

**Butler County Board of Elections
Board Meeting Minutes
May 14, 2012**

The Butler County Board of Elections met on Monday, May 14, 2012, at 8:30 a.m. for a regular meeting. Roll call was taken and present were Chairman Frank Cloud, Member Bruce Carter, Member Judy Shelton, Member Tom Ellis, Director Lynn Edward Kinkaid, Deputy Director Jocelyn Bucaro, Sr. Executive Assistant Nancy Piper and Administrative Assistant Tiffany Harmon. Also present were Mr. Mark Hardig; candidate for State Representative from the 51st District and Roger Gates, Assistant Prosecutor.

There were no bills to approve.

Chairman Cloud stated the reason for the meeting was the Certification of Independent Candidates for the November 6, 2012 General Election and Certification of Issues for the August 7, 2012 Special Election.

Member Ellis moved to certify the proposed municipal income tax for the City of Middletown pending the ballot language approval of the Secretary of State to the August 7, 2012 Special Election Ballot. Member Carter seconded the motion.

Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Shelton moved to certify the proposed tax levy for the Monroe Local School District to the August 7, 2012 Special Election Ballot. Member Carter seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Ellis moved to certify the proposed tax levy for Ross Township to the August 7, 2012 Special Election Ballot. Member Carter seconded the motion.

Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Ms. Bucaro stated Warren County overlaps with Middletown and Monroe and they have been notified.

Member Carter moved to approve Dale Richter as a independent candidate for Sheriff to the November 6, 2012 General Election Ballot. Chairman Cloud seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

The Board then considered Mr. Greg Jolivette's independent candidate filing for the 51st House District. Mr. Gates explained that there was a timely protest filed against the candidacy of Greg Jolivette and all parties involved were notified of the protest. He explained the statute states the Board can't refuse to certify unless they find that there is a failure to comply with the petition requirements. The issue presented to the Board was that on their face, the petitions are valid based on the statutory form requirements, including are the candidate's signature, declaration of candidacy, and the number of valid signatures. He then explained the declaration of candidacy that Mr. Jolivette signed stated that he is an Independent Candidate and is unaffiliated with any political party. The petition Mr. Jolivette filed for the Republican Primary in December had been withdrawn

before it was presented to the Board for certification and that it is his understanding that the statute states that if the petitions were withdrawn before the certification, they are treated as if they were not filed. He explained that on their face there is nothing in front of the Board as evidence not to certify even though the protest has been filed, and all parties involved have agreed to present their evidence at the hearing. It's up to the Board to decide whether or not to certify Mr. Jolivette as an independent candidate but their decision should be based on the evidence in front of them which is the petition itself and nothing else.

Member Carter moved to certify Greg Jolivette as an independent candidate for the 51st House District to the November 6, 2012 General Election Ballot without prejudice as to the protest that has been filed. Chairman Cloud seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Ellis moved to set the protest hearing date for the candidacy of Greg Jolivette for May 30, 2012 located at the Board of Elections at 1:00 p.m. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Carter moved to have a court reporter present at the protest hearing at the Board's expense. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

The Board then discussed a local option petition filed by Five Points Food Mart to appear on the November 6, 2012, ballot. Mr. Gates explained the statute provides that no election should be held regarding the same use for a location for a period of at least four years. He explained that Five Points Food Mart was on the November 2011 General Election Ballot with the only difference being the time of sale listed on the petition. Member Carter moved to decline the certification of the local option petition for Five Points Food Mart. Member Shelton seconded the motion. Member Ellis questioned whether or not this decision could be protested. Mr. Gates explained that he does not believe a circulator can file a protest and the circulator's only option would be to go to court and appeal the Board's decision. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Carter moved to recess. Member Shelton seconded the motion. Roll

Call:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yea
Member Shelton	yea

All in favor; motion carried.

Following recess, Chairman Cloud called the meeting to order.

Under old business, Member Ellis stated that the discussion on personnel salaries had been completed at the previous Board Meeting and an adjusted budget proposal had been made. Ms. Bucaro notified the Board that the new figures had been applied to the budget and with the proposed changes in hourly pay, the anticipated overtime expense is approximately \$100,000, which is lower than in 2008. Member Ellis questioned how many temporary employees the Board will hire for the General Election. Director Kinkaid stated that six

temporary staff members will begin working at the end of August. Deputy Director Bucaro informed the Board that six additional staff members will begin working after Labor Day. She explained that in 2008, the Board employed forty temporary staff members for the General Election, showing the extreme savings for the 2012 General Election.

Member Shelton moved to present the adjusted 2012 budget to the County Commissioners. Member Ellis seconded the motion. Member Carter questioned the changes made to the organizational chart that had been presented at the previous Board Meeting. He explained that he did not agree with creating a new Administrative Assistant position with a substantial pay increase for Director Kinkaid and leaving a vacancy in another department. The original organizational chart presented by Director Kinkaid and Deputy Director Bucaro with one Administrative Assistant was acceptable to him along with the pay scale increase. Mr. Carter added that in Executive Session both the Director and Deputy Director clearly stated that they do not need the additional position and that the Senior Executive Assistant and the Administrative Assistant work very efficiently and well, and fulfill all of the responsibilities and requests of both the Director and Deputy Director. He explained that creating a position that is not needed per the Administration is an unnecessary micromanaging of the office and to do so would also require a fair pay increase for the employee promoted, which the Board would have to justify that to the County Commissioners. He explained that adding the position would cause him to vote against the budget as proposed. Member Cloud stated that his opinion is that he does not feel it is the Board's responsibility to micromanage the office and say which employee will go where. He explained that employee placement is at the full discretion of the Director and Deputy Director. Member Shelton explained that she agreed that the Director and Deputy Director should have control over selecting the employees for each roll, but as far as the organizational chart, the Board should be involved. She explained that the Board had discussed moving a staff member from finance to fill the position which would create a title but not a new position. She questioned whether Member Carter had a problem with the organization of

the chart or the compensation. Member Carter explained that the new title would come with a several thousand dollar pay increase for the clerk. He further expressed his concern that moving Ms. Quisenberry out of Finance with the expectation that Ms. Robinson would retire next year without having a trained employee to fill her roll immediately could be a recipe for disaster. Torturing the organization chart trying to flip someone back and forth to fill the vacancies is micromanaging. Member Shelton stated that she had a different view on Finance and explained that the Commissioners are trying to umbrella human resources throughout Butler County. She expressed her concern if the Board takes away from their main goal, which is running an election by keeping an additional staff member in the Finance department when they could be utilized elsewhere could cause additional problems. She explained that it was difficult for her to believe it takes two years to be trained in Finance where Ms. Quisenberry has already been for a full year. Member Ellis explained he is not interested in micromanaging the office and the Republican selected to fill that void should the Administrative Assistant be assigned to Director Kinkaid would be up to the Director and Deputy Director. He explained that historically the Director and Deputy Director have always had their own assistants and since Ms. Piper has taken on more responsibility, she will be on the level of the other Election Services Manager. According to the current organizational chart, the Administrative Assistant to the Director needs to be established. Chairman Cloud stated that the Director and Deputy Director have made many reductions to the budget, which utilizes staff members more efficiently. They have set up the budget and organizational chart to make this office as efficient as it can be and the Board should not interfere with that. Member Ellis explained that he is not micromanaging the office and that the Director and Deputy Director can decide which employee to place in the position. As far as the position being established, the Board has to do so.

Member Shelton withdrew her motion. Member Ellis withdrew his second.

Member Ellis moved to go into Executive Session under Revised Code 121.22 to discuss personnel. Member Shelton seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	nay
Member Ellis	yea
Member Shelton	yea

The motion carried.

Following Executive Session, Member Ellis moved to return to regular session, seconded by Member Shelton. There was no discussion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Ellis	yea
Member Shelton	yea

All in favor; motion carried.

Member Shelton moved to instruct the Director and Deputy Director to present the adjusted 2012 budget to the Butler County Commissioners. Member Ellis questioned if they moved to adjust positions and update salaries and then come back and approve budget. Member Shelton withdrew her motion.

Member Carter moved to approve adding the Administrative Coordinator position under the Director and Deputy Director and the pay scale would be reflected under the Coordinator pay scale. Member Ellis seconded the motion. Roll call:

Chairman Cloud	yea
Member Carter	yea
Member Shelton	yea
Member Ellis	yea

All in favor; motion carried.

Member Carter moved to approve the budget as amended to reflect the last item of business and present the proposal to the Commissioners for their approval. Member Shelton seconded the motion. Member Ellis stated he would like the entire Board to be present when the budget goes before the County

Commissioners. Roll call:

Chairman Cloud	yea
Member Carter	yea

Member Shelton yea
Member Ellis yea

All in favor; motion carried.

Member Ellis moved to change Nancy Piper's title from Senior Executive Assistant to Election Services Manager at a salary of \$55,000.14 effective immediately. Member Shelton seconded the motion. Roll call:

Chairman Cloud yea
Member Carter yea
Member Shelton yea
Member Ellis yea

All in favor; motion carried.

Member Carter moved to change Tiffany Harmon's title to Administrative Coordinator at a salary of \$35,000 effective immediately. Member Cloud seconded the motion. Roll call:

Chairman Cloud yea
Member Carter yea
Member Shelton yea
Member Ellis yea

All in favor; motion carried.

Member Shelton asked Director Kinkaid who he would like to fill the position of Administrative Coordinator. Mr. Kinkaid stated that he had put thought into this decision and he would like Maribelle Quisenberry to be his assistant. He explained that this choice would also benefit the Poll Worker department by leaving their experienced staff members through the General Election. He explained that Ms. Quisenberry has an office near him and would be close by to assist him and also help with the Finance department. Member Shelton questioned whether or not Director Kinkaid was prepared to lose Ms. Quisenberry as his assistant in one year if Peggy Robinson retires. Director Kinkaid stated that he would be prepared to have Ms. Quisenberry as his assistant through the November General Election. He also stated that removing Donna DeFazio from her current position would cripple the Poll Worker department because they need their experienced staff members for the

upcoming election. Member Ellis suggested the two Republican Board Members and Director Kinkaid speak in private and stepped out of the Board Room. The Board Members and Director Kinkaid returned shortly.

Member Ellis moved to promote Donna DeFazio as Administrative Coordinator to the Director at a salary of \$37,500 effective immediately. Member Shelton seconded the motion. Roll call:

Chairman Cloud yea
Member Carter yea
Member Shelton yea
Member Ellis yea

All in favor; motion carried.

Member Shelton moved to adjourn the meeting. Member Ellis seconded the motion. There was no discussion. Roll call:

Chairman Cloud yea
Member Carter yea
Member Shelton yea
Member Ellis yea

All in favor; motion carried.

The meeting was adjourned at approximately 11:50 a.m.

Frank Cloud, Chairman

Lynn Edward Kinkaid, Director

Thomas W. Ellis, Member

Judith A. Shelton, Member

Bruce Carter, Member