

Cuyahoga Falls City Council
Public Affairs Committee Meeting
April 7, 2003

Members: Mr. James, Chair
Mr. Gorbach
Mr. Flinn

Mr. James called the meeting to order at 6:40 p.m. All members of Committee were present.

The minutes from the March 17, 2003 Public Affairs Committee meeting were approved as submitted.

LEGISLATION CONSIDERED

Temp. Ord. No. B-60

DISCUSSION

Temp. Ord. No. B-60

Mr. James read B-60 (second reading). Mrs. Carr indicated this was the next piece of legislation required by PUCO. She indicated that Greg Sloan from AMP-Ohio was present to give a short presentation. Mr. Sloan stated there are two types of customers: the traditional customer who is still getting serviced by Dominion East Ohio and those who have purchased gas from a third party. The voters approved an opt-out aggregation on November 5, 2002. Customers with Dominion will be automatically enrolled unless they opt-out. Under the plan, we are now at the step of approving the ordinance that would accept the Plan of Operation. Once it is approved, they will file with PUCO the Plan of Operation which is a part of the application. Letters will go out to eligible customers from the supplier. Eligible customers are those customers of Dominion East Ohio, but they will also target other residents in the City. Since the notices are sent by the supplier, there is minimal cost to the City. However, the City will retain control of the format and language of the letter. The rules of this project are mandated by H.B. 9 and the City needs to abide by it. The customers who are on the endorsement program will be at the end of their two-year contract with their supplier and will also be able to get into this program. They have five other communities, including Wadsworth, Dover and Amherst. Also, within the next month or two, an additional 14 communities will be placing the issue on the ballot at the May 5 special election. Mr. James asked about the people outside of Dominion that are looking for a gas supplier. Mr. Sloan stated if they are in the City, they want to target them to make them aware of the opportunity. Mrs. Carr indicated one advantage the City has is it keeps in contact with customers

through their water, sewer and electric bills so they may be doing a card insert to give everyone the information. Mr. Gorbach stated in the Plan of Operation, there was mention that the City will hire an aggregate program manager and asked if that would be AMP-Ohio. Mr. Sloan stated it was. Mr. Gorbach asked what the fees for that service would be. Mr. Sloan indicated that the fees would be paid by the supplier and not the City. That will be included in the negotiations with the supplier. He stated the fees are usually around five cents per mcf. If at the end of the year the City discovers it has incurred any significant costs, they can negotiate a surcharge to be collected from the supplier to cover that. At this point, there is no service fee. Mrs. Carr stated it only allows a vehicle for the City to recoup costs if it finds the mailings are costing a lot of money. Putting a card insert into utility bills would not cost much even with the printing of the card being done in-house. Mr. Gorbach asked what the average mcf usage per household was. Mr. Sloan stated it was between 100 - 300. Mr. Gorbach asked about the timing of the 14 communities on the May ballot. Mr. Sloan indicated it would take a good three months after the election before those communities would be ready. There are six communities locked in now and said he did not want to wait for them if the prices get low. He felt it would be around July before they would have a price to bring back before Council. Mr. Flinn asked if the plan will definitely be in place before the next heating season. Mrs. Carr stated it would unless it looks like it would cost the community more money. Mr. Sloan pointed out that the City does not have to sign the agreement with the supplier. Mr. Flinn asked if the endorsement customers could be eligible. Mrs. Carr stated the timing should fall right when the endorsement customers are at the end of their contract. Mr. Flinn asked if there would be a fee for them to switch. Mrs. Carr stated not if they were at the end of their contract. Mr. Gorbach stated if we enter into the agreement in July, there may be people on the endorsement program whose contract may not end until August or September. If there is a fee, it may be in the customer's best interest to pay it depending on this deal. Mr. Flinn asked if we would be offering guidance or assistance. Mrs. Carr indicated we would. They have had two public meetings in January and people really know quite a bit. She feels it will be an easy transition. Mrs. Hummel stated there is something on page 5 regarding an administrative fee and asked if that was the five cents per mcf they were talking about. Mrs. Carr stated it was. She confirmed that Council will have to approve whatever the rate is so if there is a fee, we would know it. Mrs. Hummel referred to the language on page two regarding the aggregate program manager being responsible for overseeing the project along with the law director but they would work under the direction of the Mayor. Mrs. Carr stated that the Mayor would sign the contract but the day-to-day questions would be hers and Mr. Arrington's.

Committee recommended bringing out B-60.

Other Business

Robert Nyitray of Cuyahoga Falls stated he was present to represent his son. On January 24, his son received a letter from the police department telling him to report for a physical which is part of the selection process for an opening in the police department. Soon after, his son received a letter that his National Guard unit was activated again and he was to report there. He called the police department and let them know about being activated and that he would not be able to report for the physical. The last week in February, he received a letter stating that since he did not attend the February 16 meeting, he was going to be dropped from the eligibility list. Mr. Nyitray feels these soldiers are already giving up enough. Mr. Barnhart recommended that he speak with the acting Police Chief and so he placed a call. Lt. Marino returned that call and was sympathetic to Mr. Nyitray's son's plight but stated there was not much he could do. He referred them to Mr. Arrington, who stated there was not much he could do either. Mr. Arrington informed Mr. Nyitray that the Civil Service test is only good for two years and if his son did not report by June, he would be dropped entirely anyway. He indicated that Mr. Arrington did not feel right about giving a waiver because it would give an unfair advantage over other candidates. Mr. Nyitray stated he is just asking for some assistance so that when his son returns in a year, he can maintain his eligibility and not have to start over.

Mr. Arrington stated that the City Charter defers to the general laws of the State of Ohio in this matter, which states that eligibility lasts no more than two years. There is nothing he can find in the law that allows a city to keep a slot open beyond a two-year period. Once it expires, it expires. The law does not permit the City to extend it. Mr. Nyitray asked about O.R.C. §5903.10 regarding renewals of licenses and certificates. Mr. Arrington stated that is a completely different subject. The Civil Service is a competitive process and Mr. Nyitray's son is competing with other people. Other individuals may have had a reason beyond their control also. The law does not allow, at least right now, the City to hold an eligibility list open for a person who has been unable to attend even for the best reasons. He stated the City is bound by State law and currently it is limited as to what the law allows the City to do. Mr. James asked if there wasn't some stipulation somewhere that referred to times of war. Mr. Arrington found nothing and emphasized he has been looking for any language and will continue to look.

Mr. Barnhart stated he spoke with Ron Edwards, who is the Director of Veterans' Affairs in the Governor's office. Mr. Edwards agrees with Mr. Arrington. If Mr. Nyitray's son was actually employed, the spot would be held but since he was just on a list to be considered, Mr. Edwards could not find anything to support the City to do that. Mr. Arrington stated that the only thing we can do is to amend the Charter to allow Council to deviate from State law. Mr. Nyitray stated that the certificate after graduation is good for one year. If that expires, the individuals needs to go through a refresher program. Since his son was activated soon after

graduation, he got his certificate approved for eleven more months of eligibility by the Executive Director of Ohio Police Officer's Commission. Mr. Arrington stated that is a different scenario because he is talking about a certificate to be a police officer. That is different from an eligibility list. He has not found a law dealing with an eligibility list. Mr. Gorbach stated if there was any way the City could legally accommodate Mr. Nyitray's son, it sounds like Mr. Arrington is searching for it. Mrs. Klinger pointed out that a charter change would go to the vote of the people. Mr. Arrington agreed and stated it may not help Mr. Nyitray's son but it may help others in the future.

Meeting adjourned at 7:20 p.m.