

**OSHP Mission Review Task Force**  
**June 2, 2010**  
**9:00 a.m. – 11:30 a.m.**  
**Meeting Minutes**  
**DRAFT**

**Attendance:**

**Task Force Members:**

Peter Tobin, Superintendent, BCI & I  
James Foltz, Trooper, Ohio State Troopers' Association  
John Peach, Ohio Association of Chiefs of Police  
Colonel Dave Dicken, Ohio State Highway Patrol  
Tom Charles, Inspector General  
Larry Long, County Commissioners' Association  
Robert Cornwell, Buckeye State Sheriffs' Association  
Representative Connie Pillich, Ohio House of Representatives  
Larry Davis, Ohio Trucking Association  
Mike McCann, Ohio Department of Public Safety

Nathan Slonaker for Representative Batchelder  
Noah Wolf for Representative Schneider  
Josh Williams for Senator Wilson  
Jason Pappas for Mark Drum, FOP  
Tim Lynch for Senator Patton

**Other Attendees:**

Todd Dieffenderfer, Attorney General's Office  
Jeff Clark, Attorney General's Office  
Eva Clarke, Representative Pillich's Office  
Chief Keith C. Torbet, Wauseon Police Department  
Ivan Teets, OSHP Retired  
Richard H. Collins, OSHP Retired  
Lou Gliozzi, OSHP Retired  
Debbie Gliozzi  
Arnie Schropp, Inspector General's Office  
Shel Senek, OSHP Retirees' Association  
Major Kevin Teaford, OSHP  
Ken Garloch, OSHP Retired  
Major Herb Homan, OSHP  
Jeff Grayson, OSHP  
Howard Shearer, OSHP Retired  
Don Slemmer, OSHP Retired  
Mike Megison, OSHP Retired  
Tom Rice, OSHP Retired  
Major Dan Kolcum, OSHP  
Michael Weinman, ODPS

Maria Clark, ODPS  
Ginny Fogt, OSHP Retired  
Kathy Ludowese, ODPS  
Jeff May, OSHP Retired  
Jay Smith, FOP  
Lt. Colonel Peyton Watts, OSHP  
John Chalfant, Gongwer News Service  
S/Lt. Ken Kocab, OSHP

### **Welcome and Introductions**

Chairman Tobin welcomed everyone and asked the task force members to introduce themselves.

### **Old Business**

Chairman Tobin stated he must apologize to the members of the task force as Mr. Clark has determined that designees are not able to vote for task force members. More discussion will occur later in the meeting on this issue.

Chairman Tobin asked if there were any changes to the minutes. Mr. Cornwell motioned to approve and Mr. Long seconded. All task force members were in favor.

Chairman Tobin asked for any comments on the draft report. There have been no changes to the report in the past two weeks.

### **New Business**

The task force discussed recommendations one and two.

Mr. Long stated he had some concerns with number two of Operational Efficiency on the Potential Recommendations. His concern is with the last sentence of this recommendation. The statement made is “This review is not intended to reduce the total number of sworn OSP personnel.” Frankly, he thinks it should be open and that statement should not be made in recommendation two. It seems to him it comes to a conclusion that it need not be done. There has been a lot of discussion on this and if indeed there are civilian personnel that can fill some of those positions, maybe there should be a reduction. He did not think it should be in a study, he thinks discretion should be given to the Superintendent and whoever he commissions to do the study.

Colonel Dicken stated he believes recommendation two should be stricken all together. This is not the patrol’s role. This would be the role of DAS. The patrol is not in a position to make those assessments. The patrol does look at positions that are open or new positions that have been created for new programming. He stated they look at them at a case by case basis and they try and match the right individual with skill sets for the particular program or position. This is ongoing. Every opportunity the patrol has to streamline staff they do. This recommendation is too broad based. It is inappropriate and it is not the patrol’s role and should be removed from the report.

Chairman Tobin stated he did not think the task force can opt to strike a recommendation. It will be voted upon by the membership and let that process take place.

Mr. Foltz stated at the last meeting the task force was going through these recommendations and they were actually deleting some and taking them out. He thought this was the current role they were going to finish doing today. This is how they handled the recommendations at the last meeting.

Mr. Clark stated he believed, and he will have to look into this further, that if a task force member wants to withdraw a recommendation after that the person has submitted it they can do that. The last time he looked at Roberts Rules for committees and boards there were majority recommendations affirmatively voted on became the recommendations to the body. The minority views were submitted.

Mr. Dieffenderfer stated this is one of the recommendations he put together drawing from the discussions that happened in the meetings.

Colonel Dicken commented on recommendation number one under Operational Efficiency. The last sentence "Special attention should be given to the role of the divisions' police officers in a strengthen security structure." He asked what does that sentence mean.

Mr. Dieffenderfer stated this is another one that, from all the different discussions, was put together to reflect some comments and references for police officers to have a role in the Riffe and/or Statehouse security.

Colonel Dicken stated if the task force is going to write it, then we have to understand what it means, what the intention is. He stated if he is going to be the one that has to implement it he needs to have a clear understanding on how to implement it. He continued stating he disagreed with the premise that generalizations with staffing can be made and force the division to act. He thinks that is not in the best interest of streamlining and being efficient. He would like to see this language withdrawn if that is possible. The patrol is certainly opposed to it.

Mr. Long asked if the last sentence came out would the Colonel be ok with it. Colonel Dicken stated if the last sentence came out, he would be in agreement. Mr. Long stated that would be his suggestion also.

Mr. Cornwell stated if the patrol is not going to consider the division's police officers as part of the security they provide at state fairgrounds or out at the hill, then maybe the patrol should not have them as a position. Because it seems they are under utilized and could be better utilized at some of the other state facilities. He thinks from that context, at least from his memory of discussions that were held, that the patrol had troopers working posts providing security at the Rhodes Tower, Statehouse and Riffe Center that may be provided by the police officers. He thinks that is the context this recommendation was framed in. He does not want to speak for Mr. Dieffenderfer but he knows the conversations that the task force has had. That was part of a discussion that if they have the police officers doing work and there work is to provide security then they should be providing the security function.

But if the patrol is not going to utilize them in this analysis for strategies and/or state facility security then maybe the patrol should not have that position. He remembered years ago under then Lt. Governor Maureen O'Connor that it was discussed that the patrol was going to abolish the position years ago. Obviously it did not happen. He thinks that is the context that the patrol needs to look at and that the patrol would expand the number of police officers that the patrol has.

Mr. Long commented on the removal of the last sentence is primarily based upon the word strengthen. That sentence appears to imply to him that the task force needs to do something with the security structure and he does not know if that is true or not. That is the reason he suggested taking it out. It seems to be making a conclusion that there is a problem in security structures in state facilities. Mr. Dieffenderfer stated he was not trying to imply that security was a problem.

Colonel Dicken stated there are many reasons why he would not want to be placed in a specific "trap" on how the patrol would implement a particular recommendation. If language is going to be left in, then he suggested it say "special attention should be given the role of the division's police officers and the role of state troopers." He thinks that is fair and reasonable. The patrol will allocate resources in the best method possible. He thinks that is fair.

Chairman Tobin stated this recommendation only called for a review. It does not mandate Colonel Dicken take any action one way or the other. He thinks it should be left as it is and let each member vote on the recommendation which is commission a review of manpower issues.

Mr. Dieffenderfer stated he will take out strengthen security structure. He will change it to say "Special attention should be given to the role of the division's police officers and troopers."

Mr. Davis stated that the task force is talking about recommendation one but recommendation two says the patrol should commission a position by position review so the patrol is going to look at every position out there. So if they are going to look at every position under recommendation two then why do we need recommendation one.

Chairman Tobin stated because someone authored it and the discussion was there. Again these recommendations are throughout the discussions and recommendations from the task force members. Chairman Tobin stated the task force members are free to do what they wish with it when they vote.

Colonel Dicken stated he does not support recommendation two and he will be voting no. Mr. Long stated Colonel Dicken had indicated that it was DAS' responsibility and asked him if he would have concerns then if DAS did the review. Colonel Dicken stated he thought that would be more appropriate. He cannot speak for DAS though.

Mr. Clark stated just to be clear about the procedures, as he was saying before; he is not trying to say this is a different procedure here than would be normal for commissions and boards so it is not once any word is written on a recommendation sheet it has to be voted up

or down. It can be modified; parts of it can be withdrawn by the person that submitted it or the majority can shape it to what their recommendation is. What he was speaking to earlier, when he heard the question asked was the majority voting to delete some recommendation that someone had made and he believes that would be against the rights of the minority in this situation. Ultimately, the task force will merge some recommendations of the majority and some minority opportunity to share their views. He does not want his earlier comment to make it sound like we are stopping the original semantics of these recommendations as they stand right now.

Mr. Clark asked if the recommendations were gathered from the minutes from previous meetings. Mr. Dieffenderfer stated it was a mix. The initial recommendations came out of his review of the minutes and his notes as was requested by Task Force members. Then there were more recommendations submitted by the members and they were put in verbatim.

Mr. Clark stated others who have participated in these types of boards and commission more frequently than he may have some insight that they are welcomed to share. Up to this point, the task force has had occasions where the wording has been discussed and whoever has authored it has said it was their recommendation and they understand they should have phrased it that way or they accept changing it to that. He thinks that has happened and he does not think there is anything wrong with that and as the Chair is indicating it could be a very long process to vote each of them as they are written now, up or down. So if anyone else has any insights in terms of the condensing of the sometimes overlapping and sometimes repetitive recommendations please share with the task force so they are understandable in the final report.

Mr. Peach stated he would suggest that perhaps as long as there is no one on the board objects to making the changes (DAS vs. OSP) he thinks the task force should concur with it. However, since it is a recommendation unless someone opposes it that we could offer another recommendation with the specific language we want. He thinks with the ease of it, the task force is trying to get a clarification in terms of what it is really asking or stating and then once that is determined is the task force satisfied with it.

Mr. Clark stated as satisfied, the task force is putting them into shape to vote at the next meeting. Mr. Peach stated yes. Mr. Peach stated with that in, he would suggest consideration for recommendation two to have DAS, whose function it is to review these things do it rather than then expecting the patrol whose function is not to do it by state guidelines so they would get that same end in a more appropriate and legitimate fashion.

Mr. Peach stated he makes a motion to recommendation two and requests DAS commission a position by position review of the organization. The task force does not know if they can do it, but they can at least request that they do it. Mr. Cornwell seconded it.

Representative Pillich stated she does not know how DAS could possibly know as much about the organization as the Colonel. It seems the leader of the organization knows the organization and its structure better than anyone. Do they really want an outsider to come in and determine the structure? She stated someone needs to explain that to her.

Mr. Charles stated he agrees with Representative Pillich. He would not want DAS coming in and reviewing his position descriptions because they do not know anything about them and he would have to tell them virtually what he wants. He thinks it fits for the Superintendent to review his own organization and determine what he needs and make recommendations maybe to DAS. He would not want DAS coming into his organization.

Colonel Dicken stated the patrol would work with DAS on this. The patrol would not be the lead agency to do that. That is not within their purview, but they would work with them. He stated the comments were well noted.

Representative Pillich stated she thanked them for the comments, but she knows from having written job descriptions over the years in her different positions, they are very arduous tasks. You cannot sit down and do them over lunch. They can take a very long time. The patrol wants to invite DAS in to help them do this maybe they have some people with training or certain degrees that can help write them. She thinks from her perspective and from her background as a business owner and as a former military officer she would want to take charge of her own organization. She cannot obviously dictate everything the Colonel does but she would strongly caution him from inviting DAS in to do that.

Mr. Pappas stated he had a question regarding this motion. Does DAS act as the civil service function? Who determines what minimum requirements are needed for a trooper. Who does those things?

Colonel Dicken stated under ORC 5503 the Superintendent has some authority on who is eligible, the training and the prerequisite and what not. There are other oversights that are given to the patrol by DAS. Colonel Dicken asked if Major Teaford could speak concerning this subject.

Major Teaford stated the real concern the patrol has is that they do not want DAS telling them what positions they should or should not do. The other concern is DAS' Class and Compensation section deals with the KSA's (knowledge, skills and abilities) and those are tied to classification specifications that are owned by DAS. The patrol's concern would be that they do not want to overstep their bounds. Some of those are dictated by contract. As far as looking at the position, the patrol does not have a problem with that. We do not know if they have the ability to change the KSA's as written here. It is a little bit vague on how it would play out. The patrol does not want to step on those special class requirements.

Mr. Dieffenderfer asked Major Teaford if that language should come out in his opinion. Major Teaford stated if the knowledge, skills and abilities come out that would make it completely clear for the patrol. The patrol can look at position to position. That is not a problem.

Representative Pillich stated maybe the task force was not appreciating the goal of these two points. Is the goal of these two recommendations to make sure the patrol knows what positions it needs and what those positions do or is the goal to find different ways of doing things. She is not sure she understands the goals of these two recommendations are trying to achieve and maybe if she understood that better she would be able to follow the line a little bit differently so the rest of the task force could come to some kind of agreement.

Mr. Dieffenderfer stated these were put together from the different discussions. On the Statehouse security piece there were discussions in a meeting about having it done in the most efficient way possible in a way to provide same or better security. That is what was reflected in the first recommendation. On the second recommendation there were discussions about span of control and instead of getting into the nitty gritty detail he tried to draft something high level reflecting those discussions.

Mr. Pappas stated the points under efficiency, he thinks he will be voting no on the recommendations and the reason being is kind of like this. He believes like every agency, the Colonel has funding restrictions and he believes it is the Colonel's duty as he was chosen to lead the organization in an efficient manner he possibly could. He has never sat on a commission and maybe he is out of line, but it seems to him that the Colonel has already been charged regarding running an efficient organization. If not, he will be replaced at some point. He thinks it is the Colonel's duty to do those things and he probably has a plan do so and that was why he was elected. It further seems to him that this committee was chosen to look at the mission and the authority of the patrol and he is not sure how those are defined. The Colonel could go back to review all those things that are needed to be put in place to carry out the mission. If the authority of the troopers are expanded it may change how the task force views that role. He is not sure how the task force is going to get to the review part until they get to the mission part. It is not clear.

Chairman Tobin asked if anyone else has any questions. He asked all in favor of the motion to raise their right hand. Mr. Davis asked that the motion be restated.

Mr. Peach stated he will withdraw the motion. He thinks it is being too convoluted and it seems to be lacking some sense of public comments he has heard. He thinks in his mind, it is becoming more of a problem, than what it was hoped for. He withdraws it.

Mr. Long asked if the task force members would have the opportunity to vet at the voting meeting. Will the task force be able to make motion to amend or not?

Mr. Long stated he would like to express his concern about the last sentence of recommendation two. He moved to delete the last sentence. He thinks it does no value and that it is within the discretion of the Superintendent and he would want to make a valued judgment statement on that issue. He thinks it is a management issue after the study is done.

Mr. Long stated he does not know what is left if knowledge, skills and abilities are taken out. That is the substances of the job specifications. The question is who should do it or should it be done at all, but if the group decides it should be done at all that would be voted on. Another way it could be said is the Colonel of the State Highway Patrol in cooperation with the Department of Administrative Services. His sense is if they are going to do this, you have to look at the job specs and what they are and the requirements of the position.

Mr. Long made a motion to remove the last sentence of recommendation two. Chairman Tobin stated the motion is to strike the last sentence of recommendation number two. Mr. Cornwell seconded it. Chairman Tobin asked if there was any further discussion. The task force voted and the motion was defeated.

Chairman Tobin moved on to recommendation three.

Mr. Dieffenderfer noted on recommendation number three he tried to revise this recommendation based on the discussion from the last meeting. There was a second recommendation that just talked about ticket writing and going paperless that was tied into this one recommendation.

Chairman Tobin moved on to recommendation four.

Mr. Long commented on recommendation four. He is assuming it should say “combine posts or services” instead of “combined post.” Mr. Dieffenderfer will make that correction. Chairman Tobin stated there will not be motions on typos.

Chairman Tobin referenced recommendation five.

Mr. Peach stated he asked for clarification of the current policy on the replacement of marked patrol vehicles. He had a good sense for it, but specifically he wants to know what it is.

Colonel Dicken stated he does not have any problem with recommendation five. He does not know if the patrol’s policy is updated or what they presented or if they presented that particular policy on enforcement vehicles. There are standard operating procedures within fleet management where they constantly monitor and manipulate best practices of the fleet. In the last two to three years, the patrol has increased mileages three times. The object there is to maximize salvage value when they sell the vehicle. They want to minimize repair and routine maintenances. There of course, the by-product being safety for the officer who is using the vehicle. The mileages have been increased over the last three years, going from 85,000 miles to 120,000 miles. The patrol is already doing this. They have no problem with five.

Chairman Tobin continued with recommendation six.

Mr. Dieffenderfer stated recommendations six and seven are two that were discussed at the last meeting. He did not have any notes in combining either of them into one.

Chairman Tobin asked if anyone had comments.

Chairman Tobin moved on to recommendation seven.

Mr. Long stated he did know why the language in the parenthesis was in there (and not clouded with the problematic argument that some of the OSHP monies should be earmarked for county sheriff operations and functions). He stated he did not even know if there was a specific recommendation on the table. But again it is an opinionated statement and he does not see any reason for the stuff in the parenthesis should be there. He would move for deletion on that language if it is appropriate.

Mr. Peach stated he would concur since this was his recommendation, but he did not put the parenthesis. Mr. Dieffenderfer stated he is not sure where they came from.

Colonel Dicken stated in regards to the fourth sentence on page two, "The outcome of the questionnaire is to put on the table specific issues that could be addressed and worked upon by both OSHP and the BSSA so that the EFFICIENCY of the OSHP would be improved relative to the professional working relationships with the county sheriffs and the issues would be clear and specific." He thinks the task force should include the efficiency of the sheriffs' offices as well. He thinks efficiency and partnerships are a two way street. He thinks the task force will do an injustice if they do not include their partners in the sheriffs' offices. Also an additional comment, in terms of the validity of the survey, the patrol did not partner with OACP's survey and he is wondering if Director Cornwell's membership would be better served if he spearheaded and surveyed his members himself.

Mr. Cornwell stated he wants to have some kind of working relationship with Colonel Dicken that will allow him to properly state the question so they do not have as some may consider "loaded" questions. Colonel Dicken stated that is fair enough. Mr. Cornwell asked if there was any reason why they could not have local police departments in there.

Mr. Peach stated the OACP is not opposed to it. The fact is they had a survey that went out statewide before to get the general information and quite frankly, they did not receive anything from most of the sheriffs, so that is what he is trying to do with this recommendation to also seek that similar information to find out the pertinent points that can be worked on by both agencies to improve efficiencies. So, relative to recommendation six, it is different, that is providing information and what services are available which he thinks is good. As for recommendation seven, he is not opposed to it, but if the task force wants to put another survey out, they would have to get OACP involved in help drafting it. They are not opposed to it, but he thought the issue was more of a feedback from the sheriffs which might have more merit.

Chairman Tobin asked about the survey done and was the response not great? Mr. Peach stated they did not get that many sheriffs and he honestly does not know how many sheriffs it was sent to. It was just the membership of OACP and all sheriffs are not members of OACP.

Colonel Dicken stated he has no problem with partnering with BSSA on a survey. It was just an observation. He would however like to not only look at the efficiencies of OSP, the task force looks at the efficiencies of BSSA as well. Mr. Cornwell stated when they can match apples to apples. The patrol does not run a jail; they do not serve process, etc. Colonel Dicken stated Mr. Cornwell was correct, but he thinks efficiency in law enforcement or in a greater context of Ohio law enforcement and he thinks that is what this task force is speaking to. The patrol is not an island and they do not want to be. One of his major themes is partnerships with all law enforcement. Efficiencies for the patrol are good. The patrol is looking for them daily. They want to do things better, more effectively and more efficiently, streamline operations when they can. But he thinks other agencies that are truly the patrol's partners would like to be efficient as well. So he thinks the task force needs to incorporate that language to include the sheriffs' offices.

Colonel Dicken moved to add language in recommendation seven to incorporate not only efficiency from OSHP but efficiency from the sheriffs' offices. Mr. Long seconded the motion. Chairman Tobin stated the motion carries.

Mr. Dieffenderfer spoke on recommendation eight. He stated this is his effort to go through his notes from the last meeting and put together recommendations on funding. Point A is an increase to the motor fuel tax to fund the needs of the Highway Safety Fund and the long term solvency. A and C are similar with the exception that C would include county sheriffs. B and D are similar in that they say the General Assembly should be re-appropriating existing gas tax dollars from existing users.

Mr. Pappas stated the FOP's position is this committee is not tasked to find a funding stream for the patrol. It is tasked with the mission and authority of the OSHP. It is the FOP's position if the task force is going to look at adding law enforcement to the gas tax they would like the fifth option which includes all law enforcement. With the way funding is in the state, the way it is every law enforcement agency is going to be effected in some way shape or form. If this is one of the things task force can recommend then he thinks it should be for everyone to be the beneficiary of the gas tax. The FOP would like to see that as well.

Chairman Tobin stated there will be a separate recommendation to vote to reflect the task force wishes.

Mr. Peach stated he is looking at the Ohio State Highway Patrol Mission Review Task Force's purpose and he has strong agreement with so many people in there about the lack of funding at local law enforcement, but in particular, in the sheriffs' offices but he personally and his association do not believe the purpose of this mission task force is to propose new funding methods for agencies except for the patrol and so in concept he likes the idea but he is not sure that is the purpose. But if the task force's esteemed counsel says do whatever you want that is something different. But he is trying to follow the mission of what the task force has been charged to do. Otherwise where do you draw the line?

Mr. Clark stated he will try and remember what he opined last time. It is not a bright line but in his opinion to the extent that factors that are intertwined with the charge of this task force to explore opportunities to improve operational efficiency, identify overlapping services and consolidate current operations in the judgment of the task force are necessary to make appropriate recommendations that it is authorized to do by the enabling statute. But that ends up being not a bright line and simply falls to the judgment of the group as to how much of that is necessary as part of the recommendations.

Chairman Tobin stated during their discussions, the task force talked about whether or not the task force was to look at going back to the fuel tax for the patrol. Mr. Clark said yes the task force could deviate a little bit from their specific mission to approve it. Chairman Tobin thinks he will do all the things that were discussed here and let the task force vote on the recommendations.

Colonel Dicken stated the patrol supports recommendation eight A and its general concept. The patrol appreciates that very much. He does not understand option B. What does that

mean? Is that a return of the patrol's 2.86 cents? Is that the intention or is it a reallocation by the General Assembly to give the patrol some value to solve their insolvency.

Mr. Dieffenderfer stated if he remembers the conversations from the last meeting there was interest on part of the members of this task force to solve the funding problems by expanding the gas tax or solve the funding problems or by having the legislature go in and take what was needed out of the existing gas tax and indicate in the task force's recommendation by doing so the existing beneficiaries would not get what they had before.

Colonel Dicken stated the patrol does not support recommendations eight C & D. He thinks the task force is outside of the scope and this is not the vehicle to provide localized funding. He disagrees with these two recommendations.

Mr. Pappas stated if the task force is going to look at funding streams one of the things he would like to review is the gas tax revenue disbursements. It is his belief under recommendation eight D that would be to take whatever is currently appropriated to some other agencies and give it back to the patrol. He stated the task force has no idea who those other agencies are, so that could affect us in other ways. He does not know how that would impact locally and what would it do for us. He continued regarding Colonel Dicken's comments about option A and that the Colonel was ok with A. Mr. Pappas believed he heard many of the sheriffs and townships state the patrol backs them up on a regular basis because they do not have the funding to put cars out on the roadway. If that would provide the funding and the sheriffs could provide their own services the overlap may disappear with the ability to keep the patrol focused on their main mission. He thinks those do interact and have a correlation.

Mr. Cornwell stated if in changing A or B you have the fuel fund come back to the patrol does that mean all fee increases the legislative passed go away or is this in addition to all those fees. Colonel Dicken stated that would be the will of the General Assembly.

Mr. Long stated that it is his position that it is beyond the charge of the task force. He understands what Mr. Dieffenderfer is saying. If the task force is going to do it, he thinks they need to be as specific as possible and yet one of his concerns is if there is a recommendation for new gas tax money or reallocation you have the contractors, the county engineers, municipal road parks, etc. coming unglued over the whole thing. That is what the press is going to pick up on.

Representative Pillich stated she will be voting no on these recommendations if the task force votes on them altogether. If the task force votes on them separately, she is not sure about A and B, but she knows she will vote against C and D.

Mr. Charles stated he supports the Colonel on recommendation eight A and he could support B. He thinks what the task force is saying here is make a recommendation to the General Assembly and it is up to the General Assembly. On the fees, if the General Assembly decides to keep the fees and they want to send them over to the county and designate them to the sheriffs they could do that. He thinks the task force's mission here is a general and broad statement saying the task force recommends the patrol get back into the gas tax. The General Assembly will help to decide. The task force does not have the power

so he thinks the task force is looking for a broad and general recommendation. This is a Highway Patrol task force not sheriffs, it is not the local police task force, it is to look at the Highway Patrol. He thinks that is all the task force needs to do.

Mr. Cornwell made a motion to delete all four (A through D). Representative Pillich seconded.

Mr. Charles asked if substitutes were allowed to vote on the motions. Mr. Clark stated this might be a good time to address that. This came up in connection with an inquiry about proxy voting and raised the entire Open Meetings Act application for this open file as it is agreed to be. The law in that area states a member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. This has been a subject of analysis by the Attorney General's Office not that it is not pretty clear on its face, but the upshot is with the exception, statutory exception of the Ohio Board of Regents and several committees that have to do with disabled individuals. There is no participation by teleconference, no proxy voting and a designee may not vote unless there is a statute permitting it. Turning to the statute that set up this task force, it is composed of the Director of Public Safety or the Director's designee that is the one designee to vote and participate as a member of this public body. The Superintendent of the State Highway Patrol and the rest of the members are set out as persons whose members were appointed by various groups. So there are two ex officio members, one whom can send a designee and the other one is here in person. The rest are organizational members and while they cannot send designee as such they may be changed by the organization at any time. If they want to remove and replace that member even for a short period of time as long as they formally do so that person can act as a member. So for the purposes of voting and constituting form and to be considered present those are the rules under the Open Meetings Act. He understands that at the beginning of this body's operation by-laws were adopted. It is not uncommon that public bodies are not familiar with all these rules, nonetheless, there are very problematic sanctions for not following them including validating what the public body has done in violations of rules. So it seemed appropriate to make sure all the task force members were clear on that and to follow it. As the Chair indicated, that is why the task force was not voting on recommendations today but the task force should be able to go forward in compliance under the procedure the Chair has set up for the next meeting.

Mr. Davis stated when the task force talked about recommendations one and two earlier, Chairman Tobin stated they could not remove it today from the discussion but could amend it. Now the vote the task force just had was to remove it. Chairman Tobin stated he agreed with Mr. Davis. Chairman Tobin stated the task force could vote again to make sure no non-mission members were voting, but his intent is to allow all the members of the task force to be present at the next meeting to vote down or vote up each and every recommendation. He thinks to try and eliminate a recommendation today without all the membership present is to fly without the spirit of what they are trying to do.

Chairman Tobin asked the task force to vote on the motion. The motion was defeated.

Colonel Dicken stated as to Mr. Davis' point, the task force members are not allowed to remove a recommendation, but they can amend a recommendation. Chairman Tobin stated yes by motion.

Colonel Dicken stated he would like to move under recommendation number eight funding that we amend it to exclude options B, C and D. Chairman Tobin stated it was his mistake, the person who authored the recommendation may ask for it to be altered.

Mr. Clark stated he apologized for not being terribly clear and he is not a master of parliamentary procedure, but his understanding would be this body is putting together recommendations and it was discussed earlier it would have a majority and minority set of positions. When he has looked over what was adopted in the by-laws which is Roberts Rules of Order, the latest version to do with committees and boards, recommendations of the majority can be moved and voted on. If they are approved, they become the recommendations of the task force. The minority may submit views they have referred to in the rules or any other name that the task force wishes to associate with it. The procedure this panel has followed up-to-date has been to solicit recommendations at the meetings, in writing in between meetings and to attempt to put them together in between meetings doing justice to the individual's proposals. So there is a problem that the task force is experiencing here with identifying a single author, but in ordinary procedure he believes that the way the task force is preceding, an author of one of these or the entirety of this task force could withdraw a recommendation. It is not the purpose of either procedural rules or this panel to mindlessly bubble up a recommendation just because it somehow got put on paper. However, as the Chair has noted, without all of the members present including someone who may have proposed a recommendation, a safe path today would be not to delete it in its entirety any recommendation unless the author is here and indicates he no longer wishes to propose that recommendation. Then next week up or down votes.

The subset of issues here is do these recommendations that have been synthesized behind the scenes accurately reflect what the person making the recommendation wanted to be voted up or down. He believes at this meeting they can be amended to more closely reflect that. Everyone would still have a vote up or down on those at the next meeting.

Colonel Dicken stated he thinks the Inspector General summed it up nicely. He kind of identified the majority of the will of the membership. If they want it, too many of the task force members it is their desire to cure the insolvency issue of the patrol and any recommendations the task force makes will go before the General Assembly during budget season and it will be their will. The Inspector General framed that correctly. With this in mind, he would like to propose that the task force go forward with that general concept and therefore, he moves the task force amend recommendation eight to exclude items C and D. Mr. Charles seconded.

Chairman Tobin asked the task force to vote on the motion. The motion carried.

Chairman Tobin moved on to recommendation nine.

Mr. Dieffenderfer stated on recommendation nine there was a question/clarification from Mr. Davis. Mr. McCann stated he had a prepared statement from Kathy Ludowese, Chief

Fiscal Officer of DPS concerning this issue which he would read. In December 1999 the Highway Patrol recommended a plan to simplify processing of payroll for ODPS administrative personnel. A component of the plan was that the patrol would pay for HR and Facilities. Other examples included the Bureau of Motor Vehicles and Administration paying for IT (non-telecommunications) and the Mailroom. The proposal was cost neutral to all divisions. Mr. McCann stated he hoped this addressed the question. Representative Pillich asked who it was cost neutral to. Mr. McCann stated everybody.

Mr. Davis stated so Mr. McCann is saying that even though the personnel are patrol personnel, they are doing the business for the rest of Public Safety and it is cost neutral. Mr. McCann stated yes because of the break up in the services. Mr. Davis stated when it was said the patrol was doing some of the work for the rest of Public Safety he was just looking at anything on a budget who is doing what for the patrol and Mr. McCann is saying it is cost neutral.

Colonel Dicken stated he does not have a problem with recommendation nine. He thinks the department, in concert with the divisions, does a good job of accounting and making sure the divisions are charged appropriately. Quite frankly, he thinks most of the divisions have been very generous to the patrol in recent years. His time in finance, the patrol has had sufficient funding problems and the Bureau of Motor Vehicles has aided them in IT infrastructure purchases. So he does not think that the patrol is being taken advantage of here. On the contrary, he thinks generally speaking the patrol is very well cared for by the department. He sees no issues. He will say this recommendation is proper in terms of patrol always needs to evaluate what their people are doing in terms in programming and funding. That goes on periodically. There is auditing and testing and if it is wise and proper to ensure they are allocating resources correctly. So he has no problem with recommendation number nine staying as it is.

Chairman Tobin moved on to Overlapping Services.

Chairman Tobin started with recommendation one.

Mr. Davis stated that was his recommendation and he tried to do the explanation of the PUCO civil forfeiture system. He had asked Rob Marvin to come in and give an explanation. He is scheduled on the agenda for later. He runs the program. Would it be fair to ask him to comment before the task force decides if they are going to make a change.

Mr. Davis explained to Mr. Marvin that the task force has a recommendation that may allow the inspection program to cite to the local courts. He tried to explain the civil forfeiture system, how it got there, why they are there and how the inspections are done and sent to PUCP and to FMSCA right way because it goes to the history. He touched on CSA2010 and the impact back on the industry and about uploading good ones now.

Mr. Marvin stated the MCSAP (Motor Carrier Safety Assistance Program) was funded by the Federal Motor Carrier Administration and basically the Public Utilities Commission in partnership with the patrol and are sub contractors for USDOT and do their inspections and compliances. Some of this predates his service with the Commission but until some time in the 90s non hazardous material violations (safety violations) were cited into local court. As

he understands some of the problems at that point were the collection of fines from the motor carriers and this was a problem for some of the jurisdictions. He understands the local courts asked PUCO for their help to collect those fines, that that were outside the PUCO's jurisdiction and it was not their fine and there was not anything they could do. But more importantly, the fact is motor carriers are graded on how they perform. As you might expect, the more violations they have the higher the fines are. If all inspections do not get every inspection uploaded into the federal database they would not have accurate records. At the end of the day, this database and some other things are used to categorize carriers; it affects their insurance and ultimately it could affect their ability to operate.

Mr. Long stated that right now the patrol cites the driver when there is a civil forfeiture process. Is there a right for that individual to go to court and if so what court do they go to?

Mr. Marvin stated between the patrol and the PUCO with the patrol doing the majority, they do 80,000+ motor vehicle inspections a year. They also do about 1,000 compliances which are record checks at company's facilities where they look at all their records relative to training, driver qualifications, etc. When an inspection or compliance is uploaded through the PUCO's system, he has six compliance officers (four that specialize in hazardous materials). The compliance officer basically assigns a monetary fine to specific violations. At that point, they will send a notification out to the driver or the carrier and if relative to hazardous material sometimes the shipper. They have the opportunity to pay right then or they can request a conference. They will have a conference with a compliance officer who was assigned to that case and if things are not resolved at that point, then the carrier, driver, or shipper can request a formal hearing before the commission. It is an administrative proceeding and for transportation cases they do not have to have an attorney. From that point on there is a reconsideration step built into the commission's process and from there they have to go to a regular court of law.

Mr. Long stated let's assume the authority is given to municipal police officers and deputy sheriffs to do the inspections. Would the first right of appeal or review be up to PUCO or would it be directly to a local court. Mr. Marvin stated it would be up to the General Assembly. Mr. Long asked Mr. Davis how he saw that. Mr. Davis stated right now it is set up that everything comes to PUCO. Everything is done at the PUCO. If the commission decides in favor of the state and the trucking company still wants to contest it, they go to court in Franklin County. Mr. Long stated if a deputy sheriff in Paulding County enforces the law and the trucking company appeals that at PUCO, now the deputy has to go to Franklin County in a PUCO review hearing and possibly at court in Franklin County or would it be in a local court. Mr. Marvin stated all appeals of the commission's decisions in transportation go to Franklin County Common Pleas Court. Mr. Long asked Mr. Davis why he would want to do this from his perspective given the fact that he is going to have to pay a deputy overtime to come to Columbus maybe twice, once to PUCO and once to Common Pleas Court in Franklin County. What is the benefit to the motoring public, OTA's members or the county or municipalities? Mr. Marvin stated he would like to add that hearings are rare. Mr. Davis stated there are 80,000 inspections and he asked Mr. Marvin if he had 10 hearings. Mr. Marvin stated they probably had requests for hearings a couple hundred times and before they have the hearing, they have a pre-hearing conference call. His guess is maybe 20 hearings a year that go through the system.

Mr. Cornwell asked where the fines go. Mr. Marvin stated the fines go to a variety of places. It seems that every time a new program is installed the funds would go into one pot and then it would go some place else. The PUCO assesses about \$4 million in hazardous material violations and his agency gets to keep \$283,000 to run the program. \$800,000 goes into a hazardous material training grant at Cleveland State University giving them half and PUCO controls the other half. That money goes out to some educational institutions and a lot of small fire departments to train response personnel for hazardous material situations and incidents. On the safety side it is probably another \$3 million or \$4 million and almost all that money goes to General Revenue Fund. Mr. Cornwell asked if locals were included in this would that money goes to the local municipalities. Mr. Marvin stated he had an occasion to talk about all this with Representative Goyal's office last year and there was some proposed legislation and he is not sure how it ended up but the commission is in support of local participation in MCSAP. The USDOT writes the check for local MCSAP participation. What he can see are the locals (sheriffs and municipalities) efforts in this regard would augment what the patrol and the commission do. They would be doing other vehicle inspections in cities where neither the patrol nor PUCO get to. He does not believe the patrol has the jurisdiction to go inside city limits. PUCO does not have the manpower to do it. They do a couple special projects a year where they will do some inspections in urban areas. How it could work and how the PUCO proposed to Representative Goyal was to basically run an Ohio MCSAP program on how the federal MCSAP program is run for the state. Some of the fine money would go the General Revenue Fund and the rest to the PUCO and PUCO would like to give it back in the form of grants for computers, vehicles, etc. to help in the cost. Again any local participation would be in addition to what the patrol and the commission does. They would be getting motor vehicles that may or may not otherwise been inspected.

Mr. Long stated there would be some money coming locally if they took on the additional responsibilities. Mr. Marvin stated absolutely. The forfeitures that would be assessed against carriers, drivers and/or shippers that are conducted by the locals would be processed and PUCO would assess a fine and collect money and he would like to see that PUCO give it back and help support those efforts in terms of computers, motor vehicles and training. If locals were to be involved, the PUCO would like the opportunity, along with the patrol to train them. There are courses to take to be certified such as the North American Certified Commercial Vehicle Alliance inspection criteria. All of PUCO inspectors or hazard materials inspectors receive training and are certified and have to do 32 level one inspections a year. The money would go into all those sorts of things.

Mr. Long asked if Mr. Marvin could address the MCSAP program. Mr. Marvin stated it is about \$7 million a year to run the program. That is basically to do motor vehicle inspections and compliance reviews. A small part of that money also goes to traffic enforcement of cars around motor vehicle inspections. Of that \$7 million, PUCO grants out about two-thirds of that to the patrol for their efforts. They have many more personnel involved than PUCO does. One thing that he forgot about the MCSAP program earlier is FMCSA (Federal Motor Carrier Safety Administration) also grants funding for special projects over and above MCSAP grant they get. If we can work with companies that have individual programs they may be able to get that funded 100 percent by the feds. The grant as it is now is an 80/20 match. Of the dollar of the grant money, 80 cents comes from the feds and 20 cents from PUCO in the form of cash or participation.

Mr. Davis asked Colonel Dicken of the amount of money that the patrol gets from MCSAP how much does the patrol have to add to it to run the program? Colonel Dicken stated the patrol adds a lot. Not only do they have their match, but they also have what is called maintenance of effort which is a requirement from the Federal Motor Carrier. Any state that had an existing program prior to the grant funding being available many many years ago, the Feds required that the state had to maintain the program, hence, the term maintenance of effort. He is not real clear on the numbers because he can not remember, but he thinks the grant from PUCO is in the neighborhood of \$6.4 million a year. But what the patrol expends in maintenance of effort and the match is probably close to \$8 to \$10 million additional. It is a very robust program and they are spending an awful lot of money to get the MCSAP dollar back into Ohio.

Mr. Marvin stated he is no expert on the maintenance of effort, but it seems to him the bigger and better the program is the higher the maintenance of effort is going to cost. In essence what his deputy tells him it really is not 80/20 or 60/40 because the patrol does such a good job and because it is statewide.

Colonel Dicken stated the patrol does not like maintenance of effort because Ohio was a pioneer and was in on the ground floor many many years ago with other states that were public safety minded. It seems like the Feds penalized Ohio with the MOE and that can never go away. Now it is a rolling MOE which means it is always going to increase. The patrol does not like it, but it is the rules and they play by the rules. Mr. Marvin stated it will take a congressional change.

Recommendation two. No changes or comments.

The task force moved on to recommendation three.

Colonel Dicken stated he does not understand why D is here. It is more of a statement than a task. He does not know how that is relevant. He thinks perhaps it needs to be eliminated. There is been a lot of talk about jurisdiction. He thinks that perhaps there should be a consideration of a priority order of these recommendations. He thinks the starting point is C. Let's get an official opinion from the Attorney General before we make any or propose any potential changes. He is not opposed to priority order of C, followed by perhaps A and B. He does not think D and E are in play here.

Mr. Dieffenderfer stated the last two were submitted by one of the members and he does not remember who submitted them. Mr. Cornwell stated he submitted them. Mr. Cornwell stated D is a statement. Colonel Dicken stated does it need to be in the recommendations. Mr. Cornwell stated only that it needs to be discussed if the patrol gets the opinion and the statute is very clear to what emergencies are or the process in which the assistance from the patrol is requested is very clear within the statute. So if a peace officer is in trouble in a state of emergency and he has called and asked for assistance, or if he is incapable of doing so then the trooper can render assistance. In those two scenarios the trooper can render assistance. That is what the statute currently says. Now what is being asked for by this group is to ask the Attorney General what does it say. So that is why D is a statement and in his opinion does not need to be there. If the patrol wants to get an opinion the task force

can do that. He will vote for that. E is just another statement saying in his opinion again, if you look at the way the statute is written then you would see that the carry forward on the support portion of the patrol's policy is outside the scope of the statute. They have come back to a scenario that he has spoken to before in creatures of statute and who is and who is not. What the statutes do is tell you what you can and cannot do. They tell you what can do, absence statutory authority you cannot do it. At least that has been the holding in the past. So that is where D and E came from.

Colonel Dicken stated there is no doubt there is confusion on this issue. We have been talking about it off and on for ten months. He really thinks it is probably most appropriate if the task force is interested in correcting any perceived ill will here and ensuring the troopers, the deputies and the police officers know where their jurisdiction begins and ends. He thinks the task force should proceed with C and probably only C. Let's define what the issues are if there are even problems with it. Let's get it defined. Let's get an opinion and then if the task force needs to make adjustments, then he thinks A and B may follow and/or E. He thinks all five are incorrect. He thinks it is more thoughtful and intelligent to proceed with C. He thinks that should be the recommendation.

Mr. Cornwell asked Colonel Dicken if he was making a motion to do away with A, B and D and E. Colonel Dicken stated he would move to amend recommendation three to incorporate only C. Mr. Cornwell stated he would second that. Chairman Tobin asked the task force to vote on this motion. Motion was carried.

Chairman Tobin moved on to recommendation four.

Colonel Dicken stated he thinks the task force needs to rethink most of these points. Some of them do not make sense to him. The text in item four itself sites that there are overlaps that the patrol is performing duplicate service and other agencies should be handling these functions. He disagrees. Letter A, there is no overlap that he can see. He does not know if there has been overlap testimony that has been presented. He thinks A is erroneous and should be eliminated. On B he does not understand where the overlap occurs. It is not cited here. Likewise he thinks it should be eliminated. C - there is no reason the Ohio Turnpike Commission cannot contract with any agency they choose. There are no restrictions in ORC 5503 that he can see. Therefore C is erroneous and should be eliminated. Item D, LEADS does not compete with OHLEG, they are two different entities and it is nonsensical here. D should be eliminated. On E, he does not have any idea on how to proceed there. It is talking about sending a core function of dispatching contracting it outside the agency. He does not know where it would go; he thinks it is an improper recommendation. He thinks F is clearly within the patrol's ability as they enforce and investigate crimes within their jurisdiction. It is not improper to have a special needs component to do that. Likewise with G it is not improper to have a special needs component to enforce crimes within their jurisdiction. He does not understand the overlap where the competition which is alleged in H in terms of the patrol's aviation section. The patrol does not compete with Homeland Security in the federal or state entities rather they complement. This premise is erroneous and should be deleted. The Investigative Operations – the patrol is tasked to investigate crimes within the patrol's jurisdiction. There is no competition with BCI & I. I therefore, should be eliminated. The Crime Lab made a clear and distinct testimony about what the patrol does compared to what BCI & I and even

what the Columbus Police Division Lab does. They are major labs that complement one another, each with their own specialty. To eliminate the patrol's lab would be a mistake. Likewise, J's premise is erroneous and should be eliminated. K – the Polygraph Unit is part of the patrol's ability to investigate crimes and is within their jurisdiction. There is no reason it should not exist. K should be eliminated. The Homeland Security functions whether the patrol likes it or not, they are deeply ingrained in the Homeland Security functions, they have to be. The patrol receives special funding and there was a change to the ORC back in 2004/2005 biennium. The patrol is statutorily tasked to be engaged in the Homeland Security function and that is a good thing. L should be eliminated the premise is erroneous. Criminal Intelligence Unit in M the patrol does not compete with BCI & I. They use this in concert with the patrol's statutory authority. M should be eliminated.

Mr. Cornwell asked to address all those issues. Mr. Cornwell stated part of the task of the task force was to look at overlapping duties. The recommendations are that these are all overlapping with at least one other agency within the state whether it is local cities, counties or the state at another elected official's position. So for the Colonel to say there is no overlap, he has hedged on that saying it was overlap, but what the Colonel said was there no competition. Now the recommendations are that these are overlaps and are already being performed by somebody else. All of these functions are numerated here. These recommendations should not be eliminated. They are going to the heart of what in his and his sheriffs' opinions believe is the duty of this task force and that is to look at overlaps and efficiencies of the patrol. That was what this task force was to do. So in their opinion, they came up with those recommendations showing overlaps and the numbers that are assigned to those came from documents that were provided to the task force. They were not dreamed up from anywhere. In those that were not provided, i.e., the contracting with dispatch services, the patrol is already downsizing the dispatching services anyways. The Caravan that the patrol is using is a highly technical piece of equipment. The patrol has other aircraft they use for traffic enforcement which is the patrol's primary function in life. So again, all of these functions were looked at and these were the overlaps. These were not considered to be anything but other than that. No one has said take \$22 million from the patrol. He thinks if the task force looks at the bullet print below that the money stays with the patrol and takes the people and assigns them to what their primary function is that being road patrol. That is handling crashes outside municipal corporations. So it is an issue that has value in that those are all overlaps. Those are duplicates for somebody. Again he goes back to a statement he made earlier relative to statutory authority, he finds no where in the statute that the patrol can have a SRT. What it is then it is an issue pushing an envelope to the edge of the table and the table keeps getting further and further away. So let's push the envelope a little bit further to see how far we can push the table. So that is why A through M has been put in here, because his membership believes that these are all duplicate in nature.

Colonel Dicken commented to Mr. Cornwell that he respectively disagrees. These are not apples to apples comparison. LEADS and OHLEG are two different entities all together. In ORC 5503.09 it gives the Colonel the authority to assign special police. Where would that go? He does not see it in the recommendations. He is puzzled by that. The criminal component whether it be SRT or polygraphist or crime lab these are within the patrol's rights or mandates under ORC 5503. They complement law enforcement and they meet the patrol's needs that are constitutionally and statutorily mandated. He disagrees completely

with all of the recommendations and they need to be rethought. They should not be in here. This is not an overlapping service in his opinion that Senator Buehrer's legislation intended to speak about. They are not. It is that fundamental.

Mr. Long asked if there was some medium road here. He stated he cannot meet the conclusion that these are overlaps. But there are a lot of areas there that seems could be done some place else and he is wondering what in terms of a statement in some of these areas about additional efforts to coordinate and collaborate with other agencies in that regard. He believes the basis issue is collaboration and coordination. He knows the public is asking how we can do more with less and at least an effort to collaborate and coordinate services and to avoid any potential overlaps might be a statement that should be made. He did not know if Mr. Cornwell or Colonel Dicken could live with that or not.

Mr. Dieffenderfer stated that Chairman Tobin did ask that each one of these be as a separate recommendation so the task force can vote on each one. Mr. Long stated he thought that would be a good idea.

Colonel Dicken stated to Mr. Long's point on middle ground, he does think there is a middle ground and it is already promulgated in this document. We go back and talk about efficiencies and they talk about the survey on how all law enforcement agencies can meet each others needs and they are collaborating. He thinks the task force has already addressed it. He thinks it is inappropriate to make sweeping statements about major programming. ORC 5503.32 talks about the turnpike. He does not know if there is any restriction in there. It says the Highway Patrol and the Director of Public Safety may contract with the Ohio Turnpike Commission. He is not aware of a restriction that would preclude a sheriff's office or a township to go contract for a portion of I-80. So he thinks these premises are not overlapping. He does disagree with them. He thinks before the task force attacks programming and the funding that goes with it he thinks the task force needs to work on the other things that have already been put forth, i.e., the cooperation component and the survey component and lets see what the specific needs are. He has a keen sense that there are going to be many different opinions when the task force surveys the 88 sheriffs. He will be very flexible in meeting their needs and expectations on a county by county basis to the best of the patrol's ability.

Mr. Clark stated to clarify from a procedural angle; the discussion appears to be over the advisability or the merit of the recommendation rather than the form of the recommendation. What the task force is doing here today is either the proponent of the recommendation is withdrawing or seconding a motion to delete some recommendations without that. What this group has been doing has been seeking to modify so the recommendation is in a form that this board can take a vote on at the next meeting. He agrees with Mr. Cornwell that in particular maybe as clearly as anything that exists in the recommendations so far this is one of the core charges to the task force is to explore opportunities to identify overlapping services. This is not making any statement whatsoever about whether any of the recommendations are or are not overlapping services, but he does want to point out that the time to make that determination is when it is put to a vote. The focus it appears to be at this meeting with the approval of the Chair is to shape the recommendations so that they can be voted on at the next meeting and accurately reflect the choices of this task force has made.

Colonel Dicken stated he wants to underscore his point that these are not overlapping services and many of these premises are incorrect. OHLEG and LEADS are two different animals. They do not overlap. They are completely different entities. The patrol's ability to have tools and their criminal investigative tool kit is reserved by the Superintendent of the Highway Patrol. They have to have that line whether they call it Computer Intelligence Unit or Crime Unit or SRT; he thinks they have that flexibility in that light. Likewise with training, he thinks these are incorrect. He asked if he could make a motion to have item four be removed. Chairman Tobin stated the author would have to withdraw the recommendation.

Mr. Davis stated the task force is looking at a lot of different items and it sounds like the premise is if someone else offers the service, the patrol cannot. If that was the fact, if the task force was to say the patrol can no longer have an Academy is OPOTA going to be able to handle the situation. The patrol may do it and someone else may do it, but what is the need. How backlogged are the labs? It just seems odd that only one agency can have a SRT. Only police departments or sheriffs' can have it, the patrol even though they may need that on state property they cannot do it. Now does that mean the patrol is done helping all these small agencies in doing their training at the Patrol Academy, in providing backup, in providing an SRT team because they have one available? It seems to him they are cutting their throat here to start with to say that because one agency can do this the patrol should not.

Mr. Foltz stated he agrees with Mr. Davis and Colonel Dicken, they are not overlapping services, the Investigative Operations is where he is at and they investigate crimes. Homeland Security money when that Federal money comes in, it is divided 80/20. The state gets 20 percent and the counties get 80 percent of that money. That is not brought up here. That could have been part of the Caravan. He does not know how that money was spent with the Caravan aircraft, but he knows a lot of overlapping services are necessary. They are a necessary thing that the patrol needs. Most Homeland Security or federal attacks or attacks on the US are on federal state property. Why not have a state emergency response team. He agrees with Mr. Davis and the Colonel.

Mr. Cornwell stated what Colonel Dicken, Mr. Davis and Mr. Foltz are focused on is a misunderstanding of what the sheriffs attempt to identify as overlaps. No one has said because BCI & I has a lab, the patrol cannot have a lab; maybe the labs should be merged. The only thing he understands is in testimony that the patrol does that and BCI & I does not do the toxicology tests. He asked if that was correct. Colonel Dicken stated he was not an expert on that but he believes each of the three labs that the task force is talking about (BCI & I, Columbus PD and Patrol) each have specialties. The patrol does all the toxicology for the city of Columbus because they do not have the capability. Likewise, BCI & I does things for the patrol because they do not have the capability. Hence there is no overlap. Mr. Cornwell stated if the patrol only did toxicology tests he would agree, but the patrol does not just do toxicology tests at their lab. Colonel Dicken stated he could not speak to that. He thinks that is the majority of the 17,000 submissions each year. Mr. Cornwell stated he did not recommend the patrol do away with their Academy, he just put in here that the Academy costs the figure that was given to him. The oversight rather than having a commandant (Major) running the Academy, the executive director of OPOTA is already in place and the

Colonel is on the commission. Again, there are two groups running training. Now that does not mean the OSHP Academy couldn't be a sub of London or Richfield. The Attorney General's Office does have two training facilities, one in London and one in Richfield. They could have one in Columbus. The Attorney General's Office oversees the operations. He thinks Colonel Dicken is stinging from what is said here only in that he and some others may believe that there is an attempt to take things away from the patrol. There is an attempt to identify in the sheriffs' opinion the monies that are spent that may be better utilized in other places. This is what this task force was supposed to be about, he thought. At least that is what his members thought. They would have an opportunity to exchange this information and give it to the task force such that recommendations could be made and had. Now if the motion Colonel Dicken is seeking to make or was to make was to do away with all of these in this recommendation, he is not going to as the author of these he is not going to recommend they be withdrawn. He will go on a vote of up or down.

Colonel Dicken stated he agrees with the intent to identify overlapping services. It is just item four has not done that. It clearly states, that it is Mr. Cornwell and his members' intent to take these functions from the patrol. It is underlined in his copy. Mr. Dieffenderfer stated he apologized for any confusion, as he added that language based on what he thought was requested at the last meeting.

Colonel Dicken stated first of all these are not overlapping services. Look no further than LEADS and OHLEG. They are two different animals. If you take LEADS, will there be someone else managing it or will it be disband the entire structure. These recommendations are dangerous in his opinion. They will provide unintended consequences. He would like to move if this is acceptable that recommendation four be stricken and yield to items four, six and seven under Operational Efficiencies. Mr. Cornwell stated he does not wish to withdraw his recommendations. Mr. Dieffenderfer asked about the underlined sentence being removed. Mr. Cornwell stated that did not bother him having that underlined sentence removed. Chairman Tobin asked if he has the blessing of the author to strike that last sentence. Mr. Cornwell asked if the underlined section was going to be stricken. Chairman Tobin indicated yes. Mr. Cornwell stated yes it should be stricken. He did not go back and look at it. It was for only for identification purposes as to who else was doing it. Chairman Tobin stated it will be stricken.

Colonel Dicken stated that since no one has entertained his motion can he withdraw it for just a moment. Since the task force is editing this text on number four he thinks they need to edit the first part that says "The following are overlaps that are performed by other agencies and are not listed as part of the Ohio Revised Code Section 5503.02, Duties and Powers of State Highway Patrol." He believes they are listed and he believes they are not overlaps. That sentence should be stricken. He moves that that sentence be stricken.

Mr. Clark stated again procedurally, the debate here is over whether this should be a recommendation of this body or not whether it is correct or not. That is a matter to be voted on. It has been proposed as a recommendation and it has not been passed as this point. If the person making the recommendation and again what is one of the three core functions of the task force does not want to withdraw the proposal then it goes forward to next week and gets voted on. If Mr. Cornwell is willing to entertain in modification of the wording and which he already has for all of those proposed recommendations that is a

different matter. That is a matter for today and at the next meeting they will be voted up or down as to whether this task force considers them to be overlaps which is a different issue as long as he is speaking to this as to whether overlap is bad or whether overlap should be corrected or whether overlap means that any of these services should be consolidated through the patrol or to some other agencies. He believes the next two numbered proposed recommendations speak to that to varying degrees. From a procedural standpoint but not let the task force get bogged down into attempting to accomplish today what is set for vote at the next meeting.

Colonel Dicken asked if he is being told his motion is improper and he is out of order. Chairman Tobin stated he thinks because this is the focus of the task force and we have an author who has refused to withdraw his recommendation he thinks it needs to go to a vote.

Mr. Long stated he is wondering if there will be the opportunity next week for submission or even prior to the next meeting some different languages that addresses the issue generally (substitute language) or something to that affect. He stated to Mr. Cornwell that he would probably not vote for this recommendation the way it is now. But he thinks the issue of overlaps or coordination or collaboration in a variety of areas is something that is central to the mission of the task force and yet if he were the Superintendent, he thinks it was a broadside. What he is trying to do is to find some medium road where the task force can address the issues and where they can be looked at without it appearing to be "I'm taking this away from you." He does not know if there is any desire to even try and do that but again it is central to the mission of the task force to at least address some of the collaborate and coordination issues and yet he is not sure where he is at. He thinks some of these are different than others. He was wondering if there was an opportunity to make it like that.

Colonel Dicken stated coupled with this not only does he think these are improper and the way they are framed they are completely incorrect and inaccurate. The task force has not had one shred of testimony to tell us that the Attorney General's Office and OPOTA can sustain this. That OHLEG and BCI & I can stand up and meet the patrol's needs. Not one shred of testimony. So this body, in his opinion, cannot come to an intelligent decision when they go to vote on these. Not only are they incorrect, they are eroding the authority of ORC 5503 and they are eroding the authority of the Superintendent.

Mr. Cornwell stated in putting together the overlaps in his opinion, had he not put in who the overlap was with he thinks the task force would have asked who does it overlap with and had he not assigned a figure that was given to the task force he would have been asked at what cost savings or what transfer. So the reason that the identification as to where the services are also being provided and at what costs was done to answer the task force questions prior to answering the task force here as to who else is doing these and what is the cost to the patrol. That is why those are in there. It is not saying the Attorney General's Office should take over all the polygraphs. He does not know if the Attorney General's Office can do that, he does not know if BCI & I can do that. That is something they will have to fight with the legislature for to get money to do it. It is one of those scenarios that he was trying to identify as an overlap, tell the task force who the overlap is with and tell the task force what the costs are. He guessed his effort to assist the task force in understanding was taken as Mr. Long put it as a broadside to the Colonel. He did not intend for these to be a broadside to the Colonel.

Colonel Dicken moved that item four under Overlapping Services be eliminated from the proposal and they yield to items four, six and seven under Operational Efficiencies. Mr. Charles seconded. Chairman Tobin stated the motion is to eliminate recommendation four. Mr. Cornwell stated to remove this recommendation is to under-mind part of what this task force was created to do from a sheriff's view point. The motion was carried.

Chairman Tobin moved on to recommendation five.

Mr. Long stated he opposes five and six. It seems to him in particularly in light of the previous discussion, is like sitting back on a box and no change. No review, no analysis and frankly he will say this solely in the context of the patrol, the commissioners are going through these debates at the local level, the county level in terms of form and structure of county government. There is a commission out there, the Ohio Commission of Local Government Reform and Collaboration. Many of these types of issues are coming up there and yet what he sees happening is every constituency comes in to protect their turf and given the status of the state budget and where they are at generally in terms of dislike of government and questions taxpayers raise about the efficiency that those two statements simply should not be there. The task force may debate the individual items in number four that was just taken out. It seems to him these are not the type of statements that the task force should be making. It says to him just no change.

Chairman Tobin asked for the author of recommendations five and six. No one answered. Mr. Long motioned to delete number five. Mr. Cornwell seconded. The motion was voted on and the motion carried.

Mr. Long moved for the deletion of number six. Mr. Cornwell seconded. The motion was voted on and the motion carried.

Chairman Tobin moved on to Consolidation of Current Operations.

The task force discussed recommendation one.

Colonel Dicken stated he provided a handout that speaks to the tenets of the reasoning behind the first recommendation. He disagrees with this recommendation. The patrol's Health and Wellness program is approximately 30 years old. There is a lot of science behind it. It is driven by collective bargaining, past practice; it is a sound intelligent move. The patrol is putting their people through the paces that they can not generally get at a General Practitioner or Family Physician. The patrol's use of sick leave is one of the lowest in the state. They average 2.7 hours per pay period and the average state employee is 5.72 hours per pay period. The disability retirements due to health relative concerns are one of the lowest and yet their occupation is one of the riskiest. He would like to move that recommendation one be amended to state that the patrol Superintendent review the use, not discontinue. Mr. Foltz seconded it. Chairman Tobin took a vote and the motion carried.

Chairman Tobin moved on to recommendation two. No comments or changes.

Chairman Tobin moved on to recommendation three.

Colonel Dicken stated the patrol does not support number three. The patrol has looked at this internally with Public Safety and the Bureau of Motor Vehicles and this entire operation is really an insolvent operation. He does not think the Bureau of Motor Vehicles wants it. The patrol has a mandate and they are content to keep it and work with it. The idea that it goes to the counties he thought was argued they were not interested in establishing 88 bureaucracies. When he looks at the service to the customers and the continuity of services, he just thinks it is a poor idea. He would like to see it stricken. He made a motion that recommendation three be deleted and he will yield to items four, six and seven under Operational Efficiencies.

Mr. Long asked how many locations there were now. Colonel Dicken stated he believes there are 89 fixed sites. Mr. Long asked if there was at least one in each county. Colonel Dicken stated not necessarily. The patrol evaluates it periodically though. It is a dilemma; it is a tough thing to do. Most of them are part-time and he thinks the task force has a sense of how it works. They are always looking at demographics and population shifts and what not. It is a challenge. He does not think anyone would want it. The patrol wants it and he thinks the patrol is good at it. The patrol meets the needs of their customer base and they will work at greater efficiencies and streamlines. Mr. Long asked if the patrol broke even on it. Colonel Dicken stated no. He thinks it cost about \$16 million a year to operate and the revenue stream generates around \$10 million. The motion was seconded. The motion was voted on and it was carried. Chairman Tobin stated recommendation three has been stricken.

Chairman Tobin moved on to recommendation four.

Colonel Dicken stated this is another erroneous assumption he does not care if it statys or goes personally. Ohio Revised Code 5503.32 does not prohibit any entity from contracting with the OTC as far as he knows.

Mr. Cornwell asked if there was any language in the OTC's portion that allows them to contract with anyone but the patrol. Colonel Dicken stated that he was not aware of it. Mr. Cornwell asked if Colonel Dicken if he would oppose a legislative change to allow the locals to do it. Colonel Dicken stated he would have to consider the question. It would take some time to consider it. On the surface he is opposed to it. In the interest of public safety it behooves us to have one enforcement agency up there for concert of action, concert of programming. The Turnpike goes through approximately 20 counties and if you look at the court systems, the jurisdictions and mayor's courts, he does not know how the Turnpike could cope with it. To have a variety of law enforcement entities ensuring their programming and safety is put forth with any degree of consistency. He thinks it would be a bad move.

Mr. Long stated he would like to suggest a change to recommendation four to say after agencies, with the approval of their legislative authority, instead of how it is written now. Mr. Cornwell stated that is fine, it is no different than what the state legislature would do or not do. Mr. Long stated that is his motion. Mr. Cornwell seconded it. Chairman Tobin stated the motion was defeated.

Chairman Tobin moved on to recommendation five. No comments or changes.

Chairman Tobin moved on to recommendation six. No comments or changes.

Chairman Tobin moved on to recommendation seven. No comments or changes.

Chairman Tobin stated Mr. Clark told him the task force is to entertain other recommendations that come in between now and the next meeting. They will be up for discussion. So do not expect the next meeting to be a short meeting.

Mr. Cornwell asked when a new draft of the recommendations would be available. Mr. Dieffenderfer stated he would try and get it done today. Mr. Cornwell only asked that so he could give it to his membership and they can look at it.

### **Public Comment**

No public comment.

Chairman Tobin asked for a motion to adjourn. Mr. Peach motioned to adjourn and Mr. Charles seconded. Meeting adjourned.