

November 4, 2010

The City of Cynthiana Board of Commissioners met in special session on November 4, 2010 at 12 Noon in the Commissioner's Rom at City Hall. Present were Mayor Keith, Attorney Lair, Commissioners Grayson, Mattmiller and Moore. Commissioner New was absent.

MEETING CALLED TO ORDER

Mayor Keith called the meeting to order and stated the purpose of the meeting was to award the construction bid on the pavilion, discussion on hazardous retirement, and the Handy House lease.

PURPOSE OF MEETING

Mayor Keith stated the first issue was the bid for the concrete work and erection of the pavilion. Dave Kennedy had met with the contractor submitting the lowest bid. The bid could not be lowered.

AWARD BID ON PAVILION

Attorney Lair asked if there would be a contract and would it contain time lines.

Commissioner Grayson asked if the additional amount above original budget would be split between City and County.

Grayson made a motion to award the bid to Herrington Investments for \$52,560. Commissioner Mattmiller seconded. In favor: Commissioner Grayson: yes; Commissioner Mattmiller: yes; Commissioner Moore: no; Mayor Keith: yes. Motion carried.

Mayor Keith reported the second issue on the agenda was discussion on hazardous duty retirement.

Commissioner Moore stated that when HB 1 was passed, hazardous duty retirement was changed. She feels this was not fully explained to new hires in the Police Department. She has an issue with this. Years of service required for retirement were incorrectly stated for CERS and HCERS.

HB 1 CHANGES HCERS

Mayor asked City Clerk McIlvain what benefit sheets were given to applicants and who goes over benefits with new hires.

McIlvain said a Compensation and Benefit sheet is given to applicants. This was changed in 2008 to reflect the changes made by the retirement system. She explains the benefits that they do have at the new hire orientation, not what they may not have.

Officer Jeff Thomas showed his sheet to Mayor Keith and also the employee handbook which also still reflects that police have hazardous retirement. The handbook has not been updated since December, 2006.

Commissioner Moore stated it is important to thoroughly explain the benefits.

Mayor Keith referred to Attorney Lair. There are two issues. One, does City want to give HCERS to all personnel. Two, if you want to then you follow the process to petition the retirement board to do so. If you do not want to, then do you have to or not. The statutes are confusing on this. It will take some time to research.

Mayor asked Lair if City says henceforth, will not offer HCERS, what, if any, is our obligation to the employees who feel they were not adequately informed of this change.

Officer Thomas stated he was told by the former Police Chief he would only have to work 25 years. He also stated he was hired at same time as another officer who does have HCERS.

NEW OFFICERS
MISINFORMED BY
PRIOR CHIEF

McIlvain explained that the other new hire was participating in CERS prior to September 1, 2008 which made him eligible for HCERS. There are several different situations that could come into play that determines which retirement they are eligible to participate in. This is determined by the KY Retirement Systems.

McIlvain said she was unaware until recently that other people were telling information about retirement that may be incorrect.

Commissioner Moore said there is too much confusion involving this.

Commissioner Grayson questioned if different contributing rates were discussed but not made clear.

Mayor Keith asked Attorney Lair if they were aware what the options are.

Lair stated that no action could be taken.

Commissioner Mattmiller asked if the option to offer HCERS to new hires after September 1, 2008 would have to be done by position. Lair will get with the Commissioner on that. More information is needed.

Commissioner Mattmiller would like to meet with the officers individually.

Attorney Lair said that if the City wanted to give the officers who were confused about HCERS but no others from now on, the question would be, can we.

Mayor Keith asked Lair if he could be ready by the next meeting. Attorney Lair stated he would need more time. Put this issue on the November 23, 2010 agenda.

Mayor Keith reported the third item on the agenda was the Handy House lease.

Commissioner Grayson reported that he drew up another lease with changes. He gave each one a copy noting that there are footnotes showing his changes. The items in red are what he would like each to review and get back to him with their thoughts. Judge Barnett appointed a couple of magistrates to work on this lease for the County.

HANDY HOUSE LEASE

Commissioner Mattmiller suggested they pass this until the next meeting so that it could be reviewed.

Attorney Lair stated there are comments proposed but no specific language.

There being no other business to come before the Commission, Commissioner Grayson made a motion to adjourn. Commissioner Mattmiller seconded. In favor: Commissioner Grayson: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Mayor Keith: yes. Motion carried. 1:12 P.M.

MOTION TO
ADJOURN

Charleen McIlvain, City Clerk

John M. Keith, Jr., Mayor