board would need to ask any questions.

Councilman Dornisch agreed with Councilman Gebauer's comments.

Councilman Roberts responded that any person interested in any of the City's Boards is asked to submit a letter of interest and his/her credentials. He believed it was nothing more than asking a couple of questions.

Mayor Geyer responded she disagreed with Councilman Roberts comments and stated most of the letters of interest for the City's Boards were one line.

Councilman Roberts responded the letters of interest were first presented to the respective Boards and were recommended before being presented to Council for their approval.

Mayor Geyer commented but they did not have to answer any questions.

Councilman Dornisch requested Councilman Roberts request be put in the form of a motion.

Request to Restate the Motion

Chairman Ordiway requested Councilman Roberts to restate his motion.

Motion Re-Stated

Councilman Roberts made a motion that along with the application process there is a written questionnaire to be followed to be submitted to the Board, seconded by Councilman Hepner.

Roll Call Vote- Motion Died

On a roll call vote five voted in the negative and two in the positive. Motion Died.

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Chairman Ordiway requested the format that will be requested of the interested parties should be put in the form of a motion.

Motion

Councilman Jacob made a motion the Board hears from each candidate as to why they want to be on City Council.

Clarification of Motion

Councilman Gebauer stated he would second the motion if Councilman Jacob would agree that any questions asked of the candidates would only come from Chairman Ordiway.

Motion Seconded

Councilman Jacob agreed and Councilman Gebauer seconded the motion.

Discussion

Councilman Roberts stated he believed the Board should not be excluded from asking the candidates any questions.

Councilman Dornisch commented he was not interested in screening anyone and it should be an open process with no requirement other than being a citizen of St. Marys.

Councilman Jacob restated he would like to hear from each candidate and did not feel he would need to ask any questions.

Mayor Geyer agreed with Councilman Jacob.

Roll Call Vote- Motion Passed

On a roll call vote five voted in the positive and two in the negative. Motion Passed

ANNOUNCEMENTS

The Board had a brief discussion and Chairman Ordiway then stated the advertisement would be placed in the Daily Press and the Letters of Interest would have a deadline to submit of February 16th, 2012 in order for the Board to review before their next meeting.

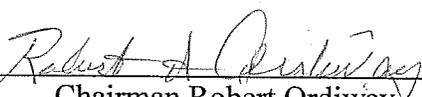
Motion Passed

Councilman Dornisch made a motion to have the next Vacancy Board meeting in conjunction with the next Council meeting that is scheduled for Monday, February 20th, 2012 at 7:00 p.m. (Vacancy Board would meet immediately following the Council meeting) seconded by Mayor Geyer, and on a roll call vote all were in favor.

ADJOURNMENT

Councilman Roberts made a motion to adjourn the meeting, seconded by Councilman Jacob, and all were in favor.


Recording Secretary


Chairman Robert Ordiway