

PUBLIC AFFAIRS COMMITTEE MINUTES

FEBRUARY 11, 2009

The meeting was called to order by Chairman Sellers at 6:00 p.m.

MEMBERS PRESENT: Leah Sellers, Deborah Groat, John Marshall

OTHERS PRESENT: Dale Madison, Carolyn Towner, Jeff Frisch, Brian Ramsey, Andy Pocock, Ryan Horns (Journal Tribune), Police Chief Golden

AGENDA:

- 1) Ms. Groat nominated Leah Sellers as Chairperson; affirmative voice vote was unanimous.
- 2) Council Rules of Procedure – No changes were made.
- 3) Ordinance 20-08 – Background checks on carnival workers – This agenda item moved to last.
- 4) Campaign Finance – Ms. Sellers asked if anyone had any interest as a City in installing limits on campaigns. Ms. Groat asked if there are records stating how much people have spent. Ms. Sellers said there are records. Mr. Marshall thought that if you spend less than \$1,000 of your own funds, you don't have to file paperwork. Those records are public record.

Ms. Sellers said as growth continues, she's seen high-growth cities' developers, as well as political parties, put money into campaigns. She questioned whether this is serving the individual or the City by asking whether a limit should be imposed.

Mr. Marshall wondered if there is a model that exists to say what's enough or too much.

Ms. Groat suggested Clerk Patterson do some basic research with other communities to see if they have a limit and if so, what that limit is. Ms.

Groat felt that consideration of this has nothing to do with Ms. Sellers running for re-election.

Mr. Marshall thought a Mayoral Race had funds in excess of \$20,000, but he's not sure. He's 50/50 on this issue. The challenge will be where you set the limit. The benefit would be, if possible, can you set a cap? Everyone should have a shot at an elected City office.

Committee asked Clerk Patterson to do some research with comparable communities to see what's out there.

3) Ordinance 20-08 – Background checks on carnival workers.

Ms. Sellers said legislation is already in place and was used for the last fair, and it netted some sex offenders, so it did its job. Question before the Committee now is, do we want to expand the legislation to include background checks on more individuals at the fair and other carnivals within City limits to further protect children in our community.

At the last meeting, group discussed all the possible categories of people who could be included and came to the conclusion that it would be a lot of work for our Police and Sheriff's Department if we try to include everybody. Need to decide who to focus on, what people do we want to know their names. Names will be turned over to the Police Department so they can do the background checks.

Ms. Sellers presented a working draft and suggested going through it to see what's right or wrong with the draft. She asked the people who know the business to tell the City who it is we need to be worried about and background checks will be done.

Mr. Marshall said we need to know what worked and what didn't work with the existing legislation.

Mr. Pocock said, from the industry standpoint, one sex offender and one felony warrant was discovered from the pool of names turned in, so the legislation worked in that way. He still wonders who else either attended or worked the fair that wasn't checked and may have fallen through the cracks. He likes the fact that the fee was waived the first year, and that there is no fee in this draft.

Chief Golden would like to see the list of names a few weeks ahead of the fair in order to give his department sufficient time to do the background checks. Background checks can be done on those people who arrive unexpectedly the day of the fair or during the fair.

Mr. Pocock was concerned initially that the amusement industry was being profiled or picked on, but feels this legislation is broadening the scope of the law.

Ms. Carolyn Towner said that “Amusement Ride” as defined in the draft, is not consistent with the Ohio Revised Code, 1711.50. What’s not consistent is where it deals with a trade show. Included in the definition for “Amusement Ride”, the last sentence saysamusement rides operated solely at trade shows for a limited period of time. Trade show is not defined, nor is “limited period of time” specified. The law says a trade show means a place of exhibition not open to the general public where amusement ride manufacturers display, promote and operate and sell amusement rides to perspective purchasers. She suggested making this definition consistent with the law. Ms. Towner also pointed out that the definition of amusement ride and the state definition includes aquatic device, which would be a water park.

Chief Golden noted “or related activity” was added several places in the draft. On page 2, the definition of “Related Activity” reads as follows: “Related Activity” means any activity occurring during a carnival or fair where a carnival or fair worker has the ability to interact with children.” Chief Golden suggested incorporating language “has direct contact with or interacts with children as a part of the job.”

When you think about exclusions, do volunteer groups differ from contract groups? There is a level of control when issuing contracts. You don’t have that control with volunteer groups. For example, 4-H Advisors go through a background check every year. It was brought up at the last meeting, that an advisor could have committed a crime between that point and this point today, and how would it be discovered without doing another background check. Chief Golden said it was discussed at the last meeting about the duration of a background check, how long it was good for.

There are no contracts with Scouts or 4-H people. Mr. Pocock said they do have contracts with some church groups who come in to clean the grandstand. It was

his understanding that they would have to undergo a background check, because they do have access to children. Chief Golden said if the definition of “Related Activity” is changed as he proposed, the people who are contracted to clean the restrooms or grandstand, “interacting with children as a part of the job” would not apply. That is not a part of their job.

Ms. Groat asked how much it costs to do a background check. Chief Golden said there is no additional charge except for his staff time. His department would be checking to see if individuals have any active warrants against them or whether they’re a registered sex offender. If someone is found to be a registered sex offender or an individual is found to have been convicted of a crime, there is nothing in the ordinance that says they can’t work at the fair. It just makes you aware of that person.

Mr. Madison said they have contracts for all vendors on the Midway, anyone renting booth space, all entertainment, no matter whether they’re there for four hours or one night, the cleaning staff for the restrooms, grandstands, trash, grounds pick-up, etc. Mr. Madison was asked if the gate people are under contract. Mr. Madison said yes. Whenever the Fair is paying out money, there has to be a contract.

Mr. Marshall suggested that if there is a fee for background checks, that there is a cap on it.

Ms. Sellers asked for an estimate of the number of individuals under contract that would need a background check. Mr. Madison will check and get back with Ms. Sellers with a number. Chief Golden said they did about 70 background checks last year, and they were able to handle that amount fairly well. Concessionaires were not included in background checks yet.

Two open issues. How many paid, either entities or people, are employed by the fair, meaning their services are paid for, the organization they volunteer for or themselves personally. Find out that number of people. Find out from the Chief what is feasible and do a cost analysis on what the cost would be to check those folks. Mr. Pocock added that you need names for people who pay to be there and people who are paid to be there. Concessionaires pay to be at the fair.

Mr. Marshall said between the two organizations, we need to establish capacity. Need to set a deadline for submitting names in order to give the Police Department sufficient time to do background checks.

Regarding other events, Mr. Marshall said legislation must be written as to who all this applies to.

Start by looking at the people who need contracts, then look at the people who don't need contracts who do business at the fair or event and decide if contracts are needed. An example would be a delivery of produce or ice to various vendors. That individual could be on the grounds for 2 to 4 hours at a time.

Ms. Groat feels the place to start would be to include in the legislation all those people under contract. If this doesn't work, amend it to include others. Mr. Pocock said speaking for the amusement industry, they would approve of this because it wouldn't focus on only "carnival workers." It would also serve the purpose a lot better.

Ms. Towner questioned the definition of "Fair" and the difference between (a) and (b). Ms. Sellers said the largest event for the community would be the fair. All other events lasting more than 2 days, such as Honda Homecoming, would fall under (b). Any event lasting less than 2 days would not be included, such as Uptown Friday Nights or a one-day church event, no matter if they have concessions or not.

Ms. Towner asked what the term for the permit is. Chief Golden said the length of the event.

Ms. Towner asked if the Fair Board ever rents out the fairgrounds for the weekend. Mr. Madison said yes. A circus is coming to town in the near future. They just rent the grounds, but it would fall under this category. They have a concession, but no rides.

Ms. Towner asked about License Requirements, A) 3) where the person must provide proof to the Director of Administration that an employee or carnival or fair worker has been listed in accordance with..... She asked for clarification of that requirement. If they have submitted the list of names, how does the operator then supply proof? The employer is not necessarily going to have their ID or driver's license. Ms. Sellers said as an example, the Chief has a suspicion that all names have not been submitted. It looks there are a lot more people than names that were submitted. He goes back and asks for more.

Chief Golden said Kissell Bros. submitted a copy of the ID badges, which were compared to the list. He noted when walking through the fairgrounds, there were people who didn't have badges. Those people were questionable. Mr. Pocock said Kissell Bros. use ID's, but his company does not. They wear T-shirts with company name on it.

It was decided to delete proof and add "signed statement". Ms. Groat suggested a copy of an email with the information would suffice. Ms. Sellers said you want to give the Chief some ability to go back and question the information given with the penalty being already in place.

Ms. Towner questioned 738.06, B) ... shall provide the list to the Chief of Police who shall, at his or her discretion,..... She feels "at his or her discretion" opens up a liability issue. Ms. Sellers said that has been deleted.

In summary, Mr. Madison will get the number of contracted personnel and get it to Ms. Sellers. Committee will then decide if a fee will be involved. Majority feels there should not be a fee. The point of this legislation is for the protection for the citizens.

Meeting adjourned.